

**Missouri Section for Medical Marijuana
Facility License & Compliance Section
Guidance Document 9
Phased Implementation for Change Request and Variances**

Dear Medical Marijuana Licensee,

As a follow-up to our recent Guidance Document 7, Facility Operational Deadline, we would like to address a particular idea we have received questions about from different entities. Several licensees have asked whether they may file a change request for material deviation (19 CSR 30-95.040(4)(C)3) in order for the Department to approve arrangements for partial buildouts of the licensee's proposed facility.

In limited circumstances, we might approve such arrangements in order for a facility to begin operations before their operational deadline, as long as they could show a plan for fulfilling the rest of their proposal by their operational deadline. Such cases might be described as "opening early" while finishing construction on other parts of a facility. However, the Department will be looking for certainty that the portions of a facility in operation can be compliant with all Commencement Inspection requirements, particularly security requirements, while the remainder of the facility is under construction. Such circumstances are naturally rare, and considering the timeline remaining for most facilities, it is unlikely a change request could be assembled, submitted, reviewed, approved, and then implemented through the Commencement Inspection process in the time remaining. It may be more beneficial for facilities to focus on meeting their deadline without trying to fit two Commencement Inspections into their remaining timelines.

On the other hand, the type of arrangements for partial buildouts that the Department **would not find appropriate** for a change request are any that change the facility's proposal for what would be accomplished by its operational deadline. For instance, the use of a phased implementation (that was not originally proposed) for the purpose of implementing some portion of the facility's proposal before the operational deadline while leaving the rest for later, should not be the subject of a change request. For cultivation facilities, this would include the use of "grow pods." Rather, if a facility wishes to use a phased approach not initially proposed, that might be one part of a proposed new timeline, effectively a remediation proposal, in a variance request for extension of an operational deadline. Each proposal would be considered individually in the context of the facility's unique circumstances. The Department would then consider whether to approve those new plans under the standards described in Guidance Letter 7.