

**Missouri Section for Medical Marijuana
Facility License & Compliance Section
Guidance Document 5 – Material Deviation**

Regarding applications for changes to physical design of medical marijuana facilities under 19 CSR 30-95.040(4)(C)3, the Department currently considers a material change to be one that impacts the facility's ability to fulfill a key aspect of its proposed operations. Once a facility has implemented its proposals and become operational, other considerations may become more important in applying this rule. Therefore, a licensee should expect this to be the Department's guidance at least until that licensee is operational.

Here is a non-exhaustive list of examples of changes that could impact key operations:

Cultivation:

Is the design change due to changing the type or scale of grow operation from what was proposed in its application? For instance, is the facility changing all or part of its facility from outdoor to indoor or from indoor to greenhouse or any other combination not originally proposed? Is the facility changing the production capacity of its grow operations?

Manufacturing:

Is the design change related to removing some production capability, product, or group of products originally proposed? For example, is the facility removing an extraction room or removing space or equipment for a certain production line? This would include decreasing the square footage of production space to the point that the originally proposed amount or number of products could no longer be produced.

Dispensary:

Is the design change likely to negatively impact customer service or the amount or variety of products available to the customer from what was originally proposed? For example, is the facility removing consultation rooms or adding a drive-through in such a way that there is less space for in-person service?

If a physical redesign does not impact key, proposed operations such as these or very similar circumstances, it is unlikely an application for change will be necessary. If any licensee has already submitted such an application but feels its request would not have been necessary under this new guidance, the licensee should contact the Department immediately to discuss. If the Department agrees the application was unnecessary, the application fee will be refunded.

If changes are made to the facility that do not require a change request for material deviation, the facility is still responsible for informing the Facility License and Compliance team of these changes and updating the appropriate documents to be used for the Commencement Inspection process. Documents may include schematics, blueprints, security plans and explanations of the changes and any impacts the changes may have.