



# Missouri Department of Health and Senior Services

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**Paula F. Nickelson**  
Acting Director

**Michael L. Parson**  
Governor

January 20, 2023

Missouri Facility Licensees

RE: Waivers and variances from the emergency rule filed January 20, 2023

Licensees,

Pursuant to 19 CSR 100-1.020(1)(A), the Division of Cannabis Regulation (DCR) is granting a series of waivers and variances related to the emergency rules filed on January 20, 2023. The emergency rules become effective February 3, 2023, and expire on August 1, 2023, when the final rules go into effect.

DCR understands that licensees will need time to come into compliance with some areas of the emergency rules. Listed below are specific rules DCR is either issuing a waiver or variance for compliance. A waiver is when a licensee is not required to comply with the rule or specific provision of the rule. A variance means that a licensee must comply with an alternative requirement to be considered in compliance with the rule or provision of the rule.

It is imperative that licensees thoroughly review the information below and are aware of the rules that are applicable to their license type.

DCR is granting waivers and variances as follows:

- **For testing licensees only**, DCR is waiving the security requirements in 19 CSR 100-1.090. Testing licensees must maintain compliance with the security requirements outlined in 19 CSR 100-1.110 which were previously expressed in 19 CSR 30-95.070. Testing licensees must be in compliance with 19 CSR 100-1.090 by August 1, 2023.
- **19 CSR 100-1.090(1)(C)** provides for additional electronic video monitoring requirements for all facilities as follows:
  - The use of motion detection as a method of continuous monitoring is not permitted.
  - Remote access shall be accomplished through https access or another department-approved format.
  - Video cameras must provide coverage of—
    - Any area where a seed to sale system or the statewide track and trace system are accessed.
    - All marijuana product, from at least two (2) angles, where is sampled for testing and loaded for transport.

## PROMOTING HEALTH AND SAFETY

The Missouri Department of Health and Senior Services' vision is optimal health and safety for all Missourians, in all communities, for life.

- Licensees shall ensure that each video camera used pursuant to this section is cabled and does not solely operate via wifi.
- Video storage must be encrypted.

DCR is **waiving** these requirements until August 1, 2023. Until then, Licensees will be considered in compliance with this requirement if they meet the previous security requirements for medical facilities previously expressed in **19 CSR 30-95.040(4)(H)1.C**.

- **19 CSR 100-1.090(1)(G)** requires security film or shatter-proof glass on glass doors and storefronts. DCR is **waiving** this requirement until August 1, 2023.

**19 CSR 100-1.090(3)** requires outdoor or greenhouse cultivation spaces, multi-building cultivation, or multi-building manufacturing facilities to construct an exterior barrier. **19 CSR 100-1.090(3)(E)** requires that the gate comply with the same standards as the fence. DCR is **waiving** this requirement for licensees, except for cultivation licensees with outdoor cultivation facilities. DCR is **waiving** **19 CSR 100-1.090(3)(E)** for cultivation licensees with outdoor cultivation facilities. All licensees must be in compliance with **19 CSR 100-1.090(3)** by August 1, 2023.

- **19 CSR 100-1.100(4)(C)** requires implementation of a quality management system. DCR is **waiving** this requirement. Licensees must be in compliance with **19 CSR 100-1.100(4)(C)** by August 1, 2023.
- **19 CSR 100-1.100(4)(K)** requires that any contract with a management company must permit the licensee to access the records of the management company at the request of the department during an investigation or inspection. DCR is **waiving** this requirement. Licensees must be in compliance with **19 CSR 100-1.100(4)(K)** by August 1, 2023.
- **19 CSR 100-1.140(4)(G)1 and 3** sets forth requirements for video camera and GPS monitoring in transportation vehicles. DCR is **waiving** this requirement. Licensees must be in compliance with **19 CSR 100-1.140(4)(G)1 and 3** by August 1, 2023.
- **19 CSR 100-1.160(2)(B)** requires all cultivation licensees to have an odor control plan and engage a professional engineer or certified industrial hygienist to certify the plan as sufficient to effectively mitigate odors. DCR is **waiving** this requirement only for cultivation facilities located in rural, unincorporated agricultural areas. All cultivation licensees must be in compliance with **19 CSR 100-1.160(2)(B)** by August 1, 2023.
- **19 CSR 100-1.180(2)(D)2.D** requires Department-issued IDs to be scanned using a barcode scanner. DCR is **waiving** this requirement. Licensees must be in compliance with **19 CSR 100-1.180(2)(D)2.D** by May 3, 2023.

- **19 CSR 100-1.180(2)(J)** requires marijuana to be stored in a locked vault or other secure locked enclosure when the dispensary facility is not open for business. DCR is **waiving** this requirement. Licensees must be in compliance with 19 CSR 100-1.180(2)(J) by May 3, 2023.

The Department has determined good cause for granting the above waivers and variances is that licensees will need time to come into compliance with the changed or additional requirements outlined in the emergency rules filed January 20, 2023. As the rules go through the formal rulemaking process, the Department will continue to review the waivers and variances to determine if additional time is needed for licensees to comply.

As of February 3, 2023, licensees must be in compliance with all applicable rules outlined in 19 CSR 100-1, with the exception of the rule citations outlined above. It is the Department's expectation that licensees immediately begin working towards compliance with the rules for which a waiver or variance has been given so that they can be in compliance on by the dates outlined above. Licensees that are not in compliance upon expiration of the waiver or variance may be subject to disciplinary actions.

Please reach out to your compliance officer if you have any questions.

Thank you for your cooperation and we look forward to working with all licensees to implement Article XIV and adult use in Missouri.

Andrea Balkenbush, Director  
Section for Compliance & Enforcement  
Division of Cannabis Regulation  
Department of Health & Senior Services