

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

**19 CSR 30-95.090 Seed to Sale Tracking**

*Purpose: Under Article XIV of the Missouri Constitution, the Department of Health and Senior Services has the authority to regulate and control Medical Marijuana Facilities. This rule explains what regulations apply to certification of Seed-to-Sale tracking systems.*

*EMERGENCY STATEMENT: This emergency rule informs the public of what regulations for the implementation of Article XIV apply only to seed-to-sale tracking facilities. This rule is necessary to comply with Article XIV, Section 1 of the Missouri Constitution, which became effective on December 6, 2018. Article XIV requires that the Department make available to the public application forms and instructions for qualifying patient, primary caregiver, and patient cultivation identification cards, as well as for medical marijuana cultivation, testing, dispensary, and infused products manufacturing facilities. In order to make available the forms and instructions for all of these types of applications, it is necessary to promulgate rules for the processes and regulatory functions related to these applications. Without such rules, the department will be unable to efficiently regulate and control the cultivation, manufacturing, and sale of marijuana for medical use or provide a mechanism and regulatory structure through which qualified patients and their caregivers may access medical marijuana. As a result, the department finds a compelling governmental interest in promoting the health and safety of Missouri residents who wish to use marijuana for medical purposes, requiring this emergency action. A proposed rule, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The Department believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed DATE, becomes effective DATE, and expires DATE.*

(1) Access to Seed-to-Sale Tracking System Certifications.

(A) The department will not limit the number of certifications available for seed-to-sale tracking system entities.

(B) The department will begin accepting applications for review on August 3, 2019. All complete applications received by the department that are submitted on or after that date will be approved or denied within one hundred fifty (150) days of that application's submission. An application will be considered complete if it includes all information required for applications by this rule. The department will notify an applicant if an application is incomplete and will specify in that notification what information is missing. Applicants will be given seven (7) days to provide missing information. Failure to provide missing information may result in denial of the application.

(2) Application requirements. All applications for seed-to-sale tracking system certifications shall include at least the following information in a department-provided format:

- (A) Name and address of the applicant;
- (B) Legal name of the entity, including any fictitious business names, and a certificate of good standing from the Missouri Secretary of State;
- (C) An attestation by an owner or principle of the entity that the seed-to-sale tracking system can and will comply with this rule; and
- (D) All applicable fees or proof that all applicable fees have already been paid.

(3) Seed-to-Sale Tracking System Requirements. All seed-to-sale tracking systems used by cultivation, manufacturing, dispensary, testing, and transportation facilities shall be capable of:

- (A) Interfacing with the statewide track and trace system such that a licensed or certificated facility may enter and access information in the statewide track and trace system as required for inventory control and tracking by 19 CSR 30-95.040(4)(G) and for purchase limitations by 19 CSR 30-95.080(2)(D);
- (B) Providing the department with access to all information stored in the system's database;
- (C) Maintaining the confidentiality of all patient data and records accessed or stored by the system such that all persons or entities other than the department may only access the information in the system that they are authorized by law to access; and
- (D) Producing analytical reports to the department regarding:
  1. Total quantity of daily, monthly, and yearly sales at the facility per product type;
  2. Average prices of daily, monthly, and yearly sales at the facility per product type; and
  3. Total inventory or sales record adjustments at the facility.

(4) Seed-to-Sale Tracking System Prohibitions.

(A) Before beginning operations, all certified seed-to-sale tracking system entities shall sign the department's Medical Marijuana Application Programming Interface User Agreement.

(B) No seed-to-sale tracking system entity may sell seed-to-sale tracking services or services related to compliance with seed-to-sale tracking regulations to a licensed or certified facility if it is owned by or affiliated with an entity that currently holds a contract with the state of Missouri for any product or service related to the department's medical marijuana program.

(5) Failure to comply with this rule and failure to abide by the department's Medical Marijuana Application Programming Interface User Agreement may result in revocation of certification.