Title 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30 – Division of Regulation and Licensure
Chapter 95 – Medical Marijuana

19 CSR 30-95.040 Medical Marijuana Facilities Generally

Purpose: Under Article XIV of the Missouri Constitution, the Department of Health and Senior Services is authorized to regulate and control the operations of Cultivation, Infused Product Manufacturing, Dispensary, Testing, and Transportation facilities, and to grant, refuse, suspend, fine, restrict, or revoke the licenses and certifications for such facilities. This rule explains how this authority will be exercised.

(1) Application Processes. The department will begin accepting applications for licensing and certification of cultivation, infused products manufacturing, dispensary, testing, and transportation facilities on August 3, 2019.

(A) The department will receive applications for facility licenses or certifications electronically through a department-provided, web-based application system. In the event of application system failure, the department will arrange to accept applications in an alternative, department-provided format and will notify the public of those arrangements through its website.

(B) The department will publish on its website time periods during which it will accept applications for review. All complete applications received by the department that are submitted during the application time periods will be approved or denied within one hundred fifty (150) days of that application's submission.

1. Any application fees submitted before or during the first application time period and during any subsequent application period are nonrefundable.

2. After the first application time period, any application fees submitted outside of an application time period will not be accepted.

3. If licenses or certifications are available after a time period for accepting applications has passed, the department will determine when to publish on its website a new time period during which it will accept applications and will publish that new time period on its website at least six (6) months prior to the beginning of that time period.

4. Applications will be considered complete if they include all information required for applications by this rule and by 19 CSR 30-95.020(4). The department will notify an applicant if an application is incomplete and will specify in that notification what information is missing. Applicants will be given seven (7) days to provide missing information.

(C) The issuance of a facility license or certification does not authorize the facility to begin operations. A facility will be granted final approval to operate upon passing a commencement inspection.

(D) Licenses and certification for facilities may be suspended, denied, or revoked.

1. If a facility provides false or misleading information in an application, its application may be denied or, if the information is later discovered to have been false or misleading, its license or certification may be revoked. Plans, assurances, and projections offered in answers to 19 CSR 30-95.020(4) evaluation criteria questions may be considered false or misleading if, upon

application for license renewal, the department determines the facility has not made a reasonable effort to implement or follow-through on those plans, assurances, or projections.

2. If a facility violates any provision in this chapter or fails to comply with a corrective action plan, its license or certification may be suspended or revoked.

3. If an applicant fails to provide a complete application within seven (7) days of being notified that an application is incomplete, the license or certification for which the applicant is applying will be denied.

4. If a facility is granted a license or certification but has not passed a commencement inspection within one (1) year of the department issuing the license or certification, the license or certification may be revoked.

5. If a facility fails to comply with a department order to immediately suspend all or a part of its operations, the license or certification shall be revoked.

(E) Cultivation, infused product manufacturing, and dispensary licenses and testing and transportation certifications are valid for three (3) years from the date the license or certification is issued and shall, except for good cause, be renewable by submitting, prior to expiration by at least one hundred fifty (150) days but no sooner than two hundred fifty (250) days, an updated application, which shall include any information required by Section (2) of this rule or Section (4) of 19 CSR 30-95.020 that has changed since the date of the previous application;

(F) The department shall charge an application or renewal fee for a facility license or certification and also an annual fee once a license or certification is granted. The first annual fee will be due thirty (30) days after a license or certification is issued and shall be due annually on that same date as long as the facility's license or certification remains valid. The department shall publish the current fees, including any adjustments, on its website. The amount of fees due for each facility will be the amount that is effective as of that facility's due date.

(2) Application Requirements. Facilities must obtain a license or certification to cultivate, manufacture, dispense, test, and transport medical marijuana in Missouri. All applications for facility licenses or certifications and for renewals of licenses or certifications shall include at least the following information in a department-provided format:

(A) Name and address of the applicant;

(B) Legal name of the facility and a certificate of good standing from the Missouri Secretary of State;

(C) Names, addresses, and social security numbers of each known owner, principal officer, and manager;

(D) The percentage of ownership shares that each facility owner will possess and a copy of the facility's operating agreement;

(E) Each owner's residence address, and, in the case of a majority owner, a statement that the owner has primarily resided in Missouri for at least one (1) year, with the intention of permanently or indefinitely residing in Missouri, as well as proof of current Missouri residency, which shall be shown by—

1. A valid Missouri driver's license number or Missouri Identification Card number;

2. A copy of a current Missouri motor vehicle registration and a recent Missouri utility bill; or

3. If none of these proofs are available, some other evidence of primary residence in Missouri, which shall be approved or denied at the discretion of the director of the medical marijuana program as sufficient proof of residency;

(F) For any owner, principal officer, or manager who is or was previously associated with an entity licensed in a jurisdiction outside the state of Missouri to cultivate, manufacture, test, or distribute marijuana:

1. A copy of a license or other documentation verifying licensure in that state;

2. If the license was ever denied, suspended, revoked, or otherwise sanctioned, a copy of documentation verifying that action and a written explanation for such action;

(G) For any owner, principal officer, or manager who was previously or currently is associated with an entity licensed or certified or applying for licensure or certification in Missouri to cultivate, manufacture, test, or dispense marijuana—

1. A list of those facilities, designating which of the owners, principal officers, or managers are associated with them;

2. A list of the facilities over which any owner has or will have substantially common control, ownership, or management; and

3. If the license was ever denied, suspended, revoked, or otherwise sanctioned, a copy of documentation verifying such action and a written explanation for such action;

(H) Proposed address of the facility and—

1. A map of the surrounding area that shows compliance with the facility location requirements of Section (4)(B) of this rule; or

2. Documentation showing a local government requirement different than the requirement in Section (4)(B) of this rule and a map of the surrounding area that shows compliance with the facility location requirements of the local government; and

3. An attestation that the proposed address of the facility complies with the facility location requirements of Section (4)(B);

(I) Descriptions, schematics, or blueprints for the facility;

(J) If the city, town, or county in which the facility will be located has enacted zoning restrictions applicable to the facility, the text of the restrictions and a description of how the facility plans to comply with those restrictions;

(K) Evidence that the facility complies with all requirements for transportation certification in 19 CSR 30-95.100;

(L) For all owners, principal officers, and managers identified in the application, results of a state and federal fingerprint-based criminal background check conducted by the Missouri State Highway Patrol within the previous six months, and—

1. A statement that the individual has no criminal record in any state not covered by this background check, or

2. If the individual has a criminal record in any state not covered by this background check, results of a fingerprint-based background check from the other state or states conducted within the previous six (6) months;

(M) All facility evaluation information required by 19 CSR 30-95.020(4); and

(N) All applicable fees or proof that all applicable fees have already been paid.

(3) Facility Ownership and Employment.

(A) Cultivation, infused products manufacturing, dispensary, testing, and transportation facilities shall not be owned by, in whole or in part, or have as an officer, director, board member, manager, or employee, any individual with a disqualifying felony offense.

(B) Cultivation, infused products manufacturing, dispensary, testing, and transportation facilities shall be held by entities that are majority owned by natural persons who have been

citizens of the state of Missouri for at least one (1) year prior to applying for a facility license or certification.

(C) No more than three (3) cultivation or three (3) manufacturing licenses and no more than five (5) dispensary licenses shall be issued to any entity under substantially common control, ownership, or management. Any entity under substantially common control, ownership, or management that has applied for more than three (3) cultivation, three (3) manufacturing, or five (5) dispensary licenses shall contact the department at the time of application submission to identify for the department the applications associated with that entity. The department will use this information, once application scoring is complete pursuant to 19 CSR 30-95.020(4), solely for determining how many licenses the department may issue any particular entity.

(D) No testing facility shall be owned by an entity under substantially common control, ownership, or management as a cultivation, manufacturing, or dispensary facility.

(E) Facility Agent Identification Cards. Each owner, officer, manager, contractor, employee, and other support staff of licensed or certified entities shall obtain an agent identification card, which shall be assigned and display a unique, identifying number. For all such individuals associated with an entity at the time it is licensed or certified, application for an agent identification card must be made within thirty (30) days of a license or certification being granted. For all other such individuals, application for an agent identification card must be made before beginning employment with a licensed or certified entity. Applications for agent identification cards will be accepted beginning February 15, 2020, and will be received electronically through a department-provided, web-based application system.

1. All applications for agent identification cards and renewals of agent identification cards shall include at least the following information in a department-approved format:

A. Name, address, and Social Security number of the applicant;

B. Results of a state and federal fingerprint-based criminal background check conducted by the Missouri State Highway Patrol within the previous six months, and:

(I) A statement that the individual has no criminal record in any state not covered by this background check, or

(II) If the individual has a criminal record in any state not covered by this background check, results of a fingerprint-based background check from the other state or states conducted within the previous six (6) months; and

C. All applicable fees.

2. Agent identification cards shall be valid for three (3) years.

3. If arrested for a disqualifying felony offense, agent identification card holders must notify the department within thirty (30) days of the arrest.

4. For purposes of this section, a contractor is a person or company that undertakes a contract with a licensed or certified facility to perform work that would include access to medical marijuana or related equipment or supplies for a time period greater than fourteen (14) days.

5. Agent identification card holders must have their cards accessible to them at all times while performing work in or on behalf of a facility.

6. The department shall charge a fee for identification cards, which shall be one hundred and fifty (150) dollars, due at the time of application or renewal.

(4) Facility Operation, Policies, and Procedures.

(A) Each cultivation, infused product manufacturing, or dispensary facility in operation must obtain a separate license, but multiple licenses may be utilized in a single facility. All licenses shall be displayed at all times within twenty (20) feet of the main entrance to a facility.

(B) Unless allowed by the local government, no new cultivation, infused products manufacturing, dispensary, or testing facility shall be sited, at the time of application for license or for local zoning approval, whichever is earlier, within one thousand (1,000) feet of any then-existing elementary or secondary school, daycare, or church.

1. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the property line of the facility to the closest point of the property line of the school, daycare, or church.

2. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church.

3. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.

(C) A licensed or certified facility must seek and obtain the department's approval through a department-provided format before it may—

1. Assign, sell, give, lease, sublicense, or otherwise transfer its license to any other entity, including a parent company or subsidiary;

2. Make any changes to the ownership interests, organizational structure, or financing arrangements of the facility;

3. Materially deviate from the proposed physical design or make material changes to the current physical design of the facility; or

4. Combine licensed facilities at a single location.

(D) All marijuana for medical use, including plants, flowers, and infused products, sold in Missouri shall be cultivated in a licensed cultivation facility located in Missouri.

(E) Any excess or unusable medical marijuana or medical marijuana byproduct of a cultivation, manufacturing, dispensary, or testing facility shall be disposed of in the following manner, as applicable:

1. Solid and liquid wastes generated during medical marijuana production and processing must be stored, managed, and disposed of in accordance with applicable state, tribal, local, and municipal laws and regulations. Facilities must keep records of the final disposal destinations of all such wastes for at least five (5) years.

2. Wastewater generated during medical marijuana production and processing must be disposed of in compliance with applicable state, tribal, local, and municipal laws and regulations.

3. Wastes from the production and processing of medical marijuana plants must be evaluated against state hazardous waste regulations to determine if those wastes qualify as hazardous waste. It is the responsibility of each waste generator to properly evaluate their waste to determine if it is a hazardous waste per 40 CFR 262.11. If a generator's waste does qualify as a hazardous waste, then that waste is subject to the applicable hazardous waste management standards.

A. All solid waste, as defined by 40 CFR 261.2, must be evaluated under the hazardous waste regulations, including:

(I) Waste from medical marijuana flowers, trim, and solid plant material used to create an extract;

(II) Waste solvents, pesticides, and other similar materials used in the cultivation, manufacturing, or testing process;

(III) Discarded plant waste, spent solvents, and laboratory wastes from any medical marijuana processing or quality assurance testing; and

(IV) Medical marijuana extract that fails to meet quality testing.

B. Medical marijuana flowers, trim, and solid plant material are not in themselves considered hazardous waste unless they have been treated or contaminated with a solvent, pesticide, or other hazardous waste constituent.

4. Medical marijuana waste that does not qualify as hazardous waste must be rendered unusable prior to leaving a facility, including plant waste, such as roots, stalks, leaves, and stems that have not been processed with solvent.

5. Medical marijuana plant waste that does not qualify as hazardous may be rendered unusable by grinding and incorporating the medical marijuana plant waste with other nonhazardous ground materials so the resulting mixture is at least fifty percent nonmarijuana waste by volume. Material used to grind with the medical marijuana may be either compostable waste or noncompostable waste. Other methods to render medical marijuana waste unusable must be approved by the department before implementation.

A. Compostable mixed waste: Medical marijuana waste to be disposed as compost feedstock or in another organic waste method (for example, anaerobic digester) may be mixed with the following types of waste materials:

(I) Food waste;

(II) Yard waste; or

(III) Vegetable based grease or oils.

B. Noncompostable mixed waste: Medical marijuana waste to be disposed in a landfill or another disposal method (for example, incinerator) may be mixed with the following types of waste materials:

(I) Paper waste;

(II) Cardboard waste;

(III) Plastic waste; or

(IV) Soil.

6. Disposal of medical marijuana waste rendered unusable may be delivered to a permitted solid waste facility for final disposition. Examples of acceptable permitted solid waste facilities include:

A. For compostable mixed waste: Compost, anaerobic digester, or other facility with approval of the local health department.

B. For noncompostable mixed waste: Landfill, incinerator, or other facility with approval of the local health department.

7. All facility waste of any type must be stored securely before final disposition, which can be done within the facility in areas designated for disposal activities or, if necessary, outside the facility in a locked, tamper-resistant receptacle.

(F) All cultivation, manufacturing, dispensary, testing, and transportation facilities must establish and follow procedures to ensure medical marijuana remains free from contaminants. The procedures must address, at a minimum:

1. The flow through a facility of any equipment or supplies that will come in contact with medical marijuana including receipt and storage;

2. Employee health and sanitation;

3. Environmental factors, such as:

A. Floors, walls, and ceilings made of smooth, hard surfaces that are easily cleaned;

B. Temperature and humidity controls;

C. A system for monitoring environmental conditions;

D. A system for cleaning and sanitizing rooms and equipment;

E. A system for maintaining any equipment used to control sanitary conditions; and

F. For cultivation and manufacturing facilities, an air supply filtered through high-efficiency particulate air filters under positive pressure.

(G) All cultivation, infused products manufacturing, dispensary, testing, and transportation facilities shall use a department-certified seed-to-sale tracking system to track medical marijuana from seed or immature plant stage until the medical marijuana is purchased by a qualifying patient or primary caregiver or destroyed.

1. Each facility shall designate in writing a facility agent who is generally responsible for the inventory control system for that facility.

2. Each facility shall document each day's beginning inventory, harvests, acquisitions, sales, disbursements, disposals, and ending inventory, which must indicate, at least:

A. For every quantity of medical marijuana in the form of plants, flowers, trim, or seeds--

(I) Number of plants, including cuttings;

(II) Weight of flowers, measured in grams;

(III) Weight of trim, measured in grams; and

(IV) Weight of seeds, measured in grams.

B. For each batch of medical marijuana cultivated or processed:

(I) The batch number, harvest lot number, and process lot number, as applicable;

(II) Whether the batch originated from medical marijuana seeds or cuttings;

(III) The strain of the medical marijuana seeds or cuttings planted;

(IV) The number of medical marijuana seeds or cuttings planted;

(V) The date on which the medical marijuana seeds or cuttings were planted;

(VI) A list of all chemical additives used in cultivation, including, without limitation, pesticides, fertilizers, and other agricultural chemicals;

(VII) The number of medical marijuana plants grown to maturity;

(VIII) Harvest information, including—

(a) The date of harvest;

(b) The final yield weight of medical marijuana, in grams; and

(c) The name and identifying number of the facility agent who was responsible for that harvest;

(VIX) The disposal of medical marijuana that is not usable medical marijuana, including:

(a) A description of and reason for the medical marijuana being disposed, including the weight in grams or ounces of the disposed medical marijuana and, if applicable, the number of failed or otherwise unusable medical marijuana plants;

(b) The date of disposal;

(c) The harvest lot number and/or process lot number of the disposed marijuana;

(d) Confirmation that the marijuana was rendered unusable before disposal, including the time and location of rendering that marijuana unusable;

(e) The method of rendering the marijuana unusable and method of disposal; and

(f) The name and identifying numbers of at least two (2) facility agents present at the time of disposal.

C. When acquiring medical marijuana from or selling it to another facility:

(I) The amount, strain, batch number, harvest lot number, and process lot number of the marijuana, as applicable;

(II) The weight of the medical marijuana, which shall be recorded—

(a) For dried, unprocessed medical marijuana, in ounces or grams;

(b) For concentrates, in grams;

(c) For infused products, by milligrams of tetrahydrocannabinol (THC);

(III) The name of the facility selling the medical marijuana;

(IV) The name of the facility acquiring the medical marijuana;

(V) The names and identifying numbers of the facility agents who were responsible for the sale and acquisition of the medical marijuana; and

(VI) The date of the sale/acquisition.

D. When selling medical marijuana to a patient or primary caregiver:

(I) The amount, strain, batch number, harvest lot number, and process lot number of the medical marijuana, as applicable;

(II) The weight of the medical marijuana, which shall be recorded—

(a) For dried, unprocessed medical marijuana, in ounces or grams;

(b) For concentrates, in grams;

(c) For infused products, by milligrams of THC;

(III) The name of the facility selling the medical marijuana;

(IV) The name of the facility acquiring the medical marijuana;

(V) The name and identifying numbers of the facility agents who were responsible for the sale of the medical marijuana;

(VI) The date of the sale.

3. Each infused product manufacturing facility shall:

A. Establish and maintain a perpetual inventory system that documents the flow of materials through the manufacturing process;

B. Establish procedures to reconcile the raw material used to the finished product on the basis of each process lot. Significant variances must be documented, investigated by management personnel, and reported to the department and to the facility that ordered the infused product within twenty-four (24) hours of discovering the variances; and

C. Provide for quarterly physical inventory counts to be performed by facility employees who do not participate in the manufacturing process, which shall be reconciled to the perpetual inventory records. Significant variances must be documented, investigated by management personnel, and reported to the department within twenty-four (24) hours of discovering the variances.

4. Each dispensary facility shall be responsible for ensuring that every amount of medical marijuana sold or disbursed to a qualifying patient or primary caregiver is recorded in the seed-to-sale tracking system as a purchase by or on behalf of the applicable qualifying patient. Amounts of medical marijuana shall be recorded—

A. For dried, unprocessed marijuana, in ounces or grams;

B. For concentrates, in grams;

C. For infused products, by milligrams of THC.

5. If a facility identifies a reduction in the amount of medical marijuana in the inventory of the facility, the facility must document where in the facility's processes the loss has occurred, if possible, and take and document corrective action. If the reduction in the amount of medical marijuana in the inventory of the facility is due to suspected criminal activity by a facility agent, the facility shall report the facility agent to the department and to the appropriate law enforcement agencies within twenty-four (24) hours of discovering the suspected criminal activity.

6. A medical marijuana facility shall maintain all records required by this subsection for at least five (5) years.

(H) All cultivation, infused products manufacturing, and dispensary facilities shall ensure the security of medical marijuana and facility employees by taking at least the following measures.

1. Facilities shall install and maintain security equipment designed to prevent unauthorized entrance into limited access areas and to prevent diversion and inversion of medical marijuana including:

A. Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular or private radio signals, or other mechanical or electronic device;

B. Exterior lighting to facilitate surveillance, which shall cover the exterior and perimeter of the facility. In the case of outdoor cultivation, when the lighting would not interfere with the growing cycle of a crop, the lighting shall cover the entirety of the cultivation area and the perimeter and exterior area of the facility; when the lighting would interfere with the growing cycle of a crop, the lighting shall cover the perimeter and exterior area of the facility;

C. Electronic video monitoring, including—

(I) At least one call-up monitor that is nineteen (19) inches or more;

(II) A printer capable of immediately producing a clear still photo from any video camera image;

(III) 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 capable of being accessed remotely by the department or a law enforcement agency in real time upon request, and that provide coverage of—

(a) All entrances and exits of the facility, including windows, and all entrances and exits from limited access areas;

(b) The perimeter and exterior areas of the facility, including the entirety of any outdoor cultivation;

(c) Each point-of-sale location;

(d) All vaults or safes; and

(e) All medical marijuana, from at least two (2) angles, where it is cultivated, cured, trimmed, processed, rendered unusable, and disposed;

(IV) A method for storing recordings from the video cameras for at least six (6) months 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 and at the expense of the facility;

(V) A failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system; and

(VI) Sufficient battery backup for video cameras and recording equipment to support at least sixty (60) minutes of recording in the event of a power outage;

D. Controlled entry to limited access areas, which shall be controlled by electronic card access systems, biometric identification systems, or other equivalent means. Access information shall be recorded, and all records of entry to limited access areas shall be maintained for at least one (1) year;

E. A method of immediate, automatic notification to alert local law enforcement agencies of an unauthorized breach of security at the facility; and

F. Manual, silent alarms at each point-of-sale, reception area, vault, and electronic monitoring station with capability of alerting local law enforcement agencies immediately of an unauthorized breach of security at the facility.

2. Facilities shall establish policies and procedures:

A. For restricting access to the areas of the facility that contain medical marijuana to only persons authorized to be in those areas, which shall include, when necessary for business purposes, contractors hired for no more than fourteen (14) days and other visitors, all of which may enter the restricted area if they sign in and sign out of a visitor log and are escorted at all times by facility agents in a ratio of no less than one (1) facility agent per five (5) visitors;

B. For identifying persons authorized to be in the areas of the facility that contain medical marijuana;

C. For identifying facility agents responsible for inventory control activities;

D. For limiting the amount of money available in any retail areas of the marijuana establishment and for notifying the public that there is a minimal amount of money available, including by posting of a sign;

E. For electronic monitoring; and

F. For the use of the automatic or electronic notification and manual, silent alarms to alert local law enforcement agencies of an unauthorized breach of security at the facility.

3. Facilities with outdoor cultivation shall construct an exterior barrier around the perimeter of the marijuana cultivation area that consists of a solid block wall or chain link fence topped with razor wire or similar security wire with a height of at least eight (8) feet and an additional fence with a height of at least eight (8) feet located at least ten (10) feet and not more than twenty (20) feet inside of the solid block wall or chain link fence;

4. Facilities with windows in a limited access area must ensure either that the window cannot be opened and is designed to prevent intrusion or that the window is otherwise inaccessible from the outside.

5. Facilities shall ensure that each video camera used pursuant to this section:

A. Includes a date and time generator which possesses the capability to accurately display the date and time of recorded events on the recording in a manner that does not significantly obstruct the recorded view; and

B. Is installed in a manner that will prevent the video camera from being readily obstructed, tampered with, or disabled;

6. A facility shall make a reasonable effort to repair any malfunction of security equipment within seventy-two (72) hours after the malfunction is discovered. A facility shall notify the department within twenty-four (24) hours after a malfunction is discovered and provide a plan of correction.

A. If a video camera used pursuant this section malfunctions, the facility shall immediately provide alternative video camera coverage or use other security measures until video camera

coverage can be restored, such as assigning additional supervisory or security personnel, to provide for the security of the facility. If the facility uses other security measures, the facility must immediately notify the department, and the department will determine whether the other security measures are adequate and for what amount of time those other security measures will be acceptable.

B. Each facility shall maintain a log that documents each malfunction and repair of the security equipment of the facility. The log must state the date, time, and nature of each malfunction; the efforts taken to repair the malfunction and the date of each effort; the reason for any delay in repairing the malfunction; the date the malfunction is repaired and; if applicable, any alternative security measures that were taken. The log must also list, by date and time, all communications with the department concerning each malfunction and corrective action. The facility shall maintain the log for at least one (1) year after the date of last entry in the log;

7. Each facility shall employ a security manager or director who shall be responsible for:

A. Conducting a semiannual audit of security measures to ensure compliance with this subsection and to identify potential security issues;

B. Training employees on security measures, emergency response, and theft prevention and response within one (1) week of hiring and on an annual basis;

C. Evaluating the credentials of any contractors who intend to provide services to the facility before the contractor is hired by or enters into a contract with the facility; and

D. Evaluating the credentials of any third party who intends to provide security to the facility before the third party is hired by or enters into a contract with the facility;

8. Each facility shall ensure that the security manager of the facility, any facility agents who provide security for the facility, and the employees of any third party who provides security to the facility have completed the following training:

A. Training in theft prevention or a related subject;

B. Training in emergency response or a related subject;

C. Training in the appropriate use of force or a related subject that covers when the use of force is and is not necessary;

D. Training in the protection of a crime scene or a related subject;

E. Training in the control of access to protected areas of a facility or a related subject;

F. Not less than eight (8) hours of training at the facility in providing security services; and

G. Not less than eight (8) hours of classroom training in providing security services.

(I) The department may issue public notice of a medical marijuana recall if, in its judgment, any particular medical marijuana presents a threat to the health and safety of qualifying patients. Recalled items must be immediately pulled from production or inventory and held until such time as the department determines the item is safe or that it must be destroyed.

(J) All cultivation, infused products manufacturing, and dispensary facilities shall ensure that all medical marijuana is packaged and labeled in a manner consistent with the following

1. Facilities shall not manufacture, package, or label marijuana--

A. In a false or misleading manner;

B. In any manner designed to cause confusion between a marijuana product and any product not containing marijuana; or

C. In any manner designed to appeal to a minor.

2. Marijuana and marijuana-infused products shall be sold in containers clearly and conspicuously labeled, in a font size at least as large as the largest other font size used on the package, with:

A. “Marijuana” or a “Marijuana-infused Product;” and

B. “Warning: Cognitive and physical impairment may result from the use of Marijuana.”

3. Any marijuana or marijuana-infused products packaged for retail sale before delivery to a dispensary must be packaged in opaque, re-sealable packaging designed or constructed to be significantly difficult for children under five (5) years of age to open but not normally difficult for adults to use properly. Any marijuana or marijuana-infused products not packaged for retail sale before delivery to a dispensary must be packaged by the dispensary upon sale to a qualifying patient or primary caregiver in opaque, re-sealable packaging designed or constructed to be significantly difficult for children under five (5) years of age to open but not normally difficult for adults to use properly. All edible marijuana-infused products must be packaged for retail by the infused-products manufacturer before sale to a dispensary.

4. Marijuana and marijuana-infused products shall bear a label displaying the following information, in the following order:

A. The total weight of the marijuana included in the package;

(I) For dried, unprocessed marijuana, weight shall be listed in ounces or grams;

(II) For concentrates, weight shall be listed in grams;

(III) For infused products, weight shall be listed by milligrams of THC;

B. Dosage amounts, instructions for use, and estimated length of time the dosage will have an effect;

C. The THC, tetrahydrocannabinol acid, cannabidiol, cannabidiol acid, and cannabinol concentration per dosage;

D. All active and inactive ingredients, which shall not include groupings of ingredients that obscure the actual ingredients, such as “proprietary blend” or “spices;”

E. The name of the strain or strains of marijuana in the package, the name and address of the cultivating facility from which the marijuana in the package originated, and the name and address of the infused-product manufacturer, if applicable; and

F. A “best if used by” date.

5. No branding, artwork, or other information or design elements included on marijuana or marijuana-infused products shall be placed in such a way as to obscure any of the information required by this section.

6. Marijuana and marijuana-infused product packaging shall not include claims of health benefits but may include health warnings.

(5) Facility Inspections.

(A) Submission of an application for a facility license or certification constitutes consent to inspection by the department. A department inspector conducting an inspection pursuant to this section need not give prior notice of the inspection and, during the inspection, must be given access to all areas and property of the facility, including vehicles, wherever located, without delay.

1. The department will enter and inspect at least annually, with or without notice, to ensure compliance with this chapter.

2. The department may also, at any time it determines an inspection is needed, conduct an inspection, including an inspection of any part of the premises, qualifications of personnel, methods of operation, records, and policies and procedures of a licensed or certified facility.

(B) Once a licensed or certified facility believes it will, within a month, be ready to begin operations and meet all state and local requirements for its facility, it shall request that the

department conduct a commencement inspection to confirm the facility is in compliance with all requirements of this chapter.

(C) Violations, Compliance Verification Inspections, and Suspension.

1. If the department determines, during an inspection or otherwise, that a facility is not in compliance with the department's regulations, the department will issue an Initial Notice of Violation to the facility that explains how the facility has violated the department's regulations and what remedial actions the department expects the facility to take to correct the violations.

2. Once a facility has been notified of violations, the facility shall correct the violations within fifteen (15) days, and the department will conduct a follow-up inspection within fifteen (15) to thirty (30) days to confirm the facility has corrected the violations. The facility shall notify the department if it believes it needs additional time to correct the violations, which the department may grant for good cause.

3. If the department's follow-up inspection reveals the violations have not been corrected, the department will issue a Final Notice of Violation to the facility explaining how the facility continues to violate the department's regulations, what remedial actions the department expects the facility to take, and notifying the facility that its license or certifications will be suspended if the specified remedial action is not taken and the violations corrected within thirty (30) days.

4. If the violations have not been corrected thirty (30) days after a Final Notice of Violation, the facility's license or certification will be suspended, the facility will be required to cease operations, and the facility must sign a corrective action plan designed to bring the facility into compliance.

(D) Upon complaint against a facility, the department will determine whether an inspection is warranted to investigate the allegations in the complaint, and, if so, the department will, at the time of inspection, provide the facility with a copy of the complaint and an opportunity to respond to the complaint. Employees of a facility who report potential violations by a facility to the department may not be subjected to retaliation of any kind, including termination, because of their report.

(E) If, at any time, the department determines a facility presents an immediate and serious threat to the health and safety of the public or of the facility's employees, the department may order the facility to immediately suspend all or a part of its operations until the threat has been eliminated.

Title 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30 – Division of Regulation and Licensure
Chapter 95 – Medical Marijuana

19 CSR 30-95.050 Cultivation Facility

Purpose: Under Article XIV of the Missouri Constitution, the Department of Health and Senior Services has the authority to regulate and control Medical Marijuana Facilities. This rule explains what regulations apply only to Cultivation Facilities.

(1) Cultivation Facility Licenses.

(A) The number of cultivation facility licenses will be limited to sixty (60) unless the department determines the limit must be increased in order to meet the demand for medical marijuana by qualifying patients.

(B) A facility license will be issued for a single facility in a single location. Combinations of licenses at the same location must be approved pursuant to 19 CSR 30-95.040(3)(C).

(2) Cultivation Facility Requirements. In addition to the requirements for cultivation facilities in 19 CSR 30-95.040, cultivation facilities shall also comply with the following.

(A) Cultivation facilities may cultivate medical marijuana in indoor, outdoor, or greenhouse facilities or some combination of the three (3).

1. Each indoor facility utilizing artificial lighting will be limited to no more than thirty thousand (30,000) square feet of flowering plant canopy space.
2. Each outdoor facility utilizing natural lighting will be limited to no more than two thousand eight hundred (2800) flowering plants.
3. Each greenhouse facility using a combination of natural and artificial lighting will be limited to, at the election of the licensee, either no more than two thousand eight hundred (2800) flowering plants or no more than thirty thousand (30,000) square feet of flowering plant canopy.
4. If a cultivation facility is operating with multiple cultivation licenses in the same location, the size limitations of the cultivation facility will be multiplied by the number of licenses.

(B) Facilities may not use a pesticide in the cultivation of marijuana if the pesticide appears on the list of prohibited pesticides published on the department's website for medical marijuana. The facility must keep records, by month and by batch, of all pesticides, herbicides, fertilizers, and other agricultural chemicals applied to marijuana plants and growing medium during production and processing at its facility for at least five (5) years.

(C) Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources.

(D) Cultivation facilities must ensure all facility employees are trained in at least the following.

1. The use of security measures and controls that have been adopted by the facility for the prevention of diversion, inversion, theft, or loss of marijuana;
2. Procedures for responding to an emergency, including severe weather, fire, natural disasters, and unauthorized intrusions;

3. Standards for maintaining the confidentiality of information related to the medical use of marijuana, including but not limited to compliance with the Health Insurance Portability and Accountability Act;

4. The methods of cultivation used by the facility; and

5. The facility's safety and sanitation procedures.

(E) A cultivator shall ensure that a consistent supply of medical marijuana is available to the market by timing its harvests such that no more than one hundred twenty (120) days elapse between harvests.

(F) Cultivation facilities shall not transfer medical marijuana from the facility, except to a testing facility, until the medical marijuana has been tested by a testing facility, according to the provisions of 19 CSR 30-95.070, and the cultivation facility has received verification from the testing facility that the medical marijuana passed all required testing.

Title 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30 – Division of Regulation and Licensure
Chapter 95 – Medical Marijuana

19 CSR 30-95.080 Dispensary Facility

Purpose: Under Article XIV of the Missouri Constitution, the Department of Health and Senior Services has the authority to regulate and control Medical Marijuana Facilities. This rule explains what regulations apply only to Dispensary Facilities.

(1) Access to Dispensary Facility Licenses.

(A) The number of dispensary facility licenses will be limited to one hundred ninety-two (192) unless the department determines the limit must be increased in order to meet the demand for medical marijuana by qualifying patients.

(B) Dispensary facility licenses will not be limited to fewer than twenty-four (24) in each of the eight (8) United States congressional districts in the state of Missouri as drawn and effective on December 6, 2018. A map of the state of Missouri showing the applicable boundary lines of Missouri's congressional districts is incorporated by reference here and available on the department's website. This rule does not incorporate any subsequent amendments or additions to the congressional district boundary lines.

(C) A facility license will be issued for a single facility in a single location. Combinations of licenses at the same location must be approved pursuant to 19 CSR 30-95.040(3)(C).

(2) Dispensary Facility Requirements. In addition to the requirements of 19 CSR 30-95.040, dispensary facilities shall also comply with the following.

(A) Dispensary facilities must ensure all facility employees are trained in at least the following.

1. The use of security measures and controls that have been adopted by the facility for the prevention of diversion, inversion, theft, or loss of marijuana;
2. Procedures for responding to an emergency, including severe weather, fire, natural disasters, and unauthorized intrusions;
3. Standards for maintaining the confidentiality of information related to the medical use of marijuana, including but not limited to compliance with the Health Insurance Portability and Accountability Act;
4. Procedures for verifying the identity and purchase limitations of qualifying patients and primary caregivers;
5. The differences in the purported effects and effectiveness of the strains of medical marijuana available for purchase at that dispensary and the methods of their use; and
6. Recognizing signs of medical marijuana abuse in patients.

(B) Dispensary facilities must provide all purchasers of medical marijuana with patient education materials that include at least the following.

1. Local resources for concerns about addiction, as well as the phone number for the Substance Abuse and Mental Health Services Administration's National Helpline;
2. Information about the different strains of medical marijuana available at that dispensary and the purported effects of the different strains;

3. Information about the purported effectiveness of various methods, forms, and routes of administering medical marijuana;

4. Information about potential risks and possible side effects of medical marijuana use, including risk of poisoning and the phone number for the closest poison control center; and

5. The prohibition on consuming marijuana for medical use in a public place, including the definition of what constitutes a public place pursuant to this rule.

(C) Dispensary facilities must require, for every transaction, production of—

1. A qualifying patient or primary caregiver identification card;

2. A government-issued photo ID; and

3. In the case of medical marijuana plant or seed purchases, a patient cultivation identification card.

(D) Dispensary facilities must report any incident of theft or attempted theft of medical marijuana by qualifying patients or primary caregivers to the department within twenty-four (24) hours of the incident.

(E) Dispensary facilities must design their facility and staffing in such a way as to accomplish the following:

1. The general public, qualifying patients, and primary caregivers may only enter the facility through one access point into an area where facility agents shall screen individuals for qualifying patient or primary caregiver status. No medical marijuana may be accessible in this area;

2. Only qualifying patients, primary caregivers, and, if requested by a qualifying patient, up to two (2) additional persons to support the qualifying patient, may enter any areas beyond the facility's access point area; and

3. In any limited access area where medical marijuana is accessible, the facility shall only allow access at any given time for a number of qualifying patients and/or primary caregivers equal to the number of staff available to serve those individuals at that time.

(F) Dispensary facilities shall not sell medical marijuana until the medical marijuana has been tested by a testing facility, according to the provisions of 19 CSR 30-95.070, and been verified as passing all required testing.

(G) Dispensary facilities that sell ingestible medical marijuana-infused products shall comply with the applicable food safety standards set forth in 19 CSR 20-1.025.

Title 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30 – Division of Regulation and Licensure
Chapter 95 – Medical Marijuana

19 CSR 30-95.060 Infused Products Manufacturing Facility

Purpose: Under Article XIV of the Missouri Constitution, the Department of Health and Senior Services has the authority to regulate and control Medical Marijuana Facilities. This rule explains what regulations apply only to Infused Products Manufacturing Facilities.

(1) Infused Products Manufacturing Facility Licenses.

(A) The number of manufacturing facility licenses will be limited to eighty-six (86) unless the department determines the limit must be increased in order to meet the demand for medical marijuana by qualifying patients.

(B) A facility license will be issued for a single facility in a single location. Combinations of licenses at the same location must be approved pursuant to 19 CSR 30-95.040(3)(C).

(2) Manufacturing Facility Requirements. In addition to the requirements for manufacturing facilities in 19 CSR 30-95.040, manufacturing facilities shall also comply with the following.

(A) Facilities must ensure all facility employees are trained in at least the following.

1. The use of security measures and controls that have been adopted by the facility for the prevention of diversion, inversion, theft, or loss of marijuana;
2. Procedures for responding to an emergency, including severe weather, fire, natural disasters, and unauthorized intrusions;
3. The differences between the types of infused products manufactured at that facility and their methods of production; and
4. The facility's safety and sanitation procedures.

(B) Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources.

(C) Manufacturing facilities shall not transfer medical marijuana from the facility, except to a testing facility, until the medical marijuana has been tested by a testing facility, according to the provisions of 19 CSR 30-95.070, and the manufacturing facility has received verification from the testing facility that the medical marijuana passed all required testing.

(D) Manufacturing facilities that produce ingestible medical marijuana-infused products shall comply with the applicable food safety standards set forth in 19 CSR 20-1.025, 1.040, and 1.050, as applicable. Such facilities are prohibited from producing frozen desserts, as defined by 19 CSR 20-1.030, or acidified foods, as defined by 19 CSR 20-1.042.

Title 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30 – Division of Regulation and Licensure
Chapter 95 – Medical Marijuana

19 CSR 30-95.070 Testing Facility

Purpose: Under Article XIV of the Missouri Constitution, the Department of Health and Senior Services has the authority to regulate and control Medical Marijuana Facilities. This rule explains what regulations apply only to Testing Facilities.

(1) Access to Testing Facility Certifications. The department will certify at least two (2) testing facilities, if possible.

(2) Testing Facility Requirements. In addition to the requirements of 19 CSR 30-95.040, testing facilities shall also comply with the following:

(A) Testing facilities must ensure all facility employees are trained in at least the following:

1. The use of security measures and controls that have been adopted by the facility for the prevention of diversion, inversion, theft, or loss of marijuana; and
2. Procedures for responding to an emergency, including severe weather, fire, natural disasters, and unauthorized intrusions;

(B) Testing facilities shall employ a director who—

1. Will be responsible for ensuring the facility achieves and maintains quality standards of practice and for supervising all facility employees and has earned—

A. A doctorate degree in science from an accredited college or university and has at least two (2) years of post-degree laboratory experience;

B. A master's degree in science from an accredited college or university and has at least four (4) years of post-degree laboratory experience; or

C. A bachelor's degree in science from an accredited college or university and has at least six (6) years of post-degree laboratory experience.

(C) During any periods of time when a facility no longer employs a scientific director, the facility shall not conduct testing of medical marijuana. Upon hiring a new scientific director, the facility shall not resume testing until the department conducts an inspection of the facility.

(D) Testing facilities shall become fully accredited to the standard set forth by the International Organization for Standardization 17025 by an International Laboratory Accreditation Cooperation recognized accreditation body. Testing facilities shall achieve such accreditation within one (1) year of the date the facility receives department approval to operate and shall maintain its accreditation as long the facility holds a certification.

1. The scope of the accreditation shall include marijuana testing.
2. Loss of accreditation shall be reported to the department by the testing facility within twenty-four (24) hours of the testing facility receiving notice of the loss.
3. Inspection and audit reports from the accrediting body shall be submitted to the department by the testing facility within ten (10) days of receipt.

(E) Testing facilities shall undergo proficiency testing at least twice in a calendar year.

1. The department will select a proficiency testing provider to conduct proficiency testing and will determine the schedule the proficiency testing provider will follow when sending proficiency testing samples to facilities for analysis.

2. The facility shall analyze proficiency test samples using the same procedures and equipment as used for testing medical marijuana.

3. Upon receipt of proficiency test results, the facility shall submit copies of those results to the department.

(F) Testing facilities shall install and maintain security equipment designed to prevent unauthorized entrance into limited access areas, which shall include any area where medical marijuana is tested, stored, or disposed, and to prevent diversion and inversion of medical marijuana including:

1. Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular or private radio signals, or other mechanical or electronic devices;

2. Electronic monitoring, including—

A. At least one (1) call-up monitor that is nineteen (19) inches or more;

B. A printer capable of immediately producing a clear still photo from any video camera image;

C. 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, and that provide coverage of—

(I) All entrances and exits from limited access areas, including windows; and

(II) All areas in which medical marijuana is tested, stored, or disposed, from at least two (2) angles;

D. A method for storing recordings from the video cameras for at least six (6) months 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 and at the expense of the facility;

E. A failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system; and

F. Sufficient battery backup for video cameras and recording equipment to support at least sixty (60) minutes of recording in the event of a power outage;

3. Controlled entry to limited access areas, which shall be controlled by electronic card access systems, biometric identification systems, or other equivalent means. Access information shall be recorded, and all records of entry to limited access areas shall be maintained for at least one (1) year.

(G) Testing facilities shall maintain all sampling and testing records for five (5) years.

(H) Testing facilities may only transport medical marijuana:

1. That the facility intends to test;

2. From cultivation, dispensary, manufacturing, and other testing facilities;

3. If the facility complies with the requirements of 19 CSR 30-95.100(2).

(3) Sampling requirements.

(A) Sampling and testing of medical marijuana shall be done at the lot level.

(B) Sampling and testing of each harvest lot or process lot shall be conducted with a statistically significant number of samples such that there is assurance that all lots are adequately assessed for contaminants and that the cannabinoid profile is consistent throughout.

1. In the case of dry, unprocessed marijuana, the maximum amount of marijuana from which a sample may be selected is fifteen (15) pounds, and a minimum of zero point five (0.5) percent of a harvest lot will be sampled for testing.

2. In the case of concentrates and extracts, the amount of material required for sampling is:

Process Lot Weight		**Sample Increments Required (1±0.2 g)**
Pounds	**Kilograms**	
0-0.50	0-0.23	4
0.51-1.5	0.24-0.68	8
1.51-3.00	0.69-1.36	12
3.01-6.00	1.37-2.72	16
6.01-10.00	2.73-4.58	20
10+	4.58+	32

3. In the case of all other infused products, the amount of material required for sampling is:

Units for Sale	**Sample Increments**
2-15	2
16-50	3
51-150	5
151-500	8
501-3,200	13
3,201 – 35,000+	20

(4) Testing requirements.

(A) Testing facilities shall test all lots of medical marijuana produced by cultivation or infused products manufacturing facilities. Testing shall only be performed on the final medical marijuana product equivalent to what will be dispensed to the patient.

(B) Mandatory testing requirements may only be met through testing of samples collected by the testing facility according to section (3) of this rule.

(C) Upon request from a licensed cultivation, manufacturing, or dispensary facility, testing facilities may also test material received directly from the facility, including—

1. Medical marijuana plants at any stage of growth;
2. Infused products at any stage of production; and
3. Components used for the production of final medical marijuana product, such as water or growing materials.

(D) Within two (2) business days of collecting a sample, the testing facility shall issue a report to the originating facility detailing all test results and stating whether the lot passed or failed each required test.

(E) Testing of the cannabinoid profile of the final medical marijuana product shall include those analytes listed below, and the acceptable limits for each analyte will be a relative percentage standard deviation from the mean in concentration throughout the lot of twenty-five (25) percent or less.

1. Tetrahydrocannabinol level;
2. Tetrahydrocannabinol acid level;
3. Cannabidiol level;
4. Cannabidiol acid levels; and
5. Cannabinol.

(F) Testing for contaminants in the final medical marijuana product shall include, but shall not be limited to:

1. Microbial screening. A test will fail if it shows:

A. A mycotoxin concentration, including aflatoxins and ochratoxin A, of greater than 20 micrograms per kilogram;

B. Pathonogenic *E. coli* and *salmonella* concentrations detectable in 1 gram; and

C. Pathogenic Aspergillus species *A. fumigatus, A. flavus, A. niger,* and *A. terreus* detectable in 1 gram.

2. Chemical residue screening. A test will fail if it shows:

Banned Analytes	**Chemical Abstract Services (CAS) Registry number**	**Action Limit (ppm)**
Abamectin	71751-41-2	0.5
Acephate	30560-19-1	0.4
Acequinocyl	57960-19-7	2
Acetamiprid	135410-20-7	0.2
Aldicarb	116-06-3	0.4
Azoxystrobin	131860-33-8	0.2
Bifenazate	149877-41-8	0.2
Bifenthrin	82657-04-3	0.2
Boscalid	188425-85-6	0.4
Carbaryl	63-25-2	0.2
Carbofuran	1563-66-2	0.2
Chlorantraniliprole	500008-45-7	0.2
Chlorfenapyr	122453-73-0	1
Chlormequat Chloride	7003-89-6	0.2
Chlorpyrifos	2921-88-2	0.2
Clofentezine	74115-24-5	0.2
Cyfluthrin	68359-37-5	1
Cypermethrin	52315-07-8	1
Daminozide	1596-84-5	1
DDVP (Dichlorvos)	62-73-7	1

Diazinon	333-41-5	0.2
Dimethoate	60-51-5	0.2
Ethoprophos	13194-48-4	0.2
Etofenprox	80844-07-1	0.4
Etoxazole	153233-91-1	0.2
Fenoxycarb	72490-01-8	0.2
Fenpyroximate	134098-61-6	0.4
Fipronil	120068-37-3	0.4
Flonicamid	158062-67-0	1
Fludioxonil	131341-86-1	0.4
Hexythiazox	78587-05-0	1
Imazalil	35554-44-0	0.2
Imidacloprid	138261-41-3	0.4
Kresoxim-methyl	143390-89-0	0.4
Malathion	121-75-5	0.2
Metalaxyl	57837-19-1	0.2
Methiocarb	2032-65-7	0.2
Methomyl	16752-77-5	0.4
Methyl parathion	298-00-0	0.2
MGK-264	113-48-4	0.2
Myclobutanil	88671-89-0	0.2
Naled	300-76-5	0.5
Oxamyl	23135-22-0	1
Paclobutrazol	76738-62-0	0.4
Permethrins*	52645-53-1	0.2
Prallethrin	23031-36-9	0.2
Phosmet	732-11-6	0.2
Piperonyl_butoxide	51-03-6	2
Propiconazole	60207-90-1	0.4
Propoxur	114-26-1	0.2
Pyridaben	96489-71-3	0.2
Pyrethrins+	8003-34-7	1
Spinosad	168316-95-8	0.2
Spiromesifen	283594-90-1	0.2
Spirotetramat	203313-25-1	0.2
Spiroxamine	118134-30-8	0.4
Tebuconazole	80443-41-0	0.4
Thiacloprid	111988-49-9	0.2
Thiamethoxam	153719-23-4	0.2

Trifloxystrobin	141517-21-7	0.2
Spirotetramat	203313-25-1	0.2
Spiroxamine	118134-30-8	0.4
Tebuconazole	80443-41-0	0.4
Thiacloprid	111988-49-9	0.2
Thiamethoxam	153719-23-4	0.2
Trifloxystrobin	141517-21-7	0.2

* Permethrins cumulative residue of cis- and trans-permethrin isomers
+ Pyrethrins cumulative residues of pyrethrin 1, cinerin 1 and jasmolin 1

3. Heavy metal screening. A test will fail if it shows:

Metal	**Failure Level for Medical Marijuana (Meant for Inhalation) (ppm)**	**Failure Level for Medical Marijuana-Infused Products (ppm)**
Inorganic Arsenic	< 0.2	< 1.5
Cadmium	< 0.2	< 0.5
Total Chromium	< 0.6	< 2.0
Lead	< 0.5	< 0.5
Mercury	< 0.1	< 3.0

4. Residual solvents. A test will fail if it shows:

Solvent	**Chemical Abstract Services (CAS) Registry number**	**Failure Level for Medical Marijuana (Inhalation) (ppm)**	**Failure Level for Medical Marijuana-Infused Products (ppm)**
1,2-Dichloroethane	107-06-2	2	5
Acetone	67-64-1	750	5000
Acetonitrile	75-05-8	60	410
Benzene	71-43-2	1	2
Butanes (all isomers)	106-97-8	800	5000
Chloroform	67-66-3	2	60
Ethanol	64-17-5	1000	5000
Ethyl acetate	141-78-6	400	5000
Ethyl ether	60-29-7	500	5000
Ethylene Oxide	75-21-8	5	50
Heptane	142-82-5	500	5000
Hexanes (all isomers)	11054-3	50	290
Isopropyl alcohol	67-63-0	500	5000
Methanol	67-56-1	250	3000

Methylene chloride	75-09-2	125	600
Pentanes (all isomers)	109-66-0	750	5000
Propane	74-98-6	2100	5000
Toluene	79-01-6	25	80
Trichloroethylene	108-88-3	150	890
Total Xylenes (ortho-, meta-, para-)	1330-20-7	150	2170

5. Water activity and moisture content screening. A test will fail if it shows:

A. For dry, unprocessed marijuana, water activity that exceeds 0.65 A_w and moisture content that is not between 5.0% and 13.0%; and

B. For infused products, water activity that exceeds 0.85 A_w.

6. Foreign matter screening. A test will fail if it shows:

A. More than 5.0% of stems 3 mm or more in diameter;

B. More than 2.0% of other foreign matter (mites, hair, dirt, etc.).

(5) All reports showing failing test results for mandatory or optional testing shall be distributed to the originating facility and to the department.

Necessary Definitions

(1) “Batch” means a specifically identified quantity of medical marijuana, from immature plant stage to harvest, that is uniform in strain and cultivated utilizing the same growing practices.

(2) “Harvest lot” means a specifically identified quantity of marijuana that is uniform in strain, cultivated utilizing the same growing practices, harvested within a seventy-two (72) hour period at the same location, and cured under uniform conditions.

(3) “Process lot” means any amount of medical marijuana concentrate or extract of the same type and processed using the same extraction methods, standard operating procedures, and harvest lots; or any amount of medical marijuana infused product of the same type and processed using the same ingredients, standard operating procedures, and harvest lots.