

Draft Rule: Facility Ownership and Employment

*PURPOSE: The Department of Health and Senior Services has the authority to promulgate rules for the enforcement of Article XIV, Sections 1 and 2 of the **Missouri Constitution**. This rule explains what general provisions are necessary for ownership and employment related to regulated medical and marijuana facilities, with the exception of research facilities and seed-to-sale tracking system entities.*

(1) Facility Ownership

(A) No medical facility shall be owned, in whole or in part, by an individual with a disqualifying felony offense.

(B) A marijuana facility shall not have as an owner any individual with a disqualifying felony offense.

(C) No medical or marijuana licensee may be owned by or affiliated with an entity that holds a contract with the state of Missouri for any product or service related to the department's marijuana program.

(D) An entity cannot own any part of more than ten percent of the total number of cultivation, dispensary, or infused products manufacturing facility licenses issued, rounded down to the nearest whole number.

(E) No marijuana testing facility shall be owned by an entity or entities under substantially common control, ownership, or management as a cultivation facility, marijuana-infused products manufacturing facility, or dispensary facility.

(2) Facility Employment

(A) Employees, contractors, owners having access to a medical or marijuana facility, and volunteers of a medical or marijuana facility must obtain an agent identification card from the department. Agent identification card holders must have their cards visible and on their person at all times while performing work in a facility or on behalf of a licensed or certified entity. Agents must have a government-issued photo ID on their person at all times while the agent identification card is visible.

(B) A licensee may require a criminal background check as a condition of employment. If authorized or directed by statute, the department may require fingerprint submission to screen agent identification card applications for disqualifying criminal offenses.

(C) Agent identification cards are valid for three (3) years from their date of issuance and shall be renewable by submitting, prior to expiration by at least thirty (30) days but no sooner than sixty (60) days, a new or renewal application.

(D) All facility agents must keep the department apprised of their current contact information and agree to receive department communications by email, including denials and revocations. If the name, address, or email address of an agent changes after an identification card is issued, the agent shall notify the department within ten (10) days of the change.

(E) All applications and renewals for agent identification cards shall include at least the following information in a department-approved format:

1. Name, address, and Social Security number of the applicant;
2. A copy of a written offer or confirmation of employment from a licensed or certified facility; and
3. All applicable fees.

(F) Upon receiving a complete application or renewal application for an agent identification card, the department shall either approve the application or provide a written explanation for its denial.

1. An application for an agent identification card will be considered received when an application is submitted to the department that includes all information required by this rule.

2. The department shall charge an administration and processing fee of seventy-five dollars (\$75) for identification cards, which shall be due at the time of application or renewal.

(G) Denial and revocation.

Agent identification cards may be denied or revoked for the following reasons:

1. Submission of an incomplete application;
2. Submission of information in the application or renewal application that is deceptive, misleading, incorrect, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly, or by omission or ambiguity, including lack of disclosure or insufficient disclosure;
3. Fraudulent use of the agent identification card, including, but not limited to, tampering, falsifying, altering, modifying, duplicating, or allowing another person to use, tamper, falsify, alter, modify, or duplicate an agent identification card;
4. Selling, distributing, transferring in any manner, or giving marijuana product to any unauthorized individual or entity, or an amount of marijuana product not authorized by these provisions;
5. Tampering with, falsifying, altering or modifying surveillance video recordings or equipment, point of sale system records, or track and trace system records;

6. Failing to comply with the statewide track and trace system requirements or misuses or falsifies statewide track and trace system tracking data;
7. Violation of any requirement in this chapter;
8. If the individual is prohibited by law from holding an agent identification card;
9. If the agent has committed theft or other criminal offense, whether or not a criminal charge has been filed, in the performance of the functions or duties of the facility agent; or
10. Refusal to cooperate with a department investigation