

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

**19 CSR 30-95.110 Physicians**

*Purpose: Under Article XIV of the Missouri Constitution, patients with qualifying medical conditions have the right to discuss freely with their physicians the possible benefits of medical marijuana use, and physicians have the right to provide professional advice concerning the same. This rule explains how the department will implement provisions of Article XIV related to Physicians.*

*EMERGENCY STATEMENT: This emergency rule informs the public of what regulations for the implementation of Article XIV apply to physicians. 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) Physician Certification. Physicians will submit certifications electronically through a department-provided, web-based system. In the event of system unavailability, the department will arrange to accept physician certifications in an alternative, department-provided format and will notify the public of those arrangements through its website.

(A) Physician certifications must be issued no earlier than thirty (30) days before the date the patient will apply for a patient identification card or renewal of a patient identification card.

(B) Physician certifications must include at least the following information:

1. The physician's name, as it appears in the records of the Missouri Division of Professional Registration;
2. The physician's licensee number;

3. Whether the physician is licensed to practice medicine or osteopathy;
4. The physician's business address, telephone number, and email address;
5. The qualifying patient's name, date of birth, and Social Security number;
6. The qualifying patient's qualifying condition;
7. The physician's recommendation for the amount of medical marijuana the qualifying patient should be allowed to purchase in a thirty- (30-) day period if the recommended amount is more than four ounces of dried, unprocessed marijuana or its equivalent;
8. Statements confirming the following:
  - A. In the case of a non-emancipated qualifying patient under the age of eighteen (18), before certifying the qualifying patient for use of medical marijuana, the physician received the written consent of a parent or legal guardian who will serve as a primary caregiver for the qualifying patient;
  - B. The physician met with and examined the qualifying patient, reviewed the qualifying patient's medical records or medical history, reviewed the qualifying patient's current medications and allergies to medications, discussed the qualifying patient's current symptoms, and created a medical record for the qualifying patient regarding the meeting;
  - C. In the opinion of the physician, the qualifying patient suffers from the qualifying condition; and
  - D. The physician discussed with the qualifying patient risks associated with medical marijuana, including known contraindications applicable to the patient, risks of medical marijuana use to fetuses, and risks of medical marijuana use to breastfeeding infants; and
9. The signature of the physician and date on which the physician signed.