

John R. Ashcroft

Secretary of State
Administrative Rules
RULE TRANSMITTAL

Administrative Rules Stamp

Rule Number 19 CSR 30-95.110 Physicians

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content Marcie Forck Phone 573-751-3432 FAX 573-751-0247

Email address Marcie.forck@health.mo.gov

Data Entry Emily Hollis Phone 573-751-6005 FAX 573-751-0247

Email address Emily.hollis@health.mo.gov

Interagency mailing address 912 Wildwood, PO Box 570, Jefferson City, MO 65102

TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking __ Rule __ Amendment X Rescission __ Termination

Effective Date for the Emergency February 3, 2023

Proposed Rulemaking __ Rule __ Amendment __ Rescission

Rule Action Notice In Addition Rule Under Consideration

Request for Non-Substantive Change

Statement of Actual Cost

Order of Rulemaking __ Withdrawal __ Adopt __ Amendment __ Rescission

Effective Date for the Order _____

Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? NO

YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory
Fairness Board (DED) Stamp

JCAR Stamp

RECEIVED

By JCAR at 8:52 am, Jan 20, 2023



Missouri Department of Health and Senior Services

P.O. Box 570, Jefferson City, MO 65102-0570 Phone: 573-751-6400 FAX: 573-751-6010
RELAY MISSOURI for Hearing and Speech Impaired and Voice dial: 711

Paula F. Nickelson
Acting Director



Michael L. Parson
Governor

January 20, 2023

John R. Ashcroft
Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, Missouri 65101

Re: 19 CSR 30-95.110 Physicians - Emergency Rescission

Dear Secretary Ashcroft,

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rulemaking lawfully submitted by Department of Health and Senior Services.

I further certify that this emergency rule is supported by a compelling governmental interest, the reasons for which are stated in the emergency statement.

Authority: sections 1.3.(1)(b) and 1.3.(2) of Article XIV, Mo. Const.

If there are any questions regarding the content of this proposed rulemaking, please contact:

Marcie Forck
Department of Health and Senior Services
Office of General Counsel
912 Wildwood
Jefferson City, MO 65102
573-751-3432
Marcie.forck@health.mo.gov

Richard W. Moore, General Counsel/Deputy Director
Department of Health and Senior Services

HEALTHY MISSOURIANS FOR LIFE

The Missouri Department of Health and Senior Services will be the leader in promoting, protecting and partnering for health.

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER: Services provided on a nondiscriminatory basis.



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January 20, 2023

Sarah Schappe, Director
Joint Committee on Administrative Rules
State Capitol, Room B-8
Jefferson City, MO 65101

Dear Ms. Schappe:

CERTIFICATION OF ADMINISTRATIVE RULES

Please find attached the following emergency rescission filed with the Secretary of State:

19 CSR 30-95.110 Physicians

If there are any questions regarding the content of this emergency rescission, please contact:

Marcie Forck
Department of Health and Senior Services
Office of General Counsel
912 Wildwood
Jefferson City, MO 65102
573-751-3432
Marcie.forck@health.mo.gov

Richard W. Moore, General Counsel/Deputy Director
Department of Health and Senior Services

Enclosure: 19 CSR 30-95.110 Physicians

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**DECLARATION
OF PUBLIC COST**

I, Richard W. Moore, Department of Health and Senior Services, do declare that it is my opinion that the cost of emergency rescission 19 CSR 30-95.110, is less than five hundred dollars in the aggregate to this agency, any other agency of state government, or any political subdivision thereof.

A handwritten signature in black ink, appearing to read "Richard W. Moore". The signature is fluid and cursive, with a large loop at the beginning and a trailing end.

Richard W. Moore, General Counsel/Deputy Director
Department of Health and Senior Services

STATE CAPITOL
201 W. CAPITOL AVENUE, ROOM 216
JEFFERSON CITY, MISSOURI 65101



(573) 751-3222
WWW.GOVERNOR.MO.GOV

Michael L. Parson

GOVERNOR
STATE OF MISSOURI

January 13, 2023

Stephen Witte
Legal Counsel
Missouri Department of Health and Senior Services
PO Box 570
Jefferson City, MO 65102

Dear Stephen:

This office has received your Emergency and Proposed Rescissions for the following regulations:

- 19 CSR 30-95.010 Definitions
- 19 CSR 30-95.020 General Provisions
- 19 CSR 30-95.025 Generally Applicable Provisions
- 19 CSR 30-95.028 Additional Licensing Procedures
- 19 CSR 30-95.030 Qualifying Patient/Primary Caregiver
- 19 CSR 30-95.040 Medical Marijuana Facilities Generally
- 19 CSR 30-95.050 Cultivation Facility
- 19 CSR 30-95.060 Infused Products Manufacturing Facility
- 19 CSR 30-95.070 Testing Facility
- 19 CSR 30-95.080 Dispensary Facility
- 19 CSR 30-95.090 Seed-to-Sale Tracking
- 19 CSR 30-95.100 Transportation Facility
- 19 CSR 30-95.110 Physicians

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, or adopt new regulations. After our review, we approve the submission to JCAR and the Secretary of State.

Sincerely,

A handwritten signature in blue ink that reads "Evan Rodriguez".

Evan Rodriguez
Deputy General Counsel

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 95—Medical Marijuana

EMERGENCY RESCISSION

19 CSR 30-95.110 Physicians. Under Article XIV, Section 1 of the Missouri Constitution, patients with qualifying medical conditions have the right to discuss freely with their physicians the possible benefits of medical marijuana use, and physicians have the right to provide professional advice concerning the same. This rule explained how the department would implement provisions of Article XIV, Section 1 related to Physicians.

PURPOSE: On November 8, 2022, the people of the State of Missouri passed Amendment 3 to the Missouri Constitution, which revised and added to Article XIV. Amendment 3 took effect on December 8, 2022, and conflicts with the rules currently in place pertaining to Article XIV of the Missouri Constitution.

EMERGENCY STATEMENT: This emergency rescission informs citizens that marijuana will now be regulated for adult and medical use together, by the division of cannabis regulation. This emergency rescission is necessary to protect a compelling governmental interest since Amendment 3 to the Missouri Constitution made significant changes to the regulation of marijuana, and new rules that conflict with existing rules will be needed to effectuate those changes. As a result, the Department of Health and Senior Services finds a compelling governmental interest, which requires emergency action. A proposed rescission, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rescission is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health and Senior Services believes this emergency rescission is fair to all interested persons and parties under the circumstances. If an emergency is not enacted, existing rules would conflict with Article XIV of the Missouri Constitution and would cause confusion as to the processes and procedures related to licensure, as well as regulation of the marijuana industry. This emergency rescission was filed January 20, 2023, becomes effective February 3, 2023, and expires August 1, 2023.

AUTHORITY: sections 1.3.(1)(b) and 1.3.(2) of Article XIV, Mo. Const. Emergency rule filed May 24, 2019, effective June 3, 2019, expired Feb. 27, 2020. Original rule filed May 24, 2019, effective Jan. 30, 2020. Amended: Filed May 20, 2020, effective Dec. 30, 2020. Emergency rescission filed January 20, 2023, effective February 3, 2023, expires August 1, 2023. A proposed rescission covering this same material is published in this issue of the Missouri Register.

PUBLIC COST: This emergency rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

PRIVATE COST: This emergency rescission will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

RECEIVED

By JCAR at 8:52 am, Jan 20, 2023