
EMERGENCY RULE

TITLE 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30 – Division of Regulation and Licensure Chapter 95 – Medical Marijuana

EMERGENCY RESCISSION

19 CSR 30-95.028 Additional Licensing Procedures. The Department of Health and Senior Services had the authority to promulgate rules for the enforcement of Article XIV. This rule explained what provisions were necessary for ensuring an efficient facility licensing/certification process after the initial process of scoring and ranking applications was complete.

*PURPOSE: On November 8, 2022, the people of the State of Missouri passed Amendment 3 to the **Missouri Constitution**, which revised and added to Article XIV. Amendment 3 took effect on December 8, 2022, and conflicts with the rules currently in place pertaining to Article XIV of the **Missouri Constitution**.*

*EMERGENCY STATEMENT: This emergency rescission informs citizens that marijuana will now be regulated for adult and medical use together, by the division of cannabis regulation. This emergency rescission is necessary to protect a compelling governmental interest since Amendment 3 to the **Missouri Constitution** made significant changes to the regulation of marijuana, and new rules that conflict with existing rules will be needed to effectuate those changes. As a result, the Department of Health and Senior Services finds a compelling governmental interest, which requires emergency action. The scope of this emergency rescission 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 rescission is fair to all interested persons and parties under the circumstances. If an emergency is not enacted, existing rules would conflict with Article XIV of the **Missouri Constitution** and would cause confusion as to the processes and procedures related to licensure, as well as regulation of the marijuana industry. This emergency rescission was filed January 20, 2023, becomes effective February 3, 2023, and expires August 1, 2023.*

*AUTHORITY: sections 1.3.(1)(b) and 1.3.(2) of Article XIV, Mo. Const. Emergency rule filed Nov. 26, 2019, effective Dec. 12, 2019, expired June 8, 2020. Original rule filed Nov. 26, 2019, effective July 30, 2020. Emergency rescission filed Jan. 20, 2023, effective Feb. 3, 2023, expires Aug. 1, 2023. An emergency rescission and a proposed rescission covering this same material will be published in the March 1, 2023, issue of the **Missouri Register**.*

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