

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

EMERGENCY RESCISSION

19 CSR 30-95.030 Qualifying Patient/Primary Caregiver. 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 the right to use medical marijuana for treatment under the supervision of a physician. Pursuant to the same article, the Department of Health and Senior Services was tasked with ensuring patient access to medical marijuana, subject to reasonable restrictions. This rule explained how the department would implement provisions of Article XIV related to Qualifying Patients and Primary Caregivers.

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. 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.

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