

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

PROPOSED RULE

19 CSR 30-95.090 Seed to Sale Tracking

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 to certification of Seed-to-Sale tracking systems.

(1) Access to Seed-to-Sale Tracking System Certifications.

(A) The department will not limit the number of certifications available for seed-to-sale tracking system entities.

(B) The department will begin accepting applications for review on August 3, 2019. All complete applications received by the department that are submitted on or after that date will be approved or denied within one hundred fifty (150) days of that application's submission. An application will be considered complete if it includes all information required for applications by this rule. The department will notify an applicant if an application is incomplete and will specify in that notification what information is missing. Applicants will be given seven (7) days to provide missing information. Failure to provide missing information may result in denial of the application.

(C) The department shall charge an application fee for a seed-to-sale certification and also an annual fee once a certification is granted. The first annual fee will be due thirty (30) days after a certification is issued and shall be due annually on that same date as long as the certification remains valid. The department shall publish the current fees, including any adjustments, on its website at <http://medicalmarijuana.mo.gov>. The amount of fees due will be the amount that is effective as of the due date for the fee.

(2) Application requirements. All applications for seed-to-sale tracking system certifications shall include at least the following information:

(A) Name and address of the applicant;

(B) Legal name of the entity, including any fictitious business names, and a certificate of good standing from the Missouri Secretary of State;

(C) An attestation by an owner or principle of the entity that the seed-to-sale tracking system can and will comply with this rule; and

(D) All applicable fees or proof that all applicable fees have already been paid.

(3) Seed-to-Sale Tracking System Requirements. All seed-to-sale tracking systems used by cultivation, manufacturing, dispensary, testing, and transportation facilities shall be capable of:

(A) Interfacing with the statewide track and trace system such that a licensed or certificated facility may enter and access information in the statewide track and trace system as required for inventory control and tracking by 19 CSR 30-95.040(4)(G) and for purchase limitations by 19 CSR 30-95.080(2)(D);

- (B) Providing the department with access to all information stored in the system's database;
- (C) Maintaining the confidentiality of all patient data and records accessed or stored by the system such that all persons or entities other than the department may only access the information in the system that they are authorized by law to access; and
- (D) Producing analytical reports to the department regarding:
 1. Total quantity of daily, monthly, and yearly sales at the facility per product type;
 2. Average prices of daily, monthly, and yearly sales at the facility per product type; and
 3. Total inventory or sales record adjustments at the facility.

(4) Seed-to-Sale Tracking System Prohibitions.

(A) Before beginning operations, all certified seed-to-sale tracking system entities shall sign the department's Medical Marijuana Application Programming Interface User Agreement.

(B) No seed-to-sale tracking system entity may sell seed-to-sale tracking services or services related to compliance with seed-to-sale tracking regulations to a licensed or certified facility if it is owned by or affiliated with an entity that currently holds a contract with the state of Missouri for any product or service related to the department's medical marijuana program.

(5) Failure to comply with this rule and failure to abide by the department's Medical Marijuana Application Programming Interface User Agreement may result in revocation of certification.

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 has an estimated cost to state agencies or political subdivisions of \$362,021 in the aggregate.

PRIVATE COST: This proposed rule has an estimated cost to private entities of at least \$17,085,000 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.*