

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

**PROPOSED RULE**

**19 CSR 30-95.010 Definitions**

*PURPOSE: This rule defines terms used in Chapter 95.*

(1) “Administer” means the direct application of marijuana to a qualifying patient by way of any of the following methods:

- (A) Ingestion of capsules, teas, oils, and other marijuana-infused products;
- (B) Vaporization or smoking of dried flowers, buds, plant material, extracts, or oils;
- (C) Application of ointments or balms;
- (D) Transdermal patches and suppositories;
- (E) Consuming marijuana-infused food products; or
- (F) Any other method recommended by a qualifying patient’s physician.

(2) “Affiliate” means any entity effectively controlling or controlled by another entity or associated with other entities under common ownership or control, including a parent or subsidiary.

(3) “Batch” means a specifically identified quantity of medical marijuana, from immature plant stage to harvest, that is uniform in strain and cultivated utilizing the same growing practices.

(4) “Canopy space” means a space measured from the outermost point of a mature flowering plant in a designated growing area and continuing around the outside of all mature flowering plants in that designated growing area but not including space allocated for walkways or ancillary equipment. This space may be spread over a single level or multiple levels.

(5) “Church” means a permanent building primarily and regularly used as a place of religious worship.

(6) “Daycare” means a child-care facility, as defined by Section 210.201, RSMo., that is licensed by the state of Missouri.

(7) “Department” means the Department of Health and Senior Services, or its successor agency.

(8) “Disqualifying felony offense” means a violation of, and conviction of or guilty plea to, state or federal law that is, or would have been, a felony under Missouri law, regardless of the sentence imposed, unless the department determines that:

- (A) The person’s conviction was for the medical use of marijuana or assisting in the medical use of marijuana;
- (B) The person’s conviction was for a non-violent crime for which he or she was not incarcerated and that is more than (5) five years old; or

(C) More than (5) five years have passed since the person was released from parole or probation, and he or she has not been convicted of any subsequent criminal offenses.

(9) “Dried, unprocessed marijuana or its equivalent” means the marijuana flower after it has been cured and trimmed or its equivalent amount of marijuana concentrate or THC. For purposes of purchase and possession limitations, one (1) ounce of dried, unprocessed marijuana is equivalent to eight (8) grams of medical marijuana concentrate or eight hundred (800) milligrams of THC in infused products.

(10) “Economic interest” means rights to either the capital or profit interests therein, or a combination thereof; or, in the case of a corporation, rights to some portion of all classes of outstanding stock of the corporation.

(11) “Elementary or secondary school” means any public school as defined in section 160.011, RSMo., or any private school giving instruction in a grade or grades not higher than the twelfth (12<sup>th</sup>) grade, including any property owned by the public or private school that is regularly used for extracurricular activities, but does not include any private school in which education is primarily conducted in private homes.

(12) “Enclosed, locked facility” means:

(A) An indoor stationary closet, room, garage, greenhouse, or other comparable fully enclosed space equipped with locks or other functioning security devices that permit access to only the qualifying patient(s) or primary caregiver(s) who have informed the department that this is the space where they will cultivate marijuana; or

(B) An outdoor stationary structure:

1. That is enclosed on all sides, except at the base, by chain-link fencing, wooden slats, or a similar material that is anchored, attached, or affixed to the ground and that cannot be accessed from the top;

2. In which the plants are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure at any level; and

3. That is equipped with locks or other security devices that restrict access to only the qualifying patient(s) or primary caregiver(s) who have informed the department that this is the space where they will cultivate marijuana.

(13) “Entity” means a natural person, corporation, professional corporation, nonprofit corporation, cooperative corporation, unincorporated association, business trust, limited liability company, general or limited partnership, limited liability partnership, joint venture, or any other legal entity.

(14) “Flowering plant” means a marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

(15) “Harvest lot” means a specifically identified quantity of marijuana that is uniform in strain, cultivated utilizing the same growing practices, harvested within a seventy-two (72) hour period at the same location, and cured under uniform conditions.

(16) “Identification card” means a document, whether in paper or electronic format, issued by the department that authorizes a qualifying patient, primary caregiver, or employee or contractor of a licensed facility to access medical marijuana as provided by law.

(17) “Liquid Capital” means any asset in the form of cash or that can be converted into cash quickly with little or no loss in value, including stocks and marketable securities, government bonds, mutual funds, money-market funds, and certificates of deposit

(18) “Majority owned” means more than fifty (50) percent of the economic interests and more than fifty (50) percent of the voting interests of an entity, including any parent and subsidiary entities.

(19) “Marijuana” or “Marihuana” means *Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. “Marijuana” or “Marihuana” does not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one (0.3) percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

(20) “Marijuana-Infused Products” means products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

(21) “Medical Marijuana Cultivation Facility” means a facility licensed by the department, to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.

(22) “Medical Marijuana Dispensary Facility” means a facility licensed by the department, to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility.

(23) “Medical Marijuana-Infused Products Manufacturing Facility” means a facility licensed by the department, to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility.

(24) “Medical Marijuana Testing Facility” means a facility certified by the department to acquire, test, certify, and transport marijuana.

(25) “Medical Marijuana Transportation Facility” means a facility certified by the department to transport marijuana to a qualifying patient, a primary caregiver, a medical marijuana cultivation facility, a medical marijuana-infused products manufacturing facility, a medical marijuana

dispensary facility, a medical marijuana testing facility, or another medical marijuana-transportation facility.

(26) “Medical use” means the production, possession, delivery, distribution, transportation, or administration of marijuana or a marijuana-infused product, or drug paraphernalia used to administer marijuana or a marijuana-infused product, for the benefit of a qualifying patient to mitigate the symptoms or effects of the patient’s qualifying medical condition.

(27) “Non-emancipated qualifying patient” means a qualifying patient under the age of eighteen (18) who has not been emancipated under Missouri law.

(28) “Physician” means an individual who is licensed and in good standing to practice medicine or osteopathy under Missouri law.

(A) A license is in good standing if it is registered with the Missouri Board of Healing Arts as current, active, and not restricted in any way, such as by designation as temporary or limited.

(B) Practice of medicine or osteopathy means practice by persons who hold a physician and surgeon license pursuant to Chapter 334 RSMo, including those who are admitted to practice in Missouri by reciprocity pursuant to 334.043, RSMo.

(29) “Physician certification” means a document, whether handwritten, electronic or in another commonly used format, signed by a physician and stating that, in the physician’s professional opinion, the patient suffers from a qualifying medical condition.

(30) “Primary caregiver” means an individual twenty-one (21) years of age or older who has significant responsibility for managing the well-being of a qualifying patient and who is designated as such on the primary caregiver’s application for an identification card under this section or in other written notification to the department.

(31) “Principal officers or managers” means persons who, regardless of title, have responsibility for supervising the management, administration, or operation of an entity, including, but not limited to: presidents, vice presidents, or general counsels; chief executive, financial, or operating officers; general partners, managing partners, or controlling partners; managing-members; or trustees.

(32) “Process lot” means, once production is complete, any amount of medical marijuana concentrate or extract of the same type and processed using the same extraction methods, standard operating procedures, and harvest lots; or any amount of medical marijuana infused product of the same type and processed using the same ingredients, standard operating procedures, and harvest lots.

(33) “Public place” means any public or private property, or portion of public or private property, that is open to the general public, including but not limited to, sidewalks, streets, bridges, parks, schools, and businesses. However, for purposes of designating a non-public place within a public place, the owner or entity with control of any such property may, but is not required to, provide one or more enclosed, private spaces where one qualifying patient and, if

required by the owner or entity with control of any such property, a representative of such owner or entity, may congregate for the qualifying patient to consume medical marijuana. The qualifying patient may be accompanied by the family of the qualifying patient, the qualifying patient's primary caregiver, and/or the qualifying patient's physician. The owner or entity with control of any such property may provide such a space by individual request or designate such a space for ongoing use and may limit use of medical marijuana in that space to uses that do not produce smoke. Any such permission shall be given in writing and provided to the qualifying patient or publicly posted prior to a qualifying patient's use of medical marijuana in that space.

(34) "Qualifying medical condition" means the condition of, symptoms related to, or side-effects from the treatment of:

- (A) Cancer;
- (B) Epilepsy;
- (C) Glaucoma;
- (D) Intractable migraines unresponsive to other treatment;
- (E) A chronic medical condition that causes severe, persistent pain or persistent muscle spasms, including but not limited to those associated with multiple sclerosis, seizures, Parkinson's disease, and Tourette's syndrome;
- (F) Debilitating psychiatric disorders, including, but not limited to, post-traumatic stress disorder, if diagnosed by a state licensed psychiatrist;
- (G) Human immunodeficiency virus or acquired immune deficiency syndrome;
- (H) A chronic medical condition that is normally treated with a prescription medication that could lead to physical or psychological dependence, when a physician determines that medical use of marijuana could be effective in treating that condition and would serve as a safer alternative to the prescription medication;
- (I) Any terminal illness; or
- (J) In the professional judgment of a physician, any other chronic, debilitating or other medical condition, including, but not limited to, hepatitis C, amyotrophic lateral sclerosis, inflammatory bowel disease, Crohn's disease, Huntington's disease, autism, neuropathies, sickle cell anemia, agitation of Alzheimer's disease, cachexia, and wasting syndrome.

(35) "Qualifying Patient" means a Missouri resident diagnosed with at least one (1) qualifying medical condition.

(36) "Seed-to-sale tracking system" means a software system, including the statewide track and trace system, designed to perform functions necessary to fulfill a licensed or certified facility's responsibilities in tracking medical marijuana from either the seed or immature plant stage until the medical marijuana is sold to a qualifying patient or primary caregiver.

(37) "Signature" means a handwritten or electronic signature.

(38) "Statewide track and trace system" means the system the department uses to track medical marijuana from either the seed or immature plant stage until the medical marijuana is sold to a qualifying patient or primary caregiver to ensure that all medical marijuana sold in Missouri was cultivated or manufactured in Missouri, that all medical marijuana cultivated or manufactured in Missouri is sold only by dispensaries and only to individuals in possession of a valid qualifying

patient or primary caregiver identification card, and that any given qualifying patient or primary caregiver is only purchasing the amount of medical marijuana he or she is approved to purchase at any given time.

(39) “Substantially common control, ownership, or management” means:

(A) The possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of an entity, by any means, including ownership, contract, financing, or otherwise;

(B) The legal or beneficial ownership, directly or indirectly through ownership of an affiliate entity, of ten (10) percent or more of an entity’s outstanding voting stock or other ownership interest;

(C) The ownership, directly or indirectly through the ownership of an affiliate entity, of a majority of the capital assets, real property assets, or leasehold interests; or

(D) The ability to make policy decisions, operating decisions, or decisions regarding the allocation of income and expenses for the entity, whether directly or by a management agreement.

*AUTHORITY: Sections 1.3.(1)(b), 1.3.(2), 1.3.(3), and 1.3.(4) 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 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 Lyndall Fraker, PO Box 570, Jefferson City, MO 65102 or via email at [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.*