

Draft Rule: Transportation and Storage

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 the storage of, warehouses for, and transportation of marijuana product. This rule explains what regulations apply to all medical and marijuana facility licensees that transport and store marijuana product.

(1) Any medical or marijuana facility licensee transporting or storing marijuana product shall comply with the provisions of this section.

(2) Transfer of Marijuana Product, Generally.

(A) A medical or marijuana facility licensee shall be allowed to transfer marijuana product between facilities, in compliance with the requirements and prohibitions provided in this chapter.

(B) Marijuana product may only be transferred as follows:

1. From a medical facility to another medical facility or testing facility;
2. From a comprehensive facility to another comprehensive facility, medical facility, or testing facility;
3. From a microbusiness facility to another microbusiness facility or testing facility; and
4. From a testing facility to a marijuana facility or medical facility.
5. Marijuana facility licensees not specifically identified above may transfer marijuana product with Department approval, in compliance with the requirements and prohibitions of this chapter.

(C) Testing facility certificate holders may only transport marijuana product that they intend to test.

(D) Upon arrival at the receiving facility, the agent transferring marijuana product must—

1. Ensure accuracy of the transportation manifest; and
2. Ensure a secure handoff.

(3) Delivery of Marijuana Product, Generally.

(A) A dispensary facility licensee or a transportation certificate holder shall be allowed to deliver marijuana product to consumers, qualifying patients, and primary caregivers, in compliance with the requirements and prohibitions provided in this chapter.

(B) Marijuana product may only be delivered as follows:

1. from a medical marijuana dispensary facility to a qualifying patient or primary caregiver;

2. from a comprehensive marijuana dispensary facility or microbusiness dispensary facility to a consumer, qualifying patient, or primary caregiver;

(C) Delivery to a consumer, qualifying patient, or primary caregiver may be completed anywhere on the licensed property or at any address as directed by the consumer, qualifying patient, or primary caregiver, as long as the address is a location allowing for the legal possession of marijuana product.

(D) At the time of delivery, licensees must—

1. Require production of a qualifying patient or primary caregiver identification card if applicable;

2. Require production of a valid government-issued photo ID;

3. In the case of marijuana seed or plant purchases, require production of a cultivation identification card; and

4. Record the delivery of product in the statewide track and trace system.

(4) Security Requirements Related to Transportation, except transfers between facility licensees operating on the same premises:

(A) Facilities authorized by the department to transport marijuana product shall transport all marijuana product from an originating facility to an authorized destination within twenty-four (24) hours of taking possession of the marijuana product. When extenuating circumstances necessitate holding marijuana product longer than twenty-four (24) hours, the entity transporting the marijuana product shall notify the department of the circumstances and the location of the marijuana product prior to the end of the 24 hour transportation deadline.

(B) All transportation must be completed using motor vehicles that are not marked in any way that indicates marijuana product is being transported by that vehicle and that are equipped with at least—

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

2. A secure lockbox or lockboxes for storing payments and video monitoring recording equipment during transit;

3. Video monitoring of the driver and passenger compartment and of any space where marijuana product is stored or can be accessed during transit; and

4. GPS tracking that is capable of being accessed remotely at all times by the department or a law enforcement agency in real time;

(C) Facility agents transporting marijuana product shall—

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

A. The name of the facility from which the marijuana product is being transported;

B. The name of the entity that is transporting the marijuana product;

C. The name and address of the facility, consumer, patient, or caregiver to whom the marijuana product is being transported;

D. The name of the facility agent(s) transporting the marijuana product;

E. The date and start time of transportation;

F. The anticipated time of arrival and transfer or delivery, as applicable; and

G. The anticipated route of transportation, including turn-by-turn directions;

2. During transport—

A. Have facility agent identification card(s) accessible at all times;

B. Have a valid driver's license accessible at all times;

C. Keep a copy of the applicable inventory manifest and trip plan in the transportation vehicle, which shall be within reach of the driver for the duration of the trip;

D. Have accessible at all times a cell phone or other means to readily communicate with individuals or entities outside the transport vehicle, including law enforcement and the department; and

3. The facility agent transporting the marijuana product shall report any vehicle accidents in which the transport vehicle is involved within one (1) hour to law enforcement and the licensed or certificated entity for whom the agent is transporting;

4. 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 transporting entity for this purpose;

(D) Any vehicle accident, incident of theft, attempted theft, or loss of marijuana product shall be reported to the department within two (2) hours of becoming aware of the incident, in accordance with Department guidance; and

(E) All trip plans and revised trip plans shall be maintained by the facility transporting the marijuana product for at least five (5) years.

(F) Video Monitoring in Transportation Vehicles.

1. Electronic video monitoring for transportation of marijuana product must include video cameras with a recording resolution of at least 1920 x 1080, or the equivalent, at a rate of at least fifteen (15) frames per second, that operate in such a way as to allow identification of people and activities in the monitored space, in all lighting levels, that are that are installed in manner that will prevent the video camera from being readily obstructed, tampered with, or disabled;

2. Video cameras must provide coverage of the driver and passenger compartment of the vehicle, and any space where marijuana product is stored or can be accessed during transit, including any doors that lead to where the marijuana product is stored;

3. Video cameras must be capable of being accessed remotely at all times by the department or a law enforcement agency in real time.

4. Licensees must store all recordings from the video cameras for at least sixty (60) days in a secure on-site or off-site location or through a service or network that provides on-demand access to the recordings and that allows for providing copies of the recordings to the department upon request, in the requested format, and at the expense of the licensee.

(5) Security Requirements Related to Transfers Between Facility Licensees Operating on the Same Premises:

(A) Facility agents transferring marijuana product between facility licensees operating on the same premises shall—

1. Prior to transferring marijuana product, print an inventory manifest generated from the statewide track and trace system, which shall be provided to the facility from which the marijuana product is transferred, and which shall include:

A. The name of the facility from which the marijuana product is being transferred;

B. The name of the entity that is transferring the marijuana product;

C. The name and address of the facility to which the marijuana product is being transferred;

D. The name of the facility agent(s) transferring the marijuana product;

E. The date and start time of transfer;

F. The anticipated time of arrival and transfer; and

G. The anticipated route of transfer if the product will be leaving the limited access area of a building at any point during the transfer; and

2. During transfer—

A. Have facility agent identification card(s) accessible at all times;

B. Have a copy of the applicable inventory manifest and trip plan accessible for the duration of the transfer; and

3. If product will be leaving the limited access area of a building, travel only through a route that is monitored by security personnel or by video cameras with a recording resolution of at least 1920 x 1080, or the equivalent, at a rate of at least fifteen (15) frames per second, that operate in such a way as to allow identification of people and activities in the monitored space, in all lighting levels, that are that are installed in manner that will prevent the video camera from being readily obstructed, tampered with, or disabled.

(B) Any incident of theft, attempted theft, or loss of marijuana product during transfer shall be reported to the department within two (2) hours of becoming aware of the incident, in accordance with department guidance.

(6) Warehouse Storage, Generally

(A) A medical or marijuana facility licensee shall be allowed to store marijuana product in compliance with the requirements and prohibitions provided in this chapter.

(B) Transportation facility certificate holders may only store marijuana product for purposes related to the transportation of marijuana product.

(C) Facility licensees shall store all marijuana product—

1. At the location where the facility licensee is approved to operate; or
2. In off-site warehouses that have been approved pursuant to this chapter;

(D) Facility licensees that utilize one or more off-site warehouses to store marijuana product must apply for and be granted a separate certificate to operate each warehousing premises.

1. Application requirements are included in the facility applications section of this chapter.

2. Approved warehouse certificates will be associated with an existing facility license.

3. Transportation certificate holders will not be granted a warehouse certificate.

4. Transfers between a licensed facility and its off-site warehouse must comply with the transportation security requirements provided in this rule.

5. Transfers may not be made between a licensed facility and a different licensee's off-site warehouse.