

Draft Rule: Microbusinesses

PURPOSE: Under Article XIV, Section 2 of the Missouri Constitution, the Department of Health and Senior Services has the authority to regulate and control Marijuana Microbusiness Facilities and Licensees. This rule explains what regulations apply only to Microbusiness Facilities and Licensees.

(1) Microbusiness Facilities, Generally.

(A) Individuals and entities must obtain a license to cultivate, manufacture, and dispense marijuana product in Missouri as a Marijuana Microbusiness. Application requirements are outlined in the application section of this chapter.

1. An individual or entity may apply for, obtain, and hold only one license to operate a marijuana microbusiness facility, which may be either a microbusiness dispensary facility or a microbusiness wholesale facility.

(B) Applicants for a marijuana microbusiness license shall be majority owned by individuals who each meet at least one of the following qualifications:

1. Have a net worth of less than \$250,000 and have had an income below two hundred and fifty percent of the federal poverty level, a successor level, as set forth in the applicable calendar year's federal poverty income guidelines published by the U.S. Department of Health and Human Services or its successor agency, for at least three of the ten calendar years prior to applying for a marijuana microbusiness facility license;

2. Have a valid service-connected disability card issued by the United States Department of Veterans Affairs, or successor agency; or

3. Be a person who has been, or a person whose parent, guardian, or spouse has been arrested for, prosecuted for, or convicted of a non-violent marijuana offense at least one year prior to the effective date of this section, unless the conviction:

A. Involved provision of marijuana to a minor, or

B. Was for driving under the influence of marijuana.

4. Reside in a ZIP code or census tract area where:

A. Thirty percent or more of the population lives below the federal poverty level;

B. The rate of unemployment is fifty percent higher than the state average rate of unemployment; or

C. The historic rate of incarceration for marijuana-related offenses is fifty percent higher than the rate for the entire state; or

5. Graduated from a school district that was unaccredited, or had a similar successor designation, at the time of graduation, or has lived in a ZIP code containing an unaccredited school district, or similar successor designation, for three of the past five years.

(C) An owner of a marijuana microbusiness facility may not also be an owner of another licensed marijuana or medical facility, except:

1. An owner of a microbusiness facility may apply for a medical or marijuana facility license during an application window and must notify the department in the application. If an owner of a microbusiness facility is granted one or more of these licenses the microbusiness facility shall transition licensed operations on a reasonably practical timetable established by the department, and surrender its microbusiness facility license to the department.

2. An owner of a microbusiness facility who wishes to become an owner in an existing marijuana or medical facility must obtain department approval prior to any ownership change and must simultaneously relinquish ownership interest in the microbusiness facility license.

(D) Microbusiness facilities and licensees must comply with all applicable sections within this chapter.

(2) Microbusiness Dispensary Facility Licensees Generally.

(A) A microbusiness dispensary facility is licensed to engage in the process of dispensing marijuana product for medical or adult use, in compliance with the dispensary facility rule in this chapter. A licensed microbusiness dispensary facility may choose to do all or only a subset of the activities authorized under its license.

(B) Microbusiness dispensary licensees shall only sell marijuana product acquired from a microbusiness wholesale licensee or from another microbusiness dispensary licensee.

(3) Microbusiness Wholesale Licensees Generally.

(A) A microbusiness wholesale facility is licensed to engage in the process of cultivating and manufacturing marijuana product for medical or adult use, in compliance with the cultivation facility and manufacturing facility rules in this chapter. A licensed microbusiness wholesale facility may choose to do all or only a subset of the activities authorized under its license.

(B) A microbusiness wholesale licensee may only sell its products to a microbusiness dispensary licensee or to another microbusiness wholesale licensee.