

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

EMERGENCY RULE

19 CSR 30-95.028 Additional Licensing Procedures

PURPOSE: The Department of Health and Senior Services has the authority to promulgate rules for the enforcement of Article XIV. This rule explains what provisions are necessary for ensuring an efficient facility licensing/certification process after the initial process of scoring and ranking applications is complete.

(1) Confirmation and Acceptance of License/Certification. All facilities that are issued a license or certification will be given forty-eight (48) hours from department notification of issuance to confirm they accept the license or certification. If a facility does not affirmatively accept issuance of a license or certification, the license or certification will be offered to the next ranked facility, as applicable, until all available licenses and certifications are issued and accepted.

(2) Conditional Denials. All cultivation, dispensary, manufacturing, and testing facility applications that meet minimum standards as described in 19 CSR 30-95.040(4)(A) but are denied due to the results of numerical scoring shall be regarded as “conditionally denied” for a period of three hundred ninety-five (395) days for the purpose of maintaining eligibility for any licenses or certifications that become available within that time period. Conditionally denied applications will be eligible for licenses or certifications as follows:

(A) For each available license or certification of a particular facility type that may become available during a time period when there are applications that have been conditionally denied, the department will issue the license or certification to the highest ranked applicant of that facility type or, in the case of dispensaries, of that facility type and in the applicable congressional district, subject to applicable limits regarding facilities under substantially common control.

(B) Facilities issued a license or certification under this section shall be subject to all regulations and laws applicable to any other licensed or certified facilities of the same type.

(C) A conditional denial will be considered a denial for purposes of appeal under 19 CSR 30-95.025.

AUTHORITY: Sections 1.3.(1)(b) and 1.3.(2) of Article XIV, Mo. Const.