

Missouri Division of Cannabis Regulation Guidance Document – 2/10/2023

Topics: Pending and new request for material deviations/shared space

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Effective February 3, 2023, facility material deviation and combination requests will no longer require an application and associated fee. Instead, facilities will initiate a commencement inspection process before beginning work on certain changes per 19 CSR 100-1.030(3). The new process will begin with the facility submitting a request and required materials, the Division will review that request and seek additional information as necessary, and the process will end with an inspection, which may be a physical inspection or a virtual inspection, depending on the facility's circumstances.

Pursuant to 19 CSR 100-1.030(3)(A)2-5, requests to make the following changes must be submitted prior to beginning work on those changes:

- To occupy new space at an operational facility that has not previously received approval to operate, including vehicles.
- To begin sharing space with another licensee.
- To change the use of spaces from the last approved uses.
- For microbusiness wholesale licensees, to begin cultivation or manufacturing processes not already approved during a prior commencement inspection.

After submitting the request, a licensee may begin work on the proposed changes. Per 19 CSR 100-1.030(3)(C), licensees who are constructing or renovating an operational facility are responsible for ensuring the approved spaces are secured while the unapproved spaces are being constructed. It is imperative that licensees understand the requirement to remain in compliance with 19 CSR 100-1 when working through facility changes. In addition, per 19 CSR 100-1.030(3)(D), licensees may not commence any operations that are subject to a commencement inspection without written approval from the Department, which will include an inspection (either onsite or through a review of documentation) from the Section for Compliance and Enforcement. To be clear, while licensees may work on proposed changes after submitting a request, they may not occupy new space, begin sharing space, begin using space for a new purpose, or, for microbusinesses, begin cultivating or manufacturing if not previously approved, until the licensee has received written approval.

Please be mindful of the Commencement Inspection requirements outlined in 19 CSR 100-1.030(3) where licensees are implementing activities newly permitted within 19 CSR 100-1, such as production of prerolls at a cultivation or dispensary facility. The information and examples provided in Guidance Document 11 is still applicable to requests of this nature.

Licensees that currently have a pending Change Request for material deviation or combination of multiple licenses at a single location must still obtain approval from the Department prior to utilizing the new space or sharing space, but may begin taking action on the proposed change as the licensee has submitted a request. These existing requests will continue to be processed, now under 19 CSR 100-1.030(3), and staff will reach out as additional information is needed.

For new requests, please submit a Commencement Inspection request (formerly a change request) with all information required per rule such as proposed blueprints, standard operating procedures, a written explanation of the changes including a plan for how the licensee will secure existing product and space while under construction, etc. to your assigned Compliance Officer and CannabisCompliance@health.mo.gov to begin the process. Staff will follow up with any additional information that is needed.