

# Emergency Rules

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

**EMERGENCY RULE**

**19 CSR 30-95.020 General Provisions**

*PURPOSE: This rule explains where and when licensing application fees may be pre-filed with the Department of Health and Senior Services and provides the form for pre-filing licensing application fees.*

*EMERGENCY STATEMENT: This emergency rule informs the public when licensing application fees for medical marijuana cultivation, dispensary, and infused products manufacturing facilities may be pre-filed with the Missouri Department of Health and Senior Services. Article XVI, Section 1 of the Missouri Constitution became effective on December 6, 2018 and requires that the department begin accepting pre-filed licensing application fees from the public beginning thirty (30) days after that effective date, which is January 5, 2019. In order to collect those pre-filed fees and maintain accurate records of who has paid such fees to the department and why such fees were submitted, the department requires a Pre-Filed License Application Fee form and regulations must be promulgated to instruct the public on where to locate and how to submit this form and their pre-filed application fees. Article XVI, Section 1 of the Missouri Constitution grants the department the authority to promulgate rules and emergency rules for the enforcement of the section. Without such emergency rules, the department will be unable to efficiently regulate and control the cultivation, manufacturing, and sale of marijuana for medical use and access to qualified patients and their caregivers will be unreasonably restricted. As a result, the department finds a compelling governmental interest in promoting the health and safety of Missouri residents who wish to use marijuana for medical purposes, requiring this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The department believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed December 14, 2018, becomes effective December 24, 2018, and expires June 21, 2019.*

**(1) Application Fees.**

(A) The department shall charge each applicant seeking a license a nonrefundable fee as authorized by Article XVI, Section 1, Subsection 3 of the Missouri Constitution. The department shall publish the current fees, including any adjustments, on its medical marijuana program website at <https://health.mo.gov/safety/medical-marijuana/index.php>.

**(2) Pre-filed Application Fees.**

(A) Any applicant seeking a license authorized by Article XVI, Section 1 of the Missouri Constitution, may pre-file their application fee with the department beginning on January 5, 2019.

(B) All pre-filed application fees submitted to the department are nonrefundable.

(C) All pre-filed application fees shall be accompanied by a completed Pre-Filed License Application Fee form, promulgated as of December 2018 and incorporated by reference in this rule. As published by the Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570 and available at <https://health.mo.gov/safety/medical-marijuana/forms.php>. This rule does not incorporate any subsequent amendment or addition.

(D) The submittal of a pre-filed application fee does not guarantee a license shall be issued. An applicant who submits a pre-filed application fee and a completed Pre-Filed License Application Fee form shall not be considered for licensure until the applicant also submits a completed application for licensure.

(E) The department will only accept pre-filed application fees made by personal or certified check, cashier's check, or money order made payable to the Missouri Department of Health and Senior Services.

(F) An applicant may deliver their completed form and pre-filed application fee:

1. By mail to the Missouri Department of Health and Senior Services, FEE RECEIPT UNIT, P.O. Box 570, Jefferson City, MO 65102-0570; or

2. By hand or by special courier to the physical street address of FEE RECEIPT UNIT, at the Missouri Department of Health and Senior Services, 920 Wildwood Drive, Jefferson City, MO 65109.

(G) Applicants submitting pre-filed application fees shall identify the type of license anticipated and the general location of the anticipated facility, should a license be granted. The facility location information is for department tracking purposes only. The facility location may change prior to a license being granted.

(H) If an applicant desires to seek multiple licenses and/or different types of licenses, the applicant must submit a separate Pre-Filed License Application Fee form and fee for each license.

(I) A pre-filed application fee shall only be applicable to a license application submitted by such applicant, or their designee as provided in subsection (2)(J), to the department within one (1) year of the date on which the department begins accepting applications for licenses authorized under Article XVI, Section 1 of the Missouri Constitution.

(J) An applicant who submits a pre-filed application fee, as an individual, may provide written notice to the department that such pre-filed application fee should be used for the license application of a business which they have an ownership interest in.

(K) A pre-filed application fee is considered submitted, for the purposes of this rule, on the date on which it is received by the department with a completed Pre-Filed License Application Fee form.

*AUTHORITY: section 1 of Art. XVI, Mo. Const. Emergency rule filed Dec. 14, 2018, effective Dec. 24, 2018, expires June 21, 2019. An emergency rule and a proposed rule covering this same material will be published in the January 15, 2019, issue of the Missouri Register.*