

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

PROPOSED RULE

19 CSR 30-95.110 Physicians

PURPOSE: Under Article XIV 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 explains how the department will implement provisions of Article XIV related to Physicians.

(1) Physician Certification. Physicians will submit certifications electronically through a department-provided, web-based system. In the event of system unavailability, the department will arrange to accept physician certifications in an alternative, department-provided format and will notify the public of those arrangements through its website at <http://medicalmarijuana.mo.gov>.

(A) Physician certifications must be issued no earlier than thirty (30) days before the date the patient will apply for a patient identification card or renewal of a patient identification card.

(B) Physician certifications must include at least the following information:

1. The physician's name, as it appears in the records of the Missouri Division of Professional Registration;

2. The physician's licensee number;

3. Whether the physician is licensed to practice medicine or osteopathy;

4. The physician's business address, telephone number, and email address;

5. The qualifying patient's name, date of birth, and Social Security number;

6. The qualifying patient's qualifying condition;

7. The physician's recommendation for the amount of medical marijuana the qualifying patient should be allowed to purchase in a thirty- (30-) day period if the recommended amount is more than four (4) ounces of dried, unprocessed marijuana or its equivalent;

8. Statements confirming the following:

A. In the case of a non-emancipated qualifying patient under the age of eighteen (18), before certifying the qualifying patient for use of medical marijuana, the physician received the written consent of a parent or legal guardian who asserts he or she will serve as a primary caregiver for the qualifying patient;

B. The physician met with and examined the qualifying patient, reviewed the qualifying patient's medical records or medical history, reviewed the qualifying patient's current medications and allergies to medications, discussed the qualifying patient's current symptoms, and created a medical record for the qualifying patient regarding the meeting;

C. In the opinion of the physician, the qualifying patient suffers from the qualifying condition; and

D. The physician discussed with the qualifying patient risks associated with medical marijuana, including known contraindications applicable to the patient, risks of medical marijuana use to fetuses, and risks of medical marijuana use to breastfeeding infants; and
9. The signature of the physician and date on which the physician signed.

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 \$1,956,200 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.*