Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 100—Division of Cannabis Regulation
Chapter 1—Marijuana

PROPOSED RULE

19 CSR 100-1.160 Cultivation Facilities

*PURPOSE: Under Article XIV, Sections 1 and 2 of the **Missouri Constitution**, the Department of Health and Senior Services has the authority to regulate and control Medical and Marijuana Facilities and Licensees. This rule explains what regulations apply to facilities licensed to cultivate marijuana.*

(1) Facility Cultivation, Generally.

(A) A cultivation facility licensee's authority to engage in the process of cultivating marijuana includes the ability to—

1. Acquire marijuana, marijuana seeds, and clones from another cultivation facility;

2. Acquire marijuana seeds from entities not licensed under this chapter if doing so does not violate state or federal law;

3. Acquire marijuana product from a manufacturing facility or dispensary facility;

4. Cultivate marijuana;

5. Process, package, and store (on- or off-site) marijuana product;

6. Transfer marijuana product to or from its own warehouse storage facility, another cultivation facility, manufacturing facility, or dispensary facility;

7. Transfer marijuana product to a testing facility; and

8. Sell marijuana product to another cultivation facility, manufacturing facility, dispensary facility, or testing facility.

(B) A cultivation facility licensee's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana-infused products.

(2) Cultivation Facility and Licensee Requirements. In addition to this chapter's requirements for licensed facilities and licensees, cultivation facilities and licensees shall also comply with the following:

(A) Cultivation licensees may cultivate marijuana in indoor, outdoor, or greenhouse facilities or in any combination of these cultivation practices.

1. Each microbusiness wholesale facility utilizing any combination of indoor, outdoor, or greenhouse facilities will be limited to no more than two hundred fifty (250) flowering marijuana plants.

2. Each indoor medical or comprehensive facility utilizing artificial lighting will be limited to no more than thirty thousand (30,000) square feet of flowering plant canopy space.

3. Each outdoor medical or comprehensive facility utilizing natural lighting will be limited to no more than two thousand, eight hundred (2,800) flowering plants.

4. Each medical or comprehensive greenhouse facility using a combination of natural and artificial lighting will be limited to, at the election of the licensee, either no more than two thousand, eight hundred (2,800) flowering plants or no more than thirty thousand (30,000) square feet of flowering plant canopy space.

5. A medical or comprehensive facility that combines indoor, outdoor, and/or greenhouse cultivation space will be limited to a ratio of the limits described above for each applicable cultivation practice, not to exceed 100% of total allowable flowering plant or flowering plant canopy space.

6. If multiple cultivation licenses are operating in the same facility, the capacity limitations of the cultivation facility will be multiplied by the number of licenses;

(B) Cultivation licensees must mitigate odors from all odor sources by—

1. Developing, implementing, and maintaining an odor control plan, which shall address odor mitigation practices such as system design and operational processes;

2. Engaging a professional engineer or certified industrial hygienist to review the odor control plan and certify that the plan is sufficient to effectively mitigate odors from all odor sources prior to commencing operations; and

3. Maintaining compliance with local ordinances related to odor;

(C) Marijuana product shall not be transferred to a dispensary facility, unless it is a seed or clone, until the marijuana has been tested by a testing facility, according to the provisions of this chapter, and the cultivation licensee has received verification from the testing facility that the marijuana product passed all required testing.

AUTHORITY: Sections 1.3.(1)(b), 1.3.(2), 2.4(1)(b), and 2.4(4) of Article XIV, Mo. Const. Emergency rule filed January 20, 2023, effective February 3, 2023, expires August 1, 2023. Original rule filed January 20, 2023.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior

Services, MMPublicComment@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*