

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

PROPOSED RULE

19 CSR 30-95.050 Cultivation Facility

PURPOSE: Under Article XIV of the Missouri Constitution, the Department of Health and Senior Services has the authority to regulate and control Medical Marijuana Facilities. This rule explains what regulations apply only to Cultivation Facilities.

(1) Cultivation Facility Licenses.

(A) The number of cultivation facility licenses will be limited to sixty (60) unless the department determines the limit must be increased in order to meet the demand for medical marijuana by qualifying patients.

(B) A facility license will be issued for a single facility in a single location. Combinations of licenses at the same location must be approved pursuant to 19 CSR 30-95.040(4)(C).

(2) Cultivation Facility Requirements. In addition to the requirements for cultivation facilities in 19 CSR 30-95.040, cultivation facilities shall also comply with the following.

(A) Cultivation facilities may cultivate medical marijuana in indoor, outdoor, or greenhouse facilities.

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

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

3. Each 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.

4. If a cultivation facility is operating with multiple cultivation licenses in the same location, the size limitations of the cultivation facility will be multiplied by the number of licenses.

(B) Facilities must keep records, by month and by batch, of all pesticides, herbicides, fertilizers, and other agricultural chemicals applied to marijuana plants and growing medium during production and processing at its facility for at least five (5) years.

(C) Facilities, except those in rural, unincorporated agricultural areas, must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources.

(D) Cultivation facilities must ensure all facility employees are trained in at least the following.

1. The use of security measures and controls that have been adopted by the facility for the prevention of diversion, inversion, theft, or loss of marijuana;

2. Proper use of the statewide track and trace system;

3. Procedures for responding to an emergency, including severe weather, fire, natural disasters, and unauthorized intrusions;
4. Standards for maintaining the confidentiality of information related to the medical use of marijuana, including but not limited to compliance with the Health Insurance Portability and Accountability Act of 1996;
5. The methods of cultivation used by the facility; and
6. The facility's safety and sanitation procedures.

(E) Cultivation facilities shall not transfer medical marijuana from the facility, except to a testing facility, until the medical marijuana has been tested by a testing facility, according to the provisions of 19 CSR 30-95.070, and the cultivation facility has received verification from the testing facility that the medical marijuana passed all required testing.

(F) Cultivation facilities may only transport medical marijuana:

1. That the facility cultivated;
2. To a dispensary, testing, or manufacturing facility;
3. If the facility complies with the requirements of 19 CSR 30-95.100(2).

(G) Cultivation facilities shall store all medical marijuana—

1. At the approved location of the facility; or
2. In offsite warehouses that comply with the security requirements of 19 CSR 30-95.040(4)(H), the location requirements of 19 CSR 30-95.040(4)(B), and that have been approved pursuant to 19 CSR 30-95.040(3)(C).

AUTHORITY: Sections 1.3.(1)(b) and 1.3.(2) of Article XIV, Mo. Const. Original rule filed May 24, 2019. Emergency rule filed May 24, 2019, effective June 3, 2019, expires February 27, 2020.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule has an estimated cost to private entities of at least \$3,000,000 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Lyndall Fraker, PO Box 570, Jefferson City, MO 65102 or via email at 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.*