

Missouri Division of Cannabis Regulation Guidance Document – 1/31/2023

Topics: Adult Purchasing; Plant Sales; Out-of-State Patient Purchasing; Agents Under 21

Adult Purchasing

19 CSR 100-1.010 defines consumers as individuals twenty-one (21) years of age and older. 19 CSR 100-1.040(1) permits consumers to purchase and possess marijuana product in accordance with the rules set forth 19 CSR 100-1. It further provides that consumers may obtain authority to cultivate marijuana in accordance with the rules set forth in 10 CSR 100-1.

At the time of sale, distribution, or delivery of marijuana product, licensees must verify a consumer is at least twenty-one (21) years of age through production of a valid government-issued photo ID. In the case of marijuana plant purchases, licensees must also verify the consumer is authorized to cultivate through production of an active cultivation identification card.

Per 19 CSR 100-1.180(2)(C)1 licensees may not sell, deliver, or distribute to a consumer more than three (3) ounces of dried, unprocessed marijuana, or its equivalent, in a single transaction. In addition, licensees shall report to the department any instances of consumers attempting to make multiple purchases in close succession that the licensee knows, or reasonably should know, would likely result in the consumer exceeding the three (3) ounce possession limit.

Selling, distributing, and delivering marijuana product to consumers is a new process for licensees. Per 19 CSR 100-1.080(1)(F), the Department expects licensees to incorporate these activities into their standard operating procedures, and train appropriate staff, prior to selling, distributing, and delivering marijuana product to consumers.

Plant Sales

Per 19 CSR 100-1.180(2)(F), dispensary licensees choosing to sell, distribute or deliver marijuana plants, must receive the plant order and payment *prior* to arranging for transfer of plants from a cultivation facility to the dispensary facility. In addition, it is the licensee's responsibility to verify the purchasing consumer, qualifying patient, or primary caregiver is authorized to cultivate through production of an active cultivation identification card.

Dispensary licensees selling marijuana plants shall only sell marijuana plants acquired from licensed cultivation facilities, less than eight (8) inches tall and less than eight (8) inches wide, and may not sell more than six (6) plants to a consumer, patient, or to a caregiver authorized to grow on behalf of a patient, in a single transaction.

When a dispensary licensee accepts a plant transfer from a cultivation facility, it must store the plant(s), with the consumer's, qualifying patients, or primary caregiver's name and license number, in its vault. A dispensary licensee may not hold any particular plant for more than five (5) days and may not alter the plant or care for it in any way other than watering and providing light.

If a consumer, qualifying patient, or primary caregiver does not pick up the order, the licensee must dispose of the plant upon expiration of the five (5) days and record the disposal, and method of disposal, in the statewide track and trace system.

Selling, distributing, and delivering plants to a consumer, qualifying patient, or primary caregiver is a new process for licensees. Per 19 CSR 100-1.080(1)(F), the Department expects licensees to incorporate these activities into their standard operating procedures, and train appropriate staff, prior to selling, distributing, and delivering plants.

Facility Agents

Beginning February 3, 2023, all facility agents must be twenty-one (21) years of age or older. Individuals under twenty-one (21) who possess a facility agent identification card prior to February 3, 2023, may keep their agent identification card and work at any licensed or certified facility.

Out-of-State Patient Purchasing

Out-of-state patients with an active medical marijuana patient card issued from another state may utilize their card to purchase marijuana at a Missouri medical or comprehensive licensed dispensary facility beginning February 3, 2023.

Dispensaries must verify, if possible, the validity of the out-of-state card when presented at point-of-sale, and must require a valid government issued photo ID for further verification of the out-of-state patient. When purchasing marijuana plants, dispensary licensees must also verify that the out-of-state patient is authorized to cultivate in that state.

In addition to this documentation, dispensary licensees must require the following for out-of-state patients under the age of eighteen (18), and those who are under the age of eighteen (18) and claim to be emancipated.

Out-of-state patients under the age of eighteen (18):

- A parent or legal guardian must make marijuana product purchases.
- Parent or legal guardian must provide a copy of a birth certificate, or adoption record showing proof of relationship to the patient's parent, or a copy of documentation establishing legal guardianship.

Out-of-state emancipated patients under the age of eighteen (18):

- A certified emancipation order from an issuing court.

In the case of delivery orders, such documentation must be produced at the time of delivery.

Once the out-of-state patient is established in the statewide track and trace system, the patient will automatically receive a 6 oz. allotment. A Metrc Bulletin with instructions on how to establish and record sales for out-of-state patient will follow.