

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

**19 CSR 30-95.100 Transportation Facility**

*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 only to Transportation Facilities.*

*EMERGENCY STATEMENT: This emergency rule informs the public of what regulations for the implementation of Article XIV apply only to transportation 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 Transportation Facility Certifications.

(A) The department will certify all transportation facilities that can demonstrate they meet minimum standards as described in 10 CSR 30-95.025(4)(A).

(B) A facility license will be issued for a single facility with a single, primary place of business. Combinations of licenses at the same location must be approved pursuant to 19 CSR 30-95.040(4)(C).

(2) Transportation Facility Requirements. In addition to the requirements for transportation facilities in 19 CSR 30-95.040, transportation facilities shall also comply with the provisions of this section.

(A) Transportation facilities must ensure all facility employees are trained in at least the following:

1. The use of security measures and controls that have been adopted by the facility for the prevention of diversion, inversion, theft, or loss of medical marijuana;
2. Proper use of the statewide track and trace system;
3. Procedures for responding to an emergency, including severe weather, fire, natural disasters, and unauthorized intrusions; and
4. Standards for maintaining the confidentiality of information related to the medical use of marijuana, including but not limited to compliance with the Health Insurance Portability and Accountability Act.

(B) Transportation facilities shall transport all medical marijuana from an originating facility to a destination facility within twenty-four hours. When extenuating circumstances necessitate holding medical marijuana longer than twenty-four hours, the transportation facility shall notify the department of the circumstances and the location of the medical marijuana.

(C) Unless allowed by the local government, a transportation facility's primary place of business shall not be sited, at the time of application for certification or for local zoning approval, whichever is earlier, within one thousand (1,000) feet of any then-existing elementary or secondary school, daycare, or church.

1. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the property line of the facility to the closest point of the property line of the school, daycare, or church.

2. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church.

3. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.

(D) A transportation facility's primary place of business shall meet the security requirements of 19 CSR 30-95.040(4)(H). In addition to those requirements, transportation facilities shall also comply with the following:

1. All vehicles used to transport medical marijuana shall not be marked in any way that indicates medical marijuana is being transported by that vehicle and shall be equipped with at least:

- A. A secure lockbox or locking cargo area made of smooth, hard surfaces that are easily cleaned for storing medical marijuana during transit;

- B. A secure lockbox for storing payments and video monitoring recording equipment during transit;

- C. Video monitoring of the driver and passenger compartment in the vehicle and of any space where medical marijuana is stored during transit; and

- D. GPS tracking;

2. Facility agents transporting medical marijuana shall:

- A. Prior to transporting medical marijuana, print an inventory manifest for the trip generated from the statewide track and trace system and create a trip plan, which shall be provided to the facility from which the medical marijuana is transported, and which shall include:

- (I) The name of the facility agent(s) transporting the medical marijuana;

- (II) The date and start time of transportation;

- (III) The anticipated delivery time; and

- (IV) The anticipated route of transportation.

B. During transport:

- (I) Have a facility agent identification card accessible at all times;
- (II) Keep a copy of the applicable inventory manifest and trip plan in the transportation vehicle, which shall be placed under the driver's seat or in a compartment beside the driver's seat for the duration of the trip;
- (III) Have a means of communication accessible at all times;
- (IV) Immediately report to law enforcement any vehicle accidents in which the transportation vehicle is involved; and
- (V) Immediately report any loss or theft of medical marijuana to a person designated by the transportation facility for this purpose.

C. After transport, revise the trip plan to reflect the actual route taken and the end time of transportation and deliver the revised trip plan to a person designated by the transportation facility for this purpose.

3. Any incident of theft or attempted theft of medical marijuana by qualifying patients or primary caregivers shall be reported to the department within twenty-four (24) hours of the incident.

4. All trip plans and revised trip plans shall be maintained by the transportation facility for at least five (5) years.