

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 100—Division of Cannabis Regulation
Chapter 1—Marijuana

PROPOSED RULE

19 CSR 100-1.070 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 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) Facility owners must notify the department of any charges for felony offenses, including the assigned case number, within thirty (30) days of being charged.

(D) 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.

(E) An entity or individual may not be an owner in more than ten percent (10%) of the total number of comprehensive and medical cultivation, dispensary, or infused products manufacturing facility licenses outstanding, rounded down to the nearest whole number.

(F) 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.

(G) An owner of a marijuana microbusiness facility may not also be an owner of another licensed marijuana facility or medical facility.

(H) If the ownership of a medical or marijuana facility license is disputed to an extent that negatively impacts the operations of the facility, the department may restrict or suspend the operations of the facility license until the dispute is resolved. If a facility license is restricted or suspended for this reason for longer than one (1) year, the department may revoke the facility license or pursue other remedies consistent with this chapter or Article XIV.

(2) Facility Employment.

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(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 before beginning employment, work, or volunteer services at a licensed facility. For purposes of this section, a contractor is a person who is contracted to perform work at a licensed facility for more than fourteen (14) days in a year.

(B) All facility agents must be twenty-one (21) years of age or older. Individuals under twenty-one (21) who possess a facility agent identification card prior to the effective date of this rule may remain facility agents.

(C) 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.

(D) A licensee may require a criminal background check as a condition of employment.

(E) If authorized or directed by statute, the department may require fingerprint submission to screen agent identification card applications for disqualifying criminal offenses.

(F) 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.

(G) 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 fourteen (14) days of the change.

(H) 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 government-issued photo identification that confirms the age of the applicant is over twenty-one (21) years of age;
3. A copy of a written offer or confirmation of employment from a licensed or certified facility; and
4. All applicable fees.

(I) 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.

(J) 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 law;

5. Tampering with or falsifying video recordings or equipment, point of sale systems or records, the state-wide track and trace system or records, or any other facility records, whether at the direction of a licensee or otherwise;

6. Failing to comply with the statewide track and trace system requirements;

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;

10. Refusal to cooperate with a department investigation; or

11. If an agent card was revoked and the applicant applies for a new identification card, the application shall be denied unless the department finds good cause to issue an agent card.

AUTHORITY: Sections 1.3.(1)(b), 1.3.(2), 2.4(1)(b), and 2.4(4) of Article XIV, Mo. Const. Emergency rule filed January 20, 2023, effective February 3, 2023, expires August 1, 2023. Original rule filed January 20, 2023.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities nine hundred ninety-seven thousand, five hundred seventy-five dollars (\$997,575 for the first three years

and two hundred ninety-three thousand, one hundred dollars (293,100) annually thereafter.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, MMPublicComment@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*