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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



JASON KANDER
SECRETARY OF STATE

MISSOURI
REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 1—OFFICE OF ADMINISTRATION
Division 10—Commissioner of Administration
Chapter 4—Vendor Payroll Deduction Regulations**

EMERGENCY AMENDMENT

1 CSR 10-4.010 State of Missouri Vendor Payroll Deductions. The commissioner is amending subsection (2)(G) and deleting section (5).

PURPOSE: This amendment makes changes to the solicitation by voluntary vendors of products and services to state employees in state facilities.

EMERGENCY STATEMENT: This emergency amendment must be effective January 1, 2015, when the new plan year begins. Due to changes in federal law, voluntary vendors are being removed from participation in the cafeteria plan to avoid financial penalties. This regulation is being amended to reflect the changes in the cafeteria plan regulation. All other regulations relating to the voluntary vendors that are eligible to participate in a cafeteria plan per Section 125 of Title 26 of the United States Code remain the same. Voluntary vendors and products that are eligible per the aforementioned section will retain the ability to enter state buildings to solicit employees for their eligible products.

A proposed amendment which covers this same material is published in this issue of the *Missouri Register*. This emergency amendment complies with the protections extended by the *Missouri* and *United States Constitutions* and limits its scope to the circumstances

creating the emergency. The Office of Administration follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency amendment was filed October 1, 2014, becomes effective January 1, 2015, and expires June 29, 2015.

(2) The following requirements apply to payroll deductions:

(G) Solicitation by a vendor of signed employee applications or memberships may not be performed in state facilities at any time with the exception of [qualified] vendor products [for the cafeteria plan and regulations under 1 CSR 10-15.010] that are eligible under Section 125 of Title 26 of the United States Code and compliant with 1 CSR 10-15.010 and section 33.103, RSMo;

[(5) The commissioner of administration may include as an option in the state cafeteria plan any authorized voluntary payroll deduction product that is eligible under Section 125 of Title 26 of the United States Code and compliant with the state cafeteria plan rule 1 CSR 10-15.010.]

AUTHORITY: sections 33.103, 536.010, and 536.023, RSMo Supp. [2007] 2013, and section 370.395, RSMo 2000. Original rule filed May 15, 1990, effective Sept. 28, 1990. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Oct. 1, 2014, effective Jan. 1, 2015, expires June 29, 2015. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 1—OFFICE OF ADMINISTRATION
Division 10—Commissioner of Administration
Chapter 15—Cafeteria Plan**

EMERGENCY AMENDMENT

1 CSR 10-15.010 Cafeteria Plan. The commissioner is amending sections (1), (2), and (3) and replacing the *Cafeteria Plan for the Employees of the State of Missouri* document referred to in section (2) with an updated version.

PURPOSE: This amendment makes changes to the benefits available to state and other public entity employees under the State of Missouri's cafeteria plan (the plan).

EMERGENCY STATEMENT: This emergency amendment must be effective January 1, 2015, when the new plan year begins. If this amendment were not enacted as an emergency, the plan administrator could face fees for non-compliance with federal law. This amendment provides for two (2) changes to the plan that, if not made, could result in significant adverse consequences. One (1) change removes voluntary medical, dental, or vision from the premium payment plan portion of the plan. Another change limits employees' eligibility to participate in the flexible medical spending account to only those employees who are eligible for coverage under a state sponsored health care plan. These changes are required by the Patient Protection Affordable Care Act (PPACA) that passed in 2010. The Internal Revenue Service (IRS) issued interpretive guidance (Notice 2013-54) on the application of market reform and other provisions of PPACA relating to health flexible spending accounts and other employer healthcare arrangements. The guidance explains that certain employer healthcare arrangements and flexible spending accounts could fall under the requirements of market reform. When a benefit is subject to market reform, then those benefits must provide preventive services as part of its plan. Voluntary plans, as listed above, are designed to be in addition to the state sponsored plans and thereby do not provide preventive services. Similarly, if flexible spending accounts eligibility were not changed, then those

accounts would be treated as a health plan and become subject to market reform thereby requiring preventive services as well. Neither of these benefits are designed to be a stand-alone health plan, accordingly preventive services are not included. This emergency amendment will serve the compelling governmental interest of ensuring that the plan remains compliant with IRS requirements. Remaining compliant is critical because the plan currently serves more than sixty-four thousand (64,000) state of Missouri and other public employees. If the plan did not comply it would be forced to pay the Patient-Centered Outcomes Research Institute Fee (PCORI) as a result of non-compliance, the plan would pay a fee of two dollars (\$2) per participant per plan year.

A proposed amendment which covers this same material is published in this issue of the *Missouri Register*. This emergency amendment complies with the protections extended by the *Missouri and United States Constitutions* and limits its scope to the circumstances creating the emergency. The Office of Administration follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency amendment was filed October 1, 2014, becomes effective January 1, 2015, and expires June 29, 2015.

(1) The cafeteria plan for state employees, authorized by section 33.103, RSMo, shall contain the following items:

(A) A provision authorizing the payment through the cafeteria plan of a participating employee's share of the cost, [or] premium or health savings account contribution for coverage under any [plan or program] state sponsored health plan which provides medical benefits or health insurance to or on behalf of any employee or spouse or dependent in the event of illness or personal injury to the employee or spouse or dependent, which plan or program is available to the employee by reason of his/her status as an employee;

(D) A provision authorizing the payment through the cafeteria plan of a participating employee's share of the cost or premium for coverage under any [plan or program] state sponsored health plan which provides dental benefits or dental insurance to or on behalf of any employee or spouse or dependent, which plan or program is available to the employee by reason of his/her status as an employee;

(E) A provision authorizing the payment through the cafeteria plan of a participating employee's share of the cost or premium for coverage under any [plan or program] state sponsored health plan which provides vision care benefits or vision care insurance to or on behalf of any employee or spouse or dependent, which plan or program is available to the employee by reason of his/her status as an employee; and

(2) The commissioner of administration shall maintain the cafeteria plan, [the dependent care assistance plan, and the flexible medical benefits plan,] in written form, denominated as the *Cafeteria Plan for the Employees of the State of Missouri* included herein.

(3) Voluntary payroll vendors [that have qualified for inclusion in the *Missouri State Employees' Cafeteria Plan* under rules set forth in this section and 1 CSR 10-4.010] whose products meet the qualifications of Section 125 of Title 26 of the United States Code and section 33.103, RSMo must meet the following criteria for solicitation of business on state property:

(B) The vendor may only present the products that [have qualified for the cafeteria plan] qualify under Section 125 of Title 26 of the United States Code and section 33.103, RSMo;

See Appendix A *Missouri State Employees' Cafeteria Plan Document* printed with the proposed amendment on pages 1660-1729 of this issue of the *Missouri Register*.

AUTHORITY: section 33.103, RSMo Supp. [2012] 2013. Original rule filed March 15, 1988, effective June 1, 1988. For intervening history, please consult the *Code of State Regulations*. Emergency amendment

filed Oct. 1, 2014, effective Jan. 1, 2015, expires June 29, 2015. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 2—DEPARTMENT OF AGRICULTURE Division 70—Plant Industries Chapter 14—Missouri Cannabidiol Oil Rules

EMERGENCY RULE

2 CSR 70-14.005 Preemption of All Ordinances and Rules of Political Subdivisions

PURPOSE: Outlines the preemption of existing ordinances, rules, and regulations relating to Missouri cannabidiol oil rules.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires 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 Constitution*. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.

(1) Section 261.265 and promulgated rules shall preempt all ordinances, rules, and regulations of political subdivisions relating to the use of subjects covered by said sections.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the *Missouri Register*.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

EMERGENCY RULE

2 CSR 70-14.010 Definitions

PURPOSE: Defines regulatory terms.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires 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 Constitution. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.

(1) Act—the Missouri Hemp Extract Act.

(2) Adulterated—applies to hemp or hemp extract if—

(A) It is composed of more than three tenths percent (.3%) of tetrahydrocannabinol by weight, is composed of less than five percent (5%) cannabidiol by weight or contains other psychoactive substances;

(B) Any foreign substance has been found in the hemp or hemp extract through laboratory analysis; or

(C) Any valuable constituent of the hemp extract has been wholly or in part abstracted.

(3) Applicant—any non-profit entity requesting a cultivation and production facility license from the Missouri Department of Agriculture.

(4) Batch—a quantity of hemp used in producing hemp extract made

in one (1) operation, lot, or continuous or semi-continuous process or cycle and the quantity of hemp extract produced during an interval of time.

(5) Batch number—a unique numeric or alphanumeric identifier assigned to a specific quantity of hemp extract packaged and labeled for distribution that is within recognized tolerances for the factors that were subject to a laboratory test and that appear on the labeling.

(6) Cannabidiol oil care center manager—the individual who has management responsibilities over the cannabidiol oil care center.

(7) Cannabidiol oil care center personnel—all persons employed by a cannabidiol oil care center or who otherwise are present on behalf of the cannabidiol oil care center.

(8) Child resistant safety packaging—

(A) Tamper-proof, child-proof containers designed and constructed to be significantly difficult for children less than five (5) years of age to open; and

(B) Closable for multiple servings.

(9) Cultivation or cultivate—to prepare and improve land for the purpose of growing plants (crops).

(10) Cultivation and production facility—the department approved land and premises on which the licensee is authorized to grow, cultivate, process, produce, and possess hemp and hemp extract.

(11) Cultivation and production facility manager—the individual who has management responsibilities over the licensed cultivation and production facility.

(12) Cultivation and production facility personnel—all persons employed by a licensed cultivation and production facility or who otherwise are present on behalf of the licensed cultivation and production facility.

(13) Cultivation and production facility license—a license issued by the Missouri Department of Agriculture to a qualified applicant for the purpose of operating a hemp cultivation and production facility.

(14) Department—the Missouri Department of Agriculture.

(15) Director—director or duly designated employee of the Missouri Department of Agriculture.

(16) Disqualifying offense—any conviction, plea of guilty, or plea of nolo contendere to a felony; any conviction, plea of guilty, or plea of nolo contendere to a misdemeanor related to controlled substances within the past five (5) years; or current abuse of controlled substances.

(17) Distribution or distribute—to distribute, hold for distribution, sell, offer for sale, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver.

(18) Fingerprint-based criminal background check—a fingerprint-based state and federal criminal background check conducted by the Missouri Highway Patrol.

(19) Hemp waste—any adulterated or misbranded hemp or hemp extract or any part of the hemp plant that is not usable in the production of hemp extract as provided by section 261.265, RSMo.

(20) Label—the written, printed, or graphic matter on or attached to hemp or the immediate container of hemp or hemp extract.

- (21) Legal age—eighteen (18) years, unless otherwise provided by law.
- (22) Licensee or license holder—is the non-profit entity to which a cultivation and production facility license is issued.
- (23) Lot number—number assigned to a specific harvest of hemp by variety.
- (24) Manufacture or manufacturing—any process by which hemp is converted to hemp extract.
- (25) Misbranded—hemp and hemp extract is misbranded if—
 (A) Its labeling bears any statement, design, or graphic representation relating to its ingredients or analysis, which is false or misleading;
 (B) It is contained in a package, container, or wrapping which does not conform to the packaging requirements in accordance with 2 CSR 70-14.120;
 (C) The hemp or hemp extract label(ing) is not affixed to its container in accordance with 2 CSR 70-14.120; or
 (D) Its strength or purity falls below the professed certificate of analysis as indicated on its labeling under which it is distributed.
- (26) Non-profit entity—any corporation falling within the definition of non-profit corporation set forth in section 215.010(9), RSMo.
- (27) Person—includes but is not limited to a natural person, sole proprietorship, partnership, joint venture, limited liability partnership or company, corporation, association, government agency or governmental subdivision, business, or non-profit organization.
- (28) Processing and manufacturing facility—site where hemp is processed and manufactured into hemp extract including, but not limited to, the storage of hemp, hemp extract, and hemp waste.
- (29) Production or produce—the planting, preparation, cultivation, growing, harvesting, propagation, conversion, processing, or manufacturing of hemp or hemp extract including any packaging or repackaging of hemp extract or labeling or relabeling of hemp, hemp extract, or its container.
- (30) Testing facility—a laboratory located in Missouri and approved by the department to provide analysis of hemp and hemp extract for scientific, medical, research, and instruction purposes.
- (31) THC—tetrahydrocannabinol.
- (32) Unusable hemp or hemp extract—any hemp or hemp extract found to be—
 (A) Adulterated;
 (B) Misbranded; or
 (C) Unusable in the production of hemp extract.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 2—DEPARTMENT OF AGRICULTURE
 Division 70—Plant Industries
 Chapter 14—Missouri Cannabidiol Oil Rules**

EMERGENCY RULE

2 CSR 70-14.020 Application for a Cultivation and Production Facility License

PURPOSE: Outlines application document that must be completed and submitted to request a cultivation and production facility license.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires 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 Constitution. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.

(1) A form provided by the department for making application for a cultivation and production facility license can be obtained by visiting the department website or it will be furnished by regular mail upon written request to: Plant Industries Division, Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102.

(2) The department shall accept applications for a cultivation and production facility license for thirty (30) calendar days after the date indicated on the department's website that the department will be accepting applications.

(A) Submissions shall be considered as submitted on the date on which they are postmarked or, if delivered in person during regular business hours, on the date on which the application was delivered.

(B) If any forms, documents, or information required by the act are not submitted with the application, the application shall be returned to the applicant. The applicant shall have ten (10) working days from receipt of the application to resubmit the application in its entirety.

(C) The application period may be extended at the discretion of the director.

(3) Applications shall be either typed or clearly printed in ink.

(4) The applicant must furnish the director with the following:

(A) The non-profit entity's current and previous names, addresses, telephone numbers, and email addresses;

(B) Tax identification number or documentation from the Missouri secretary of state establishing the applicant's status as a non-profit entity;

(C) Names and titles, dates of birth, and Social Security numbers for each of the non-profit entity's officers and board members;

(D) Name and title, date of birth, and Social Security number of the cultivation and production facility manager;

(E) Name and title, date of birth, and Social Security number of the cannabidiol oil care center manager;

(F) Names, physical addresses, mailing addresses, telephone numbers, and email addresses of the cultivation and production facility and cannabidiol oil care center; and

(G) Cultivation and production facility and cannabidiol oil care center physical location information, including:

1. The legal descriptions (section, township, range) of the land on which the proposed cultivation and production facility and cannabidiol oil care center are to be located;

2. GPS coordinates of the point of entry on each parcel of land on which hemp will be grown; and

3. A map of the land area on which the applicant plans to grow hemp. The map shall reflect the boundaries and dimensions of the growing area(s) in acres or square feet.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules**

EMERGENCY RULE

2 CSR 70-14.030 Supporting Forms, Documents, Plans, and Other Information to be Submitted with the Applicant's Application for a Cultivation and Production Facility License

PURPOSE: Outlines supporting information that must be submitted along with application for a cultivation and production facility license.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal

Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires 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 Constitution. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.

(1) The applicant must submit to the director—

(A) A signed affidavit, on a form provided by the department, attesting to the applicant's acknowledgement and agreement to—

1. Follow inspection, testing, labeling, record keeping, and production requirements as established in section 261.265, RSMo and any regulations issued thereunder;

2. Pay the costs associated with sampling, labeling, and testing hemp and hemp extract as established in section 261.265, RSMo and any regulations issued thereunder;

3. Submit fingerprints for and pay the associated costs of the Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint-criminal background checks for the non-profit entity's officers, board members, and all employees;

4. Certify that no board member, officer, or any employee has been convicted of any disqualifying offense/conviction;

5. Notify local law enforcement officials that hemp will be grown within their jurisdiction, including the location of the cultivation and production facility;

6. Maintain a practical system to secure the facility from criminal activity. Said plan shall include, but is not limited to, lighting, physical barriers, video surveillance, and alarms;

7. Maintain a waste management plan that complies with the requirements of section 261.265, RSMo; and

8. Maintain a hemp monitoring system as defined in section 261.265, RSMo.

(B) Official copies of the Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint-criminal background checks for the non-profit entity's officers, board members, and all employees.

(C) The non-profit's operating by-laws.

(D) A copy of each license/registration/authorization document verifying current or previous licensure relating to the cultivation and production of hemp and hemp extract in another state or jurisdiction.

(E) A location map of the area surrounding the proposed cultivation and production facility. The map must clearly demonstrate that the proposed facility is not located within two thousand (2,000) feet of the property line of a pre-existing public or private preschool, elementary school, middle (junior high) school, high school, daycare facility, home day care, or an area zoned for residential use.

(F) A document explaining the applicant's ability to fulfill the requirements found in each measure of this section.

1. Proposed facility.

A. Measure 1. The applicant shall provide evidence that the proposed facility is suitable for effective and safe cultivation and production of hemp and hemp extract; sufficient in land, building size, power allocation, ventilation, lighting, and interior layout; sufficient

in area for storage, handling, processing, production, and distribution of hemp and hemp extract.

B. Measure 2. The applicant shall provide evidence of the ability to expand the facility's production and distribution to meet qualified patient demand.

2. Proposed staffing plan.

A. Measure 3. The applicant shall provide a statement verifying staff experience with agricultural cultivation techniques and industry standards, including experience with the cultivation of agricultural or horticultural products, operating an agriculturally related business, or operating a horticultural business including, the submission of any academic degrees and certifications of all board members, officers, and employees.

B. Measure 4. The applicant shall provide a staffing plan that will ensure adequate experience and staffing for all business hours, safe hemp and hemp extract production, sanitation, security, and theft prevention.

C. Measure 5. The applicant shall provide a plan and an employee handbook which includes a working guide to the understanding of the day-to-day administration of personnel policies and practices.

3. Cultivation and production plan.

A. Measure 6. The applicant shall provide a cultivation and production plan that outlines their facility operations for producing hemp extract in compliance with the act and any regulations issued thereunder.

B. Measure 7. The applicant shall describe its plan to provide a continuous, uninterrupted supply of hemp extract.

C. Measure 8. The applicant shall provide evidence relating to knowledge of cultivation and production methods to be used in the cultivation and production of hemp. The applicant shall list the hemp varieties to be cultivated and its experience with growing those varieties.

D. Measure 9. The applicant shall describe the steps that will be taken to ensure the quality of the hemp, including the purity and consistency of the hemp extract.

4. Product safety and labeling plan.

A. Measure 10. The applicant shall describe its plan for providing safe and accurate packaging and labeling of hemp extract.

B. Measure 11. The applicant shall describe its plan for testing hemp to ensure it is free of contaminants including, but not limited to, pesticides and microbiological organisms.

C. Measure 12. The applicant shall describe its plan for establishing a recall of the applicant's hemp extract in the event that the hemp extract is shown by testing or other means to be potentially defective or have a reasonable probability that its use or exposure to will cause adverse health consequences. The plan must include the method of identification of the packaged hemp extract containers involved, notification to those whom the hemp extract was distributed to, and how the hemp extract will be disposed of if returned to or retrieved by the applicant.

5. Security plan.

A. Measure 13. The applicant shall provide evidence of its ability to prevent the theft or diversion of hemp and hemp extract and how the applicant will assist the department, Missouri Highway Patrol, and local law enforcement.

B. Measure 14. The applicant shall describe its plan for record keeping, tracking, and monitoring production, distribution, inventory, quality control, security, and other policies and procedures in place to discourage unlawful activity.

C. Measure 15. The applicant shall describe a plan for disposition of unusable, adulterated, misbranded, and recalled hemp and hemp extract and the applicant's coordination with department, Missouri Highway Patrol, and local law enforcement for its disposal; and

(G) Any additional documentation the director deems necessary for the application process. The director may require a site inspection of the facility prior to approval.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules**

EMERGENCY RULE

2 CSR 70-14.040 Application—Selection Criteria

PURPOSE: Outlines the process by which the department will award a cultivation and production facility license.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires 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 Constitution. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.

(1) The department will award up to ten (10) points to each measure found in 2 CSR 70-14.030(1)(F). The highest total scores will be awarded licensure.

(A) In the event that the highest ranked applicants for a cultivation and production facility license receive the same total score, the department will select the applicant that received the highest score in the cultivation and production plan category.

(B) If a tie score still remains, the department will select the applicant(s) that received the highest scores in the security plan category.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules**

EMERGENCY RULE

2 CSR 70-14.050 Retention of the Application and Supporting Forms, Documents, Plans and Other Information Submitted by the Applicant

PURPOSE: Establishes the length of time the department will maintain on file the application for license and all supporting information.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensuring; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires 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 Constitution. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.

(1) The director shall keep all documents filed in support of an application until such time as the documents are replaced, except that—

(A) If a cultivation and production facility license is not issued within one (1) year, all documents pertaining to that application may be destroyed; or

(B) If a cultivation and production license expires for more than

one (1) year, all documents pertaining to that license may be destroyed.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules**

EMERGENCY RULE

2 CSR 70-14.060 Rejection of Cultivation and Production Facility Application Request for Licensure and the Revocation or Suspension of a License

PURPOSE: Outlines reasons for rejection of application and for revocation or suspension of license.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensuring; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires 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 Constitution. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.

(1) An application for a cultivation and production facility license shall be rejected if any of the following conditions are met:

(A) The applicant fails to submit the application materials required

by 2 CSR 70-14.020 and 2 CSR 70-14.030;

(B) The submitted application contains false or misleading information;

(C) The submitted application is incomplete;

(D) The applicant's facility is not in compliance with local zoning rules;

(E) The applicant ceased cultivation and production of hemp and hemp extract for reasons other than weather related crop failures;

(F) One (1) or more of the non-profit entity's board members, officers, managers, or employees has been convicted of a disqualifying offense; and

(G) One (1) or more of the non-profit entity's board members, officers, or managers has served as a board member, officer, or manager for a licensed cultivation and production facility that has had its license revoked or suspended.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules**

EMERGENCY RULE

2 CSR 70-14.070 Cultivation and Production Facility License Expiration

PURPOSE: Establishes the license expiration.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires 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 Constitution. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.

(1) A cultivation and production facility license shall be valid for five (5) years. The license shall expire in the fifth year, on the last day of the month which the license was issued.

(2) If there are changes in the licensing information previously submitted for licensure, the license holder shall complete an application for a license and submit the required information for license approval within ten (10) working days.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules**

EMERGENCY RULE

2 CSR 70-14.080 License not Transferable and Request to Modify or Alter License

PURPOSE: Prevents the unapproved transfer of licenses and identifies the process for modifying or altering a license.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a

compelling governmental interest which requires 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 Constitution*. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.

(1) A cultivation and production facility license is not transferable. A cultivation and production facility license is valid provided the licensee notifies the director in writing within ten (10) days of any change of the entity's name, address, or any other information related to the requirements found under 2 CSR 70-14.020 and 2 CSR 70-14.030.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules**

EMERGENCY RULE

**2 CSR 70-14.090 Cultivation and Production Facility License
Stipulations and Requirements**

PURPOSE: Establishes license stipulations and requirements.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires 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 Constitution. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.

(1) A licensed cultivation and production facility shall have only one (1) processing and manufacturing facility at the location(s) authorized under the license.

(2) Land or premises specified in the application process for a cultivation and production facility license shall not be located within two thousand feet (2,000') of the property line of a pre-existing public or private preschool, elementary school, middle (junior high) school, high school, daycare facility, home day care, or an area zoned for residential use.

(3) Upon the department's approval and licensure, the cultivation and production facility must notify local law enforcement agencies of their hemp cultivation and production plans, construction, and operations.

(4) The licensee is responsible for actions of its board members, officers, managers, and employees, which violate the act or any regulations issued thereunder.

(5) If a licensed facility ceases cultivation and production of hemp and hemp extract, the issued license shall be surrendered to the department within thirty (30) days of ceasing operations.

(6) If in the judgment of the director the facility has ceased production and is not expected to resume, the issued license shall be surrendered to the department within thirty (30) days.

(7) A license may be suspended or revoked in the event the facility no longer meets the conditions and requirements of the license.

(8) Any grower whose license is surrendered, revoked, or not renewed shall dispose of its entire inventory of hemp and hemp extract under the requirements of 2 CSR 70-14.140.

(9) The licensee shall notify the department within ten (10) working days of any of the following:

(A) Any board member, officer, or employee's conviction of violations of state or federal controlled substance laws; and

(B) The termination, resignation, appointment, or hiring of any board member, officer, cultivation and production facility manager, cannabidiol oil care center manager, or other employee, including unpaid volunteers.

1. The following information shall be provided to the department for each new hire, volunteer, or appointee:

A. Individual's complete name, including any nicknames or aliases used;

B. Date of birth;

C. Social Security number; and

D. Results of the Missouri Highway Patrol fingerprint-based state and federal criminal background check through the Missouri Automated Criminal History Site (MACHS).

(10) The licensee, employees, and volunteers shall not—

(A) Violate local zoning rules;

(B) Employ anyone younger than eighteen (18) years;

(C) Make any false, misleading, or fraudulent statement or claim on any application, form or supporting documentation submitted to the director concerning licensing pursuant to section 261.265, RSMo or any regulations issued thereunder;

(D) Make any false or misleading statement specifying or inferring

that a person, hemp or hemp extract are recommended by any branch of the state or federal government for the treatment of intractable epilepsy;

(E) Grow, cultivate, process and possess hemp or hemp extract in any place except in those areas designated by the license;

(F) Distribute any hemp or hemp extract from any place except its licensed cultivation and production facility and cannabidiol oil care center(s) located in Missouri;

(G) Distribute to any person any hemp, hemp extract, or hemp waste which is adulterated and/or misbranded;

(H) Distribute hemp extract to any individual unless the individual is a Missouri resident and holds a valid hemp extract registration card issued by the Missouri Department of Health and Senior Services;

(I) Produce, manufacture, or distribute any hemp or hemp extract for export and use outside of Missouri;

(J) Distribute any hemp or hemp extract to any person except to its cannabidiol oil care center(s), to a laboratory approved by the department, and to institutions of higher learning for research purposes;

(K) Accept and distribute any returned hemp extract unless it is as a result of a department approved recall;

(L) Allow any person except for a registrant with a valid hemp extract registration card to open or break the seal placed on a packaged and labeled container of hemp extract;

(M) Allow any products, materials, or items to be sold at the cannabidiol oil care center except for hemp extract and other items which would normally aide in administering hemp extract;

(N) Allow any examination of a patient to be conducted at the licensed facility for purposes of diagnosing intractable epilepsy;

(O) Allow any physician who serves as a board member or officer of the non-profit entity or as an employee of the cultivation and production facility or cannabidiol oil care center(s) to determine intractable epilepsy for the purpose of the act or any regulation issued thereunder;

(P) Take from the licensed facility or cannabidiol oil care center or possess any hemp, hemp extract, hemp waste unless the individual's possession is for operational purposes in accordance with Missouri law;

(Q) Use any pesticide in the cultivation and production of hemp unless the pesticide is registered by the U.S. Environmental Protection Agency and the Missouri Department of Agriculture and labeled for use on hemp with specific directions for use and tolerances established by the U.S. Environmental Protection Agency;

(R) Make any false or misleading statements during the course of an inspection or investigation into the cultivation, production, or distribution of hemp, hemp extract, or hemp waste;

(S) Violate a stop sale, use, or removal order issued by the director; or

(T) Violate any provision of sections 261.265, RSMo or any regulation issued thereunder.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules**

EMERGENCY RULE

2 CSR 70-14.100 Requirements for Production, Manufacture, Storage, Transportation, and Testing of Hemp and Hemp Extract

PURPOSE: Establishes grower responsibility to maintain and adhere to written policies relating to production, manufacture, storage, transportation, and testing of hemp and hemp extract.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires 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 Constitution. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.

(1) The licensee shall establish, maintain, and adhere to written policies and procedures for the cultivation, production, manufacture, security, storage, inventory, distribution/transportation, and testing of hemp and hemp extract. Such policies and procedures shall include, but are not limited to, the following processes:

(A) Handling mandatory and voluntary recalls of hemp and hemp extract due to any action initiated by the director or any voluntary action initiated by the licensee, including the removal of adulterated and/or misbranded hemp or hemp extract from possible distribution and from registrants who have recalled hemp extract in their possession;

(B) Preparing for, protecting against, and handling any crisis that affects the operations of the cultivation and production facility or cannabidiol oil care center(s) in the event of strike, fire, flood, natural disaster, or other situations of local, state, or national emergency;

(C) Ensuring that any outdated, adulterated, damaged, deteriorated, misbranded, and/or unusable hemp or hemp extract is segregated from other hemp and hemp extract and disposed of in accordance with 2 CSR 70-14.140. This policy/procedure shall outline requirements for written documentation/record of the hemp and hemp extract disposition;

(D) Ensuring the oldest hemp is used first in the processing and manufacture of hemp extract;

(E) Ensuring all hemp and hemp extract in the process of manufacture, distribution, or analysis shall be stored in such a manner as to prevent diversion, theft, or loss and shall be accessible only to the minimum number of authorized personnel essential for efficient operation;

(F) Ensuring all hemp and hemp extract shall be returned to a secure location immediately after the completion of the process or at the end of the scheduled work day. If a process cannot be completed by the end of a working day, the processing equipment containing hemp or hemp extract shall be securely locked inside an area that affords adequate security;

(G) Ensuring no person, except production facility personnel, personnel from the Departments of Agriculture and Health and Senior Services, and law enforcement officials shall be allowed on the premises of a cultivation and production facility; and

(H) Ensuring all hemp extract complies with the provisions of section 195.207, RSMo and section 261.265, RSMo and any regulations issued thereunder, through the implementation of a sampling protocol, sample chain of custody procedure, and sample analysis for the percentage of tetrahydrocannabinol (THC) and detection of pesticides for each batch of hemp extract.

(2) Storage.

(A) Licensed cultivation and production facility and cannabidiol oil care centers shall—

1. Not produce or maintain hemp in excess of the quantity required for normal, efficient operation;

2. Have storage areas that provide adequate lighting, ventilation, temperature, sanitation, humidity, space, equipment, and security for the production and manufacture of hemp or hemp extract;

3. Maintain a separate secure area for hemp and hemp extract that is outdated, adulterated, damaged, deteriorated, misbranded, unusable, or whose sealed containers or packaging have been broken or opened, until such material is disposed;

4. Keep all safes, vaults, or any other equipment or areas used for cultivation, production, harvesting, processing, manufacturing, or storage of hemp and hemp extract, securely locked and protected from entry by unauthorized individuals;

5. Store all hemp extract in an approved safe or approved vault and in such a manner as to prevent diversion, theft, or loss;

6. Store all hemp in a secure area, room, or location within the facility accessible only to authorized facility personnel, the director or designated representative, or law enforcement;

7. Have a sign posted at all entries to storage areas of the facility containing hemp or hemp extract stating: “Do Not Enter – Access Limited to Authorized Personnel Only”;

8. Be maintained in a clean and orderly manner;

9. Be free from infestation of pests, including insects, rodents, birds, vertebrates, and mold; and

10. Ensure all areas of the cultivation and production facility and cannabidiol oil care centers are compartmentalized based on function and that access shall be restricted between compartments.

(3) Inventory.

(A) Prior to commencing operations each cultivation and production facility and cannabidiol oil care center shall—

1. Establish ongoing inventory controls and procedures for conducting inventory reviews of hemp and hemp extract for the purpose of detecting any diversion, theft, or loss in a timely manner; and

2. Conduct a weekly inventory of hemp and hemp extract in stock, which shall be recorded and maintained in the hemp monitoring system and include, at a minimum:

A. Date of inventory;

B. Total amount of hemp by variety and lot number and hemp extract by batch number;

C. Total amount of hemp and hemp extract deemed unusable or placed under a department stop sale, use, or removal order being held in quarantine for proper disposal; and

D. Name, signature, and title of the employees conducting the inventory.

(4) Transportation and delivery of hemp, hemp extract, and/or hemp waste by cultivation and production facility personnel.

(A) Each transport vehicle shall be staffed with a delivery team consisting of a minimum of two (2) employees.

(B) At least one (1) delivery team member shall remain with the vehicle at all times while the vehicle contains hemp, hemp extract, and/or hemp waste.

(C) Each delivery team member shall have access to a secure form of communication for the purpose of contacting cultivation and production facility personnel and/or law enforcement, while the vehicle contains hemp, hemp extract, and/or hemp waste.

(D) Each delivery team member shall possess an identification card issued by the grower when transporting, delivering, or distributing hemp, hemp extract, and/or hemp waste. Identification cards shall be presented to the director or law enforcement officials upon request.

(E) Each transport vehicle shall carry a manifest. The manifest shall include the following information and shall be maintained for three (3) years:

1. Names of delivery team employees;

2. Licensed non-profit entity's name;

3. Total quantity of hemp, hemp extract, and/or hemp waste and lot or batch numbers being transported for delivery;

4. Name and address of each recipient;

5. Date of delivery or distribution;

6. Total quantity delivered to the recipient;

7. Name, title, and signature of person taking possession of hemp, hemp extract, and hemp waste; and

8. A signed chain of custody documenting the delivery of hemp, hemp extract, and hemp waste.

(5) Testing.

(A) The cultivation and production facility shall—

1. Create and follow an approved protocol for sampling hemp and hemp extract;

2. Develop and implement a chain of custody procedure for all samples;

A. Samples of hemp and hemp extract, including duplicate samples shall be transported/delivered to a department approved laboratory in a container that is secured in an outer package that is sealed with an affixed label identifying the batch number;

3. Direct the approved laboratory to analyze all hemp extract samples for—

A. The percentage of tetrahydrocannabinol (THC);

B. The percentage of cannabidiol by weight;

C. Other psychoactive substances; and

D. All pesticides recorded under the requirements of 2 CSR 70-14.150;

4. Maintain all reports of analysis for all samples of hemp and hemp extract in the hemp monitoring system; and

5. Notify the department within ten (10) working days of receipt of any results of analysis showing noncompliance with section 195.207, RSMo or section 261.265, RSMo or any regulations issued thereunder;

A. Any positive result of analysis showing noncompliance with section 195.207, RSMo section 261.265, RSMo or any regulations issued thereunder, makes the tested hemp and hemp extract unusable and must be destroyed in accordance with the requirements of 2 CSR 70-14.140.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules**

EMERGENCY RULE

2 CSR 70-14.110 Hemp Monitoring System Records to be Maintained for Manufacture, Storage, Testing, and Distribution of Hemp and Hemp Extract

PURPOSE: Establishes the requirement to maintain records pertaining to the manufacture, storage, testing, and distribution of hemp and hemp extract.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires 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 Constitution. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.

(1) All records and hemp monitoring system data shall be kept and maintained for a period of three (3) years.

(2) All records and hemp monitoring system data shall be available for inspection and auditing at a reasonable time during regular business hours, or upon request in writing, the director shall be furnished a copy of these records and/or data within ten (10) working days of receipt of request.

(3) Licensed cultivation and production facilities must keep and maintain hemp monitoring system data relating to production, man-

ufacture, storage, testing, and distribution of hemp and hemp extract.

(A) Hemp cultivation and production records shall include:

1. Hemp variety planted and planting date(s);
2. Crop inputs (fertilizers, soil conditioners/amendments, and pesticides) used, dates of use, and name of user;
 - A. Trade name of products used;
 - B. Amount of each product used; and
 - C. EPA Registration Number of pesticide labeled for use on hemp;
3. Target pest(s);
4. Integrated pest management practices used in controlling pest(s);
5. Date of harvest;
6. Lot number assigned and amount of harvested hemp;
7. Total time hemp was held in storage prior to its use in manufacturing hemp extract; and
8. Percent of tetrahydrocannabinol (THC) per lot number as reported in the laboratory results of analysis for each hemp sample analyzed.

(B) Hemp extract processing and manufacturing records shall include:

1. Date of manufacture/processing;
2. Hemp variety, lot number, and amount of hemp used for each batch of hemp extract manufactured;
3. Batch number;
4. Type and name of any solvent or other compounds utilized in the manufacture of hemp extract;
5. Amount hemp extract processed or manufactured per batch;
6. Date, batch number, and amount of hemp extract packaged and labeled; and
7. Detected pesticide active ingredients per batch number as reported in the laboratory results of analysis for all hemp extract samples analyzed.

(C) Hemp extract distribution records shall include:

1. Quantity and batch number(s);
2. Date of distribution; and
3. Name and address of each recipient.

(4) For each individual distribution of hemp extract, cannabidiol oil care center records of distribution shall include:

- (A) Name and address of registrant;
- (B) Name of minor child under registrant's care;
- (C) Registrant's hemp extract registration card number and date of expiration;
- (D) Distribution date; and
- (E) Batch number and amount of packaged and labeled hemp extract distributed to the registrant.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules**

EMERGENCY RULE

2 CSR 70-14.120 Packaging and Labeling of Hemp and Hemp Extract

PURPOSE: Establishes the requirements for packaging and labeling of hemp and hemp extract.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires 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 Constitution**. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.

- (1) Immediately following harvest, all harvested hemp shall be labeled with the following:
 - (A) Name of hemp variety;
 - (B) Date harvested;
 - (C) Net weight or measure of the net content; and
 - (D) Assigned lot number.
- (2) All hemp extract shall be packaged—
 - (A) In a sealed “child-resistant safety package”;
 - (B) In a container that is resealable if used for multiple servings; and
 - (C) In a container that is not designed in any way which makes it attractive to minors.
- (3) All hemp extract must be labeled with—
 - (A) Place of origin;
 - (B) A number that corresponds with a certificate of analysis;
 - (C) Assigned batch number;
 - (D) Hemp extract’s ingredients including its percentages of tetrahydrocannabinol and cannabidiol by weight;
 - (E) Medicating instructions;
 - (F) A statement, “Keep out of reach of children” in bold capital letters; and
 - (G) Net weight or measure of the container’s net content.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the **Missouri Register**.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules**

EMERGENCY RULE

2 CSR 70-14.130 Cultivation and Production Facility and Cannabidiol Oil Care Center Security Measures, Reportable Events, and Records to be Maintained

PURPOSE: Identifies the requirements for security measures, reportable events, and records to be maintained.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires 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 Constitution**. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.

- (1) Cultivation and production facilities and cannabidiol oil care centers shall have an adequate alarm and video surveillance security systems, each designed to operate during power outages to prevent and detect diversion, theft, or loss of hemp or hemp extract which shall at a minimum, include:
 - (A) Alarm system—

1. A perimeter alarm with motion detector providing coverage of all facility entrances and exits, rooms with exterior windows, rooms with exterior walls, roof hatches, skylights, and storage rooms containing safes or vaults; and

2. All alarm systems shall be inspected annually by the alarm vendor; and

(B) Video surveillance. Video cameras shall be used twenty-four (24) hours a day.

1. Video cameras shall record all areas that may contain hemp and hemp extract and at all points of entry and exit and shall be angled so as to capture a clear and certain identification of any person.

2. Video cameras must be directed at all safes, vaults, distribution areas, retail sale and distribution areas, and any other area where hemp or hemp extract is being cultivated, produced, manufactured, stored, or handled.

3. The date and time must be embedded on all surveillance recordings without obscuring the picture.

4. All video camera recordings shall be available for immediate viewing by the director or designated representative or law enforcement upon request.

5. Video recordings shall be retained for a minimum of thirty (30) days.

6. The video surveillance system shall be inspected annually by the video vendor.

(2) Reportable events.

(A) The cultivation and production facility and cannabidiol oil care centers shall—

1. Notify the appropriate local law enforcement official and the director within twenty-four (24) hours of discovering any alarm activation, inventory discrepancies, diversion, theft, or loss of any hemp or hemp extract, or of any loss or unauthorized alteration of records related to hemp, hemp extract, and/or registrants. Notification shall include the submission of a signed statement which details location and contact information, circumstances of the event, an accurate inventory of the quantity, variety, and lot numbers of hemp or quantity and batch numbers of hemp extract involved; and

2. Notify the director or designated representative of any failure of the security alarm system or surveillance system due to a loss of electrical support or mechanical malfunction that is expected to last longer than eight (8) hours and any corrective measures taken.

(3) Records.

(A) The cultivation and production facility and cannabidiol oil care center must maintain records for three (3) years of—

1. The annual inspections of the alarm and video surveillance systems; and

2. Any occurrence that is reportable under this section.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules**

EMERGENCY RULE

2 CSR 70-14.140 Waste Disposal of Unusable Hemp and Hemp Extract

PURPOSE: Establishes the requirements for storage of all hemp waste and hemp extract waste, the disposal of waste, and the records to maintain.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires 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 Constitution. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.

(1) All hemp waste and hemp extract waste must be stored in secured, locked rooms or buildings and managed in accordance with this rule and 2 CSR 70-14.130.

(2) Each cultivation and production facility and cannabidiol oil care center must submit to the department a plan for the disposal of all hemp waste and/or hemp extract waste. Allowable disposal methods are—

- (A) Destruction;
- (B) Recycling; and/or
- (C) Donation to an institution of higher education for research.

(3) Plans shall detail the destruction location, type and procedures of destruction used, recycling methods or procedures, and procedures for donation to an institution of higher education for research purposes and a description of the proposed research.

(4) Records maintained in the hemp monitoring system shall include:

- (A) Date of disposal;
- (B) Disposal method and procedures followed;
- (C) Disposal location;
- (D) Name and title of employee responsible for disposal;
- (E) Quantity, variety, and lot number of hemp disposed of;
- (F) Quantity and batch number of hemp extract disposed of;
- (G) Reason for disposal;

- (H) If donated for research—
1. Recipient's name and location;
 2. Name of custodian/researcher; and
 3. Quantity, variety, lot number, and batch number

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules**

EMERGENCY RULE

2 CSR 70-14.150 Pesticide Record Keeping Requirements

PURPOSE: Establishes the requirement of records to be maintained for known pesticides used within a one- (1-) mile radius of the cultivation and production facility.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires 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 Constitution. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.

- (1) The cultivation and production facility shall compile a list of all known pesticides by complete pesticide trade name and EPA

Registration Number from all possible sources of pesticide applications within a one- (1-) mile radius of the cultivation and production facility. Such sources include, but are not limited to:

(A) Agricultural row crop applications made by producers and certified commercial pesticide applicators hired by the row crop producer;

(B) Non-agriculture (outdoor) pesticide applications, made by—

1. Homeowners and businesses;
2. Golf courses;
3. Certified commercial lawn care applicators;
4. Certified right-of-way (highway, railroad, power line and substation, pipe line, drainage districts etc.) applicators; and
5. Mosquito abatement control applicators; and

(C) Any pesticide applied preplant (including burndown applications), preemergent, or postemergent to the hemp crop or land on which it is grown, whether or not registered for use on hemp or exempted from registration under the Federal Insecticide, Fungicide, and Rodenticide Act and the Missouri Pesticide Registration Act.

(2) The grower shall record and maintain this information in the hemp monitoring system for a period of one (1) year after the sample analysis has been completed.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules**

EMERGENCY RULE

2 CSR 70-14.160 Inspection of Premises and Facility of License Holder, Samples Collected for Analysis, Issuance of Search Warrant, and Powers of Director During Investigation or Hearing, When the Director May Report Violations to Prosecuting Attorney for Action

PURPOSE: Establishes the requirement of inspections, samples to be collected for analysis, issuance of search warrant, powers of the director during investigation or hearing, and reporting of violations to the prosecuting attorney.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal

Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires 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 Constitution. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.

(1) For the purposes of enforcing the provisions of sections 195.207, RSMo and 261.265, RSMo, and 2 CSR 70-14.005-2 CSR 70-14.190, the director may enter any premises at reasonable times where hemp and/or hemp extract is produced and/or distributed, in order to inspect, investigate, observe, sample, audit, detain, seize, or embargo.

(A) Before undertaking such inspection, the director shall present the license holder or person in charge of the premises or facility, appropriate credentials and a notice of inspection detailing the reason for the inspection.

(B) If any samples are collected, prior to leaving the premises or facility, the director shall give the license holder or person in charge a receipt describing the samples obtained.

1. A representative composite sample(s) of hemp shall be collected and delivered to an approved laboratory for analysis of the concentration level of tetrahydrocannabinol (THC).

A. The licensed cultivation and production facility will be responsible for paying the costs of laboratory analysis for each representative composite hemp sample analyzed.

B. If the results of analysis report indicates greater than three-tenths of one percent (0.3%) THC by dry weight basis or the percent based on a dry weight basis determined by the federal Controlled Substances Act under 21 U.S.C. Section 801 et seq., a duplicate sample will be analyzed at the expense of the licensed cultivation and production facility.

C. If the results of analysis report for the duplicate sample indicates greater than three-tenths of one percent (0.3%) THC by dry weight basis or the percent based on a dry weight basis determined by the federal Controlled Substances Act under 21 U.S.C. Section 801 et seq., the cultivation and production facility license holder may request an additional analysis on a triplicate sample to be conducted by a different independent third-party laboratory approved by the director.

D. If the results of a majority of all analysis reports indicate greater than three-tenths of one percent (0.3%) THC by dry weight basis or the percent based on a dry weight basis determined by the federal Controlled Substances Act under 21 U.S.C. Section 801 et seq., the hemp crop identified by lot number will be deemed as unusable and considered as hemp waste and placed under a stop sale, use or removal order issued by the director.

(I) The cultivation and production facility must handle the hemp waste in accordance with 2 CSR 70-14.140.

2. Representative sample(s) of hemp extract may be collected and delivered to an approved laboratory for analysis for the detection of pesticide active ingredients.

A. The licensed cultivation and production facility or cannabidiol oil care center will be responsible for paying the costs of

laboratory analysis for each representative sample(s) of hemp extract analyzed.

B. If the results of analysis report indicates a positive detection of any pesticide active ingredient, a duplicate sample from the same batch will be analyzed at the expense of the cultivation and production facility.

C. If the results of analysis report for the duplicate sample indicates a positive detection of any pesticide active ingredient, the hemp extract will be deemed as unusable and considered as hemp extract waste and placed under a stop sale, use, or removal order issued by the director.

(I) The cultivation and production facility must handle the hemp waste in accordance with 2 CSR 70-14.140.

(2) If the director is denied access to any land or building located on the premises of the facility where such access was sought for the purposes set forth in this rule, the director may apply to any court of competent jurisdiction for a search warrant authorizing access to that land, premises, or facility for the purposes identified in this rule. The court may issue a search warrant for the purposes requested upon probable cause being shown.

(3) The director may in the conduct of any investigation or hearing authorized or held by him/her—

(A) Examine, or cause to be examined, under oath, any person;

(B) Examine, or cause to be examined, the hemp monitoring system data or records required to be kept and maintained in accordance with the act or any regulation issued thereunder;

(C) Hear such testimony and take such evidence as will assist him/her in the discharge of his/her duties under the act; and

(D) Administer or cause to be administered oath.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the Missouri Register.

Title 2—DEPARTMENT OF AGRICULTURE Division 70—Plant Industries Chapter 14—Missouri Cannabidiol Oil Rules

EMERGENCY RULE

2 CSR 70-14.170 Stop Sale, Use, or Removal Orders

PURPOSE: Identifies the stop sale, use, or removal order and when it will be issued.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the

inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires 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 Constitution**. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.

(1) When the director or his/her designated representative (authorized agent) has probable cause to believe hemp or hemp extract is being distributed, produced, or manufactured in violation of any of the provisions of sections 195.207 or 261.265, RSMo or any regulations issued thereunder, he/she may issue and serve a written "stop sale, use, or removal order" upon the license holder or custodian. The hemp, hemp extract, or hemp waste shall not be distributed or sold, used or removed from the facility premises until the provisions of sections 195.207 or 261.265, RSMo or regulations issued thereunder, have been complied with and the hemp, hemp extract, or hemp waste has been released in writing by the director. Compliance with provisions of sections 195.207 or 261.265, RSMo or regulations issued thereunder must be achieved within ninety (90) days of the issuance of the "stop sale, use, or removal order."

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules**

EMERGENCY RULE

2 CSR 70-14.180 Revocation, Suspension, or Modification of a Cultivation and Production Facility License

PURPOSE: Gives the director the authority after inquiry and opportunity for hearing the ability to revoke, suspend, or modify a cultivation and production facility license.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of

*the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires 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 Constitution**. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.*

(1) The director, after inquiry, and after opportunity for a hearing, may revoke, suspend, or modify a cultivation and production facility license issued under the act, if he/she finds the holder of the license or any board member, officer, manager, or employee has violated any provision of the act or any regulation issued thereunder, or has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or the United States, for any offense reasonably related to the qualifications, functions, or duties of the licensee regulated under this act, for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules**

EMERGENCY RULE

2 CSR 70-14.190 Penalty for Violations of the Act or Any Regulation Issued Thereunder

PURPOSE: Establishes penalties for violating the act.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide

individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires 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 Constitution. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.

(1) If the director determines, after inquiry and opportunity for a hearing, that any individual is in violation of any provision of section 192.945, 195.207, or 261.265, RSMo or any regulations issued thereunder, the director shall have the authority to assess a civil penalty not to exceed two thousand five hundred dollars (\$2,500), issue a letter of enforcement action, or refer the violation to the Missouri attorney general's office for prosecution.

(A) In the event that a person penalized under this section fails to pay the penalty, the director may apply to the circuit court of Cole County for, and the court is authorized to enter, an order enforcing the assessed penalty.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the Missouri Register.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 20—Division of Community and Public Health Chapter 51—Hemp Extraction Registration

EMERGENCY RULE

19 CSR 20-51.010 Hemp Extraction Registration Card

PURPOSE: This rule establishes the application process for a hemp extract registration card.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

EMERGENCY STATEMENT: Hundreds of people in Missouri suffer from forms of epilepsy that may cause them to have hundreds of seizures a day. When traditional treatments fail to reduce or eliminate the seizures, a person is considered to have intractable epilepsy. Without proper care, the seizures may lead to developmental or neurological problems, disability, or death. Anecdotal evidence suggests that a type of hemp extract that contains high levels of cannabidiols and extremely low (less than 0.3%) levels of tetrahydrocannabinol (THC) may have anti-seizure properties and may reduce the number and duration of seizures in people suffering from intractable epilepsy. However, possession of products containing any level of THC is prohibited under Chapter 195, RSMo. Therefore, in 2014 the Missouri Legislature passed HB 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), to allow people with intractable epilepsy to purchase and possess hemp extract that contains high levels of cannabidiols and extremely low (less than 0.3%) levels of THC if (in addition to fulfilling the other requirements of the bill), they obtain a registration card issued by the Missouri Department of Health and Senior Services (DHSS). The bill contained an emergency clause. This emergency rule establishes the general procedures and requirements that a person must follow to obtain and maintain a hemp extract registration from DHSS. This emergency rule is necessary to protect the public health, safety, and welfare and presents a compelling governmental interest because no person may obtain a hemp extract registration card until this rule is in effect. As a result, the DHSS finds an immediate danger to the public health, safety, and/or welfare and a compelling governmental interest which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. 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. DHSS believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.

(1) Definitions. For the purposes of this rule, the following definitions apply:

(A) "Applicant," a Missouri resident eighteen (18) years of age or older with intractable epilepsy or a Missouri resident eighteen (18) years of age or older who is the parent or legal guardian responsible for the medical care of a minor with intractable epilepsy, who is applying for a hemp extract registration card under this rule;

(B) "Department," the Department of Health and Senior Services;

(C) "Hemp extract," an extract from a cannabis plant or a mixture or preparation containing cannabis plant material that—

1. Is composed of no more than three tenths percent (0.3%) tetrahydrocannabinol by weight;

2. Is composed of at least five percent (5%) cannabidiol by weight; and

3. Contains no other psychoactive substance.

(D) "Hemp extract registration card," a card issued by the department under section 192.945, RSMo;

(E) "Intractable epilepsy," epilepsy that as determined by a neurologist does not respond to three (3) or more treatment options overseen by the neurologist;

(F) "Neurologist," a physician who is licensed under Chapter 334, RSMo, and board certified in neurology;

(G) "Parent," a parent or legal guardian of a minor who is responsible for the minor's medical care;

(H) "Registrant," an individual to whom the department issues a hemp extract registration card under section 192.945, RSMo.

(2) Requirements for All Applicants.

(A) No person shall engage in any activity for which registration is required until the application for registration has been processed and the hemp extract registration card has been issued.

(B) Applications for registration and renewal shall be made on forms designated by the department.

(C) Applications shall contain the original signature of the applicant and shall be provided to the department.

(D) An application which does not contain or is not accompanied by the required information may be denied sixty (60) days after notifying the applicant of the deficiency.

(E) An application may be withdrawn by making a written request to the department.

(F) All applicants shall provide full, true, and complete answers on the application.

(3) Applications for Individual Registrations. Missouri residents eighteen (18) years of age or older who suffer from intractable epilepsy may apply for a hemp extract registration card. The application shall be made by completing the Missouri Hemp Extract Registration Card Application incorporated by reference in this rule as published by the department in October 2014 and available on the department's website at health.mo.gov or by contacting the department at PO Box 570, Jefferson City, MO 65102-0570. This rule does not incorporate any subsequent amendments or additions. A complete application shall also include:

(A) A copy of the applicant's valid photo identification; and

(B) A completed Missouri Hemp Extract Registration Card Neurologist Certification form as published by the department in October 2014 and available on the department's website at health.mo.gov or by contacting the department at PO Box 570, Jefferson City, MO 65102-0570. This rule does not incorporate any subsequent amendments or additions. The certification shall be consistent with a record from the neurologist attached to the Hemp Extract Card Registration Application.

(4) Applications by Parents or Legal Guardians of Minors. A Missouri resident eighteen (18) years of age or older who is the parent or legal guardian who is responsible for the medical care of a minor with intractable epilepsy may apply for a hemp extract registration card. The application shall be made by completing the Missouri Hemp Extract Registration Card Application incorporated by reference in this rule as published by the department in October 2014 and available on the department's website at health.mo.gov or by contacting the department at PO Box 570, Jefferson City, MO 65102-0570. This rule does not incorporate any subsequent amendments or additions. A complete application shall also include:

(A) A copy of the parent's or legal guardian's valid photo identification; and

(B) A completed Missouri Hemp Extract Registration Card Neurologist Certification form as published by the department in October 2014 and available on the department's website at health.mo.gov or by contacting the department at PO Box 570, Jefferson City, MO 65102-0570. This rule does not incorporate any subsequent amendments or additions. The certification shall be consistent with a record from the neurologist attached to the Hemp Extract Card Registration Application.

(5) Hemp extract registrants may possess up to twenty (20) ounces of hemp extract. A registrant or applicant may request a waiver to the twenty (20) ounce limit by submitting a completed Missouri Hemp Extract Registration Card Certification for Waiver form as published by the department in October 2014 and available on the department's

website at health.mo.gov or by contacting the department at PO Box 570, Jefferson City, MO 65102-0570. This rule does not incorporate any subsequent amendments or additions.

(6) Registrants shall—

(A) Show their hemp extract registration card to the dispensing facility in order to obtain hemp extract, and allow the facility to make a photocopy of it; and

(B) Provide their hemp extract registration card to law enforcement upon request.

(7) Registrants shall not sell or otherwise transfer hemp extract or a hemp extract registration card to others except as authorized by law.

(8) Renewals. Registration cards shall be valid for one (1) year from the date of issuance and may be renewed if the registrant meets the requirements in this rule for an initial registration. A waiver issued pursuant to this rule is valid through the end of the registration period during which it was issued.

(9) Registration Card. The hemp extract registration card issued by the department shall contain the following information at minimum:

(A) The registration number;

(B) The registration expiration date;

(C) The registrant's name, date of birth, address, telephone number, and email address;

(D) The minor's name and date of birth if the registrant is the parent or legal guardian responsible for the medical care of the minor with intractable epilepsy;

(E) If applicable, indication that the registrant has a waiver under section 195.207.4, RSMo, allowing possession of more than twenty (20) ounces of hemp extract;

(F) This statement: This card shall not be transferred or altered; and

(G) This statement: This card certifies that the registrant has complied with the requirements for obtaining a hemp extract registration card under section 192.945, RSMo, and if noted on this card, the requirements for obtaining a waiver under section 195.207.4, RSMo. This card does not certify that the registrant is in compliance with any other laws and does not authorize the registrant to violate any laws.

(10) The department may deny or revoke a hemp extract registration card if—

(A) The applicant or registrant does not comply with section 192.945, RSMo, or this rule;

(B) The applicant or registrant supplies false or fraudulent information or documentation to the department;

(C) The applicant or registrant fails to notify the department within thirty (30) days of any change in legal name or address of the applicant, registrant, or patient;

(D) The applicant or registrant fails to notify the department within thirty (30) days that the applicant, registrant, or patient no longer meets the requirements for obtaining or holding a hemp extract registration card; or

(E) The registrant or another has altered the hemp extract registration card.

AUTHORITY: section 192.945, RSMo Supp. 2014, and section 192.006, RSMo 2000. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the Missouri Register.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2013.

EXECUTIVE ORDER 14-11

WHEREAS, communities in our state are facing serious issues involving race, economic and educational opportunities and poverty; and

WHEREAS, these issues deserve our continued focus, public discourse and policy action; and

WHEREAS, Missouri state government must continue to be a leader in facilitating communication and taking action with respect to these critical issues; and

WHEREAS, Missouri state government must engage with communities, public and private sector leaders, clergy and citizens on these public policy matters; and

WHEREAS, the establishment of an office dedicated to working directly with citizens and community leaders on these issues of importance will provide a mechanism for state government to hear and better understand the challenges affecting citizens and communities and to assist in formulating appropriate policy actions.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, do hereby establish the Office of Community Engagement.

The Office of Community Engagement shall be headed by a Director and directly supported by a Deputy Director/General Counsel and such other personnel as necessary to effectuate its duties and responsibilities.

The Office of Community Engagement shall substantively engage communities, public and private sector leaders, clergy and citizens across the State of Missouri in meaningful communication regarding critical issues affecting our citizens and communities. The Office of Community Engagement shall be further responsible for assisting in the development of policies and strategies to enable all citizens and communities in our state to prosper.

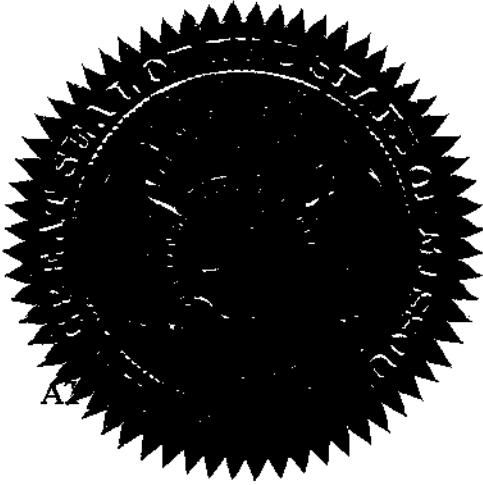
The Office of Community Engagement shall organizationally be created within the Office of Administration, and the Office of Administration shall provide the Office of Community Engagement with such administrative assistance as may be required to fulfill its mission.

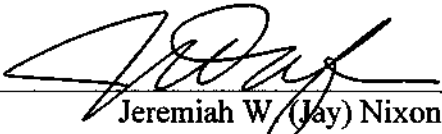
The Office of Community Engagement may make recommendations to the Department of Economic Development, Missouri Community Service Commission, Missouri Housing Development Commission and other boards, commissions and agencies that administer programs designed to assist low-income individuals, urban neighborhoods, community redevelopment and similar activities.

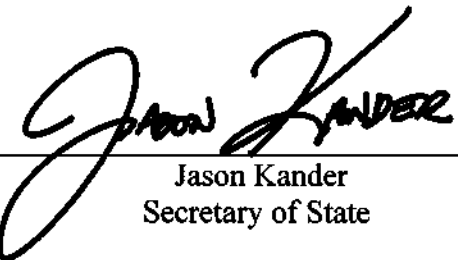
The Office of Community Engagement shall recommend individuals to the administration for appointment to boards, commissions and agencies of the state.

All departments of state government shall cooperate with the Office of Community Engagement.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 18th day of September, 2014.




Jeremiah W. (Jay) Nixon
Governor


Jason Kander
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbol-ogy under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 1—OFFICE OF ADMINISTRATION
Division 10—Commissioner of Administration
Chapter 4—Vendor Payroll Deduction Regulations**

PROPOSED AMENDMENT

1 CSR 10-4.010 State of Missouri Vendor Payroll Deductions. The commissioner is amending subsection (2)(G) and deleting section (5).

PURPOSE: This amendment makes changes to the solicitation by voluntary vendors of products and services to state employees in state facilities.

(2) The following requirements apply to payroll deductions:

(G) Solicitation by a vendor of signed employee applications or memberships may not be performed in state facilities at any time with the exception of *[qualified]* vendor products *[for the cafeteria plan and regulations under 1 CSR 10-15.010]* **that are eligible**

under Section 125 of Title 26 of the United States Code and compliant with 1 CSR 10-15.010 and section 33.103, RSMo;

[(15) The commissioner of administration may include as an option in the state cafeteria plan any authorized voluntary payroll deduction product that is eligible under Section 125 of Title 26 of the United States Code and compliant with the state cafeteria plan rule 1 CSR 10-15.010.]

AUTHORITY: sections 33.103, 536.010, and 536.023, RSMo Supp. [2007] 2013, and section 370.395, RSMo 2000. Original rule filed May 15, 1990, effective Sept. 28, 1990. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Oct. 1, 2014, effective Jan. 1, 2015, expires June 29, 2015. Amended: Filed Oct. 1, 2014.

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

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Commissioner of Administration, PO Box 809, Jefferson City, MO, 65102. 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.

**Title 1—OFFICE OF ADMINISTRATION
Division 10—Commissioner of Administration
Chapter 15—Cafeteria Plan**

PROPOSED AMENDMENT

1 CSR 10-15.010 Cafeteria Plan. The commissioner is amending sections (1), (2), and (3) and replacing the *Cafeteria Plan for the Employees of the State of Missouri* document referred to in section (2) with an updated version.

PURPOSE: This amendment makes changes to the benefits available to state and other public entity employees under the State of Missouri's cafeteria plan (the plan).

(1) The cafeteria plan for state employees, authorized by section 33.103, RSMo, shall contain the following items:

(A) A provision authorizing the payment through the cafeteria plan of a participating employee's share of the cost, *[or]* premium **or health savings account contribution** for coverage under any *[plan or program]* **state sponsored health plan** which provides medical benefits or health insurance to or on behalf of any employee or spouse or dependent in the event of illness or personal injury to the employee or spouse or dependent, which plan or program is available to the employee by reason of his/her status as an employee;

(D) A provision authorizing the payment through the cafeteria plan of a participating employee's share of the cost or premium for coverage under any *[plan or program]* **state sponsored health plan** which provides dental benefits or dental insurance to or on behalf of any employee or spouse or dependent, which plan or program is available to the employee by reason of his/her status as an employee;

(E) A provision authorizing the payment through the cafeteria plan of a participating employee's share of the cost or premium for coverage under any *[plan or program]* **state sponsored health plan** which provides vision care benefits or vision care insurance to or on

behalf of any employee or spouse or dependent, which plan or program is available to the employee by reason of his/her status as an employee; and

(2) The commissioner of administration shall maintain the cafeteria plan, *[the dependent care assistance plan, and the flexible medical benefits plan,]* in written form, denominated as the *Cafeteria Plan for the Employees of the State of Missouri* included herein.

(3) Voluntary payroll vendors *[that have qualified for inclusion in the Missouri State Employees' Cafeteria Plan under rules set forth in this section and 1 CSR 10-4.010]* whose products meet the qualifications of Section 125 of Title 26 of the United States Code and section 33.103, RSMo must meet the following criteria for solicitation of business on state property:

(B) The vendor may only present the products that *[have qualified for the cafeteria plan]* qualify under Section 125 of Title 26 of the United States Code and section 33.103, RSMo;

APPENDIX A
MISSOURI STATE EMPLOYEES' CAFETERIA PLAN
DOCUMENT

**Cafeteria Plan
for the Employees of
the State of Missouri**

Plan Document

**Effective January 1, 2015
(with an original effective date of January 1, 1992)**

**Cafeteria Plan
 for the Employees of
 the State of Missouri**

Plan Document

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**Section 3
Introduction****1.1 Establishment of the Plan**

The State of Missouri (the "Employer") hereby amends the State of Missouri Cafeteria Plan (the "Plan") effective January 1, 2015 (the "Effective Date"). The original Plan was effective January 1, 1992.

1.2 Purpose of the Plan

This Plan allows an Employee to participate in the following Benefit Options based on his/her eligibility status as stated in Section 4:

- **Premium Payment Plan (PPP)** to make pre-tax Salary Reduction Contributions to pay the Employee's share of the premium or contribution for the Health Plan, Dental Plan, and/or Vision Plan.
- **Health Flexible Spending Account (Health FSA)** to make pre-tax Salary Reduction Contributions to an account for reimbursement of certain Health Care Expenses.
- **Limited Scope Health Flexible Spending Account (Limited Scope Health FSA)** to make pre-tax Salary Reduction Contributions to an account for reimbursement of Dental and Vision Expenses.
- **Dependent Care Assistance Program (DCAP)** to make pre-tax Salary Reduction Contributions to an account for reimbursement of certain Dependent Care Expenses.
- **Health Savings Account Contribution Benefit (HSA Contribution Benefit)** to make pre-tax Salary Reduction Contributions to a Health Savings Account.

1.3 Legal Status

This Plan is intended to qualify as a "cafeteria plan" under the Code §125, and regulations issued thereunder and shall be interpreted to accomplish that objective.

The **Health FSA** and the **Limited Scope Health FSA** are intended to qualify as self-insured health reimbursement plans under Code §105, and the Health Care Expenses reimbursed are intended to be eligible for exclusion from participating Employees' gross income under Code §105(b).

The **DCAP** is intended to qualify as a dependent care assistance program under Code §129, and the Dependent Care Expenses reimbursed are intended to be eligible for exclusion from participating Employees' gross income under Code §129(a).

The **HSA Contribution Benefit** is intended to meet all requirements of §223 of the Code.

Although reprinted within this document, the **Health FSA**, the **Limited Scope Health FSA**, the **DCAP** and the **HSA Contribution Benefit** are separate plans for purposes of administration and all reporting and nondiscrimination requirements imposed by Code §§105 and 129. The **Health FSA** and the **Limited Scope Health FSA** are also separate plans for purposes of applicable provisions of COBRA and HIPAA.

1.4 Capitalized Terms

Many of the terms used in this document begin with a capital letter. These terms have special meaning under the Plan and are defined in the Glossary at the end of this document or in other relevant Sections. When reading the provisions of the Plan, please refer to the Glossary at the end of this document. Becoming familiar with the terms defined there will provide a better understanding of the procedures and Benefits described.

Section 2
General Information

Name of the Cafeteria Plan	State of Missouri Cafeteria Plan
Name of Employer	State of Missouri
Address of Plan	Office of Administration, P.O. Box 809, Jefferson City, MO 65102-0809
Plan Administrator	State of Missouri/Office of Administration
Plan Sponsor and its IRS	State of Missouri/Office of Administration
Employer Identification Number	44-6000987
Named Fiduciary & Agent for Service of Legal Process	State of Missouri
Type of Administration	The Plan is administered by the Plan Administrator with Benefits provided in accordance with the provisions of the State of Missouri Cafeteria Plan. It is not financed by an insurance company and Benefits are not guaranteed by a contract of insurance. State of Missouri may hire a third party to perform some of its administrative duties such as claim payments and enrollment.
Plan Number	501
Benefit Option Year	The twelve-month period ending December 31 (with an additional 2 ½ month grace period).
Plan Effective Date	January 1, 2015, with an original effective date of January 1, 1992
Claims Administrator	Application Software, Inc., dba ASI, dba ASIFlex
Plan Renewal Date	January 1
Internal Revenue Code and Other Federal Compliance	It is intended that this Plan meet all applicable requirements of the Internal Revenue Code of 1986 (the "Code") and other federal regulations. In the event of any conflict between this Plan and the Code or other federal regulations, the provisions of the Code and the federal regulations shall be deemed controlling, and any conflicting part of this Plan shall be deemed superseded to the extent of the conflict.
Discretionary Authority	The Plan Administrator shall perform its duties as the Plan Administrator and in its sole discretion, shall determine the appropriate courses of action in light of the reason and purpose for which this Plan is established and maintained.

In particular, the Plan Administrator shall have full and sole discretionary authority to interpret all Plan documents, and make all interpretive and factual determinations as to whether any individual is entitled to receive any Benefit under the terms of this Plan. Any construction of the terms of any Plan document and any determination of fact adopted by the Plan Administrator shall be final and legally binding on all parties. Any interpretation shall be subject to review only if it is arbitrary, capricious, or otherwise an abuse of discretion.

Any review of a final decision or action of the Plan Administrator shall be based only on such evidence presented to or considered by the Plan Administrator at the time it made the decision that is the subject of review. Accepting any Benefits or making any claim for Benefits under this Plan constitutes agreement with and consent to any decisions that the Plan Administrator makes in its sole discretion and further constitutes agreement to the limited standard and scope of review described by this section -- Section 2.

Section 3
Benefit Options and Method of Funding

3.1 Benefits Offered

Each Employee may elect to participate in one or more of the following Benefits based upon his/her eligibility as stated in Section 4:

- **Premium Payment Plan (PPP)** as described in Schedule A.
- **Health Flexible Spending Account (Health FSA)** as described in Schedule B.
- **Health Savings Account Contribution Benefit (HSA Contribution Benefit)** as described in Schedule C.
- **Dependent Care Assistance Program (DCAP)** as described in Schedule D.
- **Limited Scope Health Flexible Spending Account (Limited Scope Health FSA)** as described in Schedule E.

Benefits under the Plan shall not be provided in the form of deferred Compensation.

3.2 Employer and Participant Contributions

- **Employer Contributions.** The Employer may, but is not required to, contribute to any of the Benefit Options. There are no Employer Contributions for the PPP under this Plan; however, if the Participant elects the PPP as described in Schedule A, the Employer may contribute toward the Health Plan, Dental Plan and/or Vision Plan as provided in the respective plan or policy of the Employer.
- **Participant Contributions.** The Employer shall withhold from a Participant's Compensation by Salary Reduction on a pre-tax basis, or with after-tax deductions, an amount equal to the Contributions required for the Benefits elected by the Participant under the Salary Reduction Agreement. The maximum amount of Salary Reductions shall not exceed the aggregate cost of the Benefits elected.

3.3 Computing Salary Reduction Contributions

- **Salary Reductions per Pay Period.** The Participant's Salary Reduction is an amount equal to:
 - The annual election for such Benefits payable on a semi-monthly or monthly basis in the Period of Coverage;
 - An amount otherwise agreed upon between the Employer and the Participant; or
 - An amount deemed appropriate by the Plan Administrator. (Example: in the event of a shortage of reducible Compensation, amounts withheld and the Benefits to which Salary Reductions are applied may fluctuate.)

- **Salary Reductions Following a Change of Elections.** If the Participant changes his or her election under the PPP, Health FSA, Limited Scope Health FSA, or DCAP, as permitted under the Plan, the Salary Reductions will be, for the Benefits affected, calculated as follows:
 - An amount equal to:
 - The new annual amount elected pursuant to the Method of Timing and Elections section below;
 - Less the aggregate Contributions, if any, for the period prior to such election change;
 - Payable over the remaining term of the Period of Coverage commencing with the election change;
 - An amount otherwise agreed upon between the Employer and the Participant; or
 - An amount deemed appropriate by the Plan Administrator. (Example: in the event of a shortage of reducible Compensation, amounts withheld and the Benefits to which Salary Reductions are applied may fluctuate.)
- **Salary Reductions Considered Employer Contributions for Certain Purposes.** Salary Reductions to pay for the Participant's share of the Contributions for Benefit Options elected for purposes of this Plan and the Code are considered Employer Contributions.
- **Salary Reduction Balance Upon Termination of Coverage.** If, as of the date that coverage under this Plan terminates, a Participant's year-to-date Salary Reductions exceed or are less than the required Contributions necessary for Benefit Options elected up to the date of termination, the Employer will either return the excess to the Participant as additional taxable wages or recoup the amount due through Salary Reduction amounts from any remaining Compensation.
- **After-Tax Contributions for PPP.** After-tax Contributions for the Health Plan will be paid outside of this Plan.

3.4 Funding This Plan

- **Benefits Paid from General Assets.** All of the amounts payable under this Plan shall be paid from the general assets of the Employer. Nothing herein will be construed to require the Employer nor the Plan Administrator to maintain any fund or to segregate any amount for the Participant's benefit. Neither the Participant, nor any other person, shall have any claim against, right to, or security or other interest in any fund, account or asset of the Employer from which any payment under this Plan may be made. There is no trust or other fund from which Benefits are paid. While the Employer has complete responsibility for the payment of Benefits out of its general assets, it may hire a third party administrator to perform some of its administrative duties such as claims payments and enrollment.
- **Participant Bookkeeping Account.** While all Benefits are to be paid from the general assets of the Employer, the Employer will keep a bookkeeping account in the name of each Participant. The bookkeeping account is used to track allocation and payment of Plan Benefits. The Plan

Administrator will establish and maintain under each Participant's bookkeeping account a subaccount for each Benefit Option elected by each Participant.

- **Maximum Contributions.** The maximum Contributions that may be made under this Plan for the Participant are the total of the maximums that may be elected for the **PPP** as described in Schedule A, **Health FSA** as described in Schedule B, **HSA Contribution Benefit** as described in Schedule C, the **DCAP** as described in Schedule D, and the **Limited Scope Health FSA** as described in Schedule E.