

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

**PROPOSED 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.*

*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. Rescinded: Filed January 20, 2023.*

*PUBLIC COST: This proposed 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 proposed rescission will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, [MMPublicComment@health.mo.gov](mailto: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.*

**RECEIVED**

**By JCAR at 10:38 am, Jan 20, 2023**