
EMERGENCY RULE

**TITLE 19 – DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 100 – Division of Cannabis Regulation
Chapter 1 – Marijuana**

EMERGENCY AMENDMENT

19 CSR 100-1.070 Facility Ownership and Employment. The division is amending sections (2)(A) and (E).

PURPOSE: This amendment adds the prohibition against issuing new or renewal agent IDs to individuals with disqualifying felony offenses, and it clarifies the standard of disqualifying felony offense review.

EMERGENCY STATEMENT: This emergency amendment is necessary to preserve a compelling governmental interest that requires an early effective date. In section 195.817, RSMo, the General Assembly required the division to conduct criminal background checks for all marijuana facility employees. On September 4, 2026, the Administrative Hearing Commission found the division lacks authority in statute and regulation to screen employees at marijuana facilities for disqualifying felony offenses. The effect of the decision is that while the division can require fingerprints submission under section 195.817, the division cannot prohibit felons from acquiring an agent identification card and working in marijuana facilities. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The Department of Health and Senior Services believes this emergency amendment is fair to all interested persons and parties under the circumstances, as no additional screening will occur for current employees as a result of this emergency amendment. This emergency amendment was filed Sept. 16, 2026, becomes effective Sept. 30, 2026, and expires Mar. 28, 2027.

(2) Facility employment.

(A) All 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 or certified facility.

1. An individual performing maintenance work (such as plumbing) or other similar work not related to testing, transporting, growing, manufacturing, or dispensing marijuana product at any licensed or certified facility for no more than fourteen (14) days in a calendar year, is not required to have an agent identification card to perform such work. The licensee is responsible for supervising such individuals while they are in the facility.

2. No individual may obtain or renew an agent identification card from the department if the individual has a disqualifying felony offense, as defined by Article XIV, section 1.7(2) of the *Missouri Constitution*, and the department determines no exception in section 1.7(2)(a)-(c) applies.

(E) [If authorized or directed by statute, the department may require fingerprint submission to screen agent identification card applicants for disqualifying felony offenses] All applicants and renewal applicants for agent identification cards shall submit fingerprints to the Missouri state highway patrol for the purpose of conducting a state and federal fingerprints-based criminal background check to screen

for disqualifying felony offenses as defined in Article XIV, Section 1.7(2) of the *Missouri Constitution*.

AUTHORITY: sections 1.3.(1)(b), 1.3.(2), 2.4(1)(b), and 2.4(4) of Article XIV, Mo. Const., Sections 195.815 and 195.817, RSMo, Supp. 2026. Emergency rule filed Jan. 20, 2023, effective Feb. 3, 2023, expired Aug. 1, 2023. Original rule filed Jan. 20, 2023, effective July 30, 2023. Emergency amendment filed Sept. 16, 2026, effective Sept. 30, 2026, expires Mar. 28, 2027. An emergency amendment covering this same material will be published in the Nov. 2, 2026 issue of the **Missouri Register**. A proposed rule covering this and additional material will be published in a future issue of the **Missouri Register**.

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.