

## **Draft Rule: Cultivation Facilities**

*PURPOSE: Under Article XIV, Sections 1 and 2 of the Missouri Constitution, the Department of Health and Senior Services has the authority to regulate and control Medical and Marijuana Facilities and Licensees. This rule explains what regulations apply to Facilities licensed to Cultivate marijuana.*

### (1) Facility Cultivation, Generally

(A) A cultivation facility licensee's authority to engage in the process of cultivating marijuana includes the acquisition, cultivation, processing, packaging, storage on- or off-site, transportation, and sale of marijuana, marijuana seeds, and clones.

(B) A cultivation facility licensee's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana-infused products.

(2) Cultivation Facility and Licensee Requirements. In addition to the requirements for cultivation facilities and licensees in 19 CSR 30-95.040, cultivation facilities and licensees shall also comply with the following;

(A) Cultivation licensees may cultivate marijuana in indoor, outdoor, or greenhouse facilities; or in any combination of these cultivation practices.

1. Each microbusiness wholesale facility utilizing any combination of indoor, outdoor, or greenhouse facilities will be limited to no more than:

A. two hundred fifty (250) flowering marijuana plants;

B. two hundred fifty (250) nonflowering marijuana plants over fourteen (14) inches tall; and

C. two hundred fifty (250) nonflowering marijuana plants under fourteen (14) inches tall.

2. Each indoor medical or comprehensive facility utilizing artificial lighting will be limited to no more than thirty thousand (30,000) square feet of flowering plant canopy space.

3. Each outdoor medical or comprehensive facility utilizing natural lighting will be limited to no more than two thousand, eight hundred (2,800) flowering plants.

4. Each medical or comprehensive greenhouse facility using a combination of natural and artificial lighting will be limited to, at the election of the licensee, either no more than two thousand, eight hundred (2,800) flowering plants or no more than thirty thousand (30,000) square feet of flowering plant canopy space.

5. A medical or comprehensive facility that combines indoor, outdoor, and/or greenhouse cultivation space will be limited to a ratio of the limits described above for each applicable cultivation practice, not to exceed 100% of total allowable flowering plant or flowering plant canopy space.

6. If multiple cultivation licenses are operating in the same facility, the capacity limitations of the cultivation facility will be multiplied by the number of licenses;

(B) Cultivation Licensees, except those with facilities in rural, unincorporated agricultural areas, must reasonably mitigate odors from all odor sources by—

1. Developing, implementing, and maintaining an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors from all odor sources; and
2. Maintaining compliance with local ordinances related to odor;

(C) Unless it is intended to be processed by a manufacturing facility, marijuana shall not be transferred from the cultivation facility, except to a testing facility, until the marijuana has been tested by a testing facility, according to the provisions of 19 CSR 30-95.XXX and the cultivation licensee has received verification from the testing facility that the marijuana passed all required testing.