

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

PROPOSED 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.

(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. Original rule filed Oct. 8, 2014.

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

PRIVATE COST: This proposed rule 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 rule with the Missouri Department of Agriculture, PO Box 630, 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 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules**

PROPOSED RULE

2 CSR 70-14.010 Definitions

PURPOSE: Defines regulatory terms.

(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. Original rule filed Oct. 8, 2014.

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

PRIVATE COST: This proposed rule 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 rule with the Missouri Department of Agriculture, PO Box 630, 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 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

PROPOSED 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.

(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. Original rule filed Oct. 8, 2014.

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

PRIVATE COST: This proposed rule will cost private entities two hundred fifty dollars (\$250) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, 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.*

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:**
- Division Title:**
- Chapter Title:**

Rule Number and Title:	2 CSR 70-14.020 Application for a Cultivation and Production Facility license
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
10	Non-profit entities	\$250 annual average

III. WORKSHEET

10 Entities x 1 hour x \$50 per hour = \$500 every two years = \$250 annual average

IV. ASSUMPTIONS

It is assumed ten entities will apply for a license during an open application cycle. It is assumed the application cycle will occur on average every two years.

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

PROPOSED 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.*

(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. Original rule filed Oct. 8, 2014.*

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

PRIVATE COST: This proposed rule will cost private entities twelve thousand five hundred dollars (\$12,500) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, 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.*

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:
Division Title:
Chapter Title:**

Rule Number and Title:	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
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
10	Non-profit entities	\$12,500 annual average

III. WORKSHEET

10 Entities x 40 hours draft time x \$50 per hour = \$20,000 every two years = \$10,000 annual average.
10 Entities x 10 board members/managers/employees x \$50 per background = \$5,000 every two years = \$2,500 annual average.
Total = \$12,500 annual average

IV. ASSUMPTIONS

It is assumed that ten entities will apply for a license during an open application cycle, each entity will require ten background checks and application cycles will occur on average every two years.

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

PROPOSED 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.

(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. Original rule filed Oct. 8, 2014.

PUBLIC COST: This proposed rule will cost the Missouri Department of Agriculture five hundred fifty dollars (\$550) annually.

PRIVATE COST: This proposed rule 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 rule with the Missouri Department of Agriculture, PO Box 630, 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.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:**
- Division Title:**
- Chapter Title:**

Rule Number and Name:	2 CSR 70-14.040 Application - Selection Criteria
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Agriculture	\$550.00 annual average

III. WORKSHEET

10 applications x 4 hours per application x \$27.50 = \$550.00

IV. ASSUMPTIONS

It was assumed the Department of Agriculture would receive 10 applications to review, that each review would take 4 hours, and the average hourly cost would be \$27.50. It is assumed the application cycle would occur on average every two years.

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

PROPOSED 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.

(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. Original rule filed Oct. 8, 2014.

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

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Title 2—DEPARTMENT OF AGRICULTURE
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PROPOSED 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.

(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. Original rule filed Oct. 8, 2014.

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

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Title 2—DEPARTMENT OF AGRICULTURE
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PROPOSED RULE

2 CSR 70-14.070 Cultivation and Production Facility License Expiration

PURPOSE: Establishes the license expiration.

(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. Original rule filed Oct. 8, 2014.

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

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PROPOSED 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.

(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. Original rule filed Oct. 8, 2014.

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

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

PROPOSED RULE

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

PURPOSE: Establishes license stipulations and requirements.

(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. Original rule filed Oct. 8, 2014.

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

PRIVATE COST: This proposed rule will cost private entities one thousand dollars (\$1,000) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, 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.*

**FISCAL NOTE
 PRIVATE COST**

- I. Department Title:**
- Division Title:**
- Chapter Title:**

Rule Number and Title:	2 CSR 70-14.090 Cultivation and Production Facility License stipulations and requirements
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	Non-profit entities	\$1,000 annually

III. WORKSHEET

2 Entities x 5 employment changes per year x \$100 (staff time and background check expense) = \$1,000

IV. ASSUMPTIONS

It is assumed five employment changes will occur annually for each licensed entity.

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

PROPOSED 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.

(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. Original rule filed Oct. 8, 2014.

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

PRIVATE COST: This proposed rule will cost private entities one hundred twenty-four thousand dollars (\$124,000) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, 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.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:**
Division Title:
Chapter Title:

Rule Number and Title:	2 CSR 70-14.100 Requirements for production, manufacture, storage, transportation, and testing of hemp and hemp extract
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	Non-profit entities	\$124,000 annually

III. WORKSHEET

2 Entities x 20 samples annually x 500 per sample = \$20,000
2 Entities x an estimated \$52,000 per entity to create and follow specific handling, storage, inventory, transportation and testing requirements of this section = \$104,000
Total = \$124,000

IV. ASSUMPTIONS

It is assumed each entity will require 20 samples annually and that each sample will cost \$500.

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

PROPOSED 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.

(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, manufacture, 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. Original rule filed Oct. 8, 2014.

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

PRIVATE COST: This proposed rule will cost private entities ten thousand dollars (\$10,000) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, 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.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:**
- Division Title:**
- Chapter Title:**

Rule Number and Title:	2 CSR 70-14.110 Hemp monitoring system records to be maintained for manufacture, storage, testing, and distribution of hemp and hemp extract
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	Non-profit entities	\$10,000 annually

III. WORKSHEET

2 Entities x 100 hours per year staff time to record required information x \$50 per hour = \$10,000

IV. ASSUMPTIONS

It is assumed that the section-specific recordkeeping will require 100 hours per entity, per year.

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

PROPOSED 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.

- (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. Original rule filed Oct. 8, 2014.

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

PRIVATE COST: This proposed rule will cost private entities ten thousand dollars (\$10,000) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, 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.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:**
Division Title:
Chapter Title:

Rule Number and Title:	2 CSR 70-14.120 Packaging and labeling of hemp and hemp extract
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	Non-profit entities	\$10,000 annually

III. WORKSHEET

$$2 \text{ Entities} \times \$1 \times 5,000 = \$5,000$$

IV. ASSUMPTIONS

It is assumed that each entity will annually produce 5,000 units and that child-resistant packaging and specific additional label statements will cost \$1 per unit.

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

PROPOSED 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.

(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. Original rule filed Oct. 8, 2014.

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

PRIVATE COST: This proposed rule will cost private entities one hundred fifty thousand dollars (\$150,000) in one- (1-) time costs and twenty thousand dollars (\$20,000) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, 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.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:**
- Division Title:**
- Chapter Title:**

Rule Number and Title:	2 CSR 70-14.130 Cultivation and production facility and cannabidiol oil care center security measures, reportable events, and records to be maintained
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	Non-profit entities	\$150,000 one-time cost
2	Non-profit entities	\$20,000 annual

III. WORKSHEET

2 Entities x \$75,000 estimated one-time expense for alarm and video system
2 Entities x \$10,000 estimated annual system maintenance

IV. ASSUMPTIONS

It is assumed that alarm and video systems will not require repeated purchase.

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

PROPOSED 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.

(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. Original rule filed Oct. 8, 2014.

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

PRIVATE COST: This proposed rule will cost private entities eight hundred dollars (\$800) in one- (1-) time costs and five thousand two hundred dollars (\$5,200) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, 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.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:**
Division Title:
Chapter Title:

Rule Number and Title:	2 CSR 70-14.140 Waste disposal of unusable hemp and hemp extract
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	Non-profit entities	\$800 one-time cost
2	Non-profit entities	\$5,200 annually

III. WORKSHEET

2 Entities x 8 hours draft time x \$50 per hour = \$800

2 Entities x 1 hour per week for disposal x 52 weeks x \$50 per hour = \$5,200

Total = \$6,000

IV. ASSUMPTIONS

It is assumed that disposal processes will require one hour per week on average.

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

PROPOSED 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.

(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. Original rule filed Oct. 8, 2014.

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

PRIVATE COST: This proposed rule will cost private entities one thousand six hundred dollars (\$1,600) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, 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.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:**
- Division Title:**
- Chapter Title:**

Rule Number and Title:	2 CSR 70-14.150 Pesticide Record Keeping Requirements
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	Non-profit entities	\$1,600 annually

III. WORKSHEET

2 Entities x 16 hours staff time per year x \$50 = \$1,600

IV. ASSUMPTIONS

It is assumed that the required annual communication and recordkeeping will be accomplished in 16 hours.

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

PROPOSED 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.

(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. Original rule filed Oct. 8, 2014.

PUBLIC COST: This proposed rule will cost the Missouri Department of Agriculture seventy-eight thousand three hundred eighteen dollars and fifty cents (\$78,318.50) annually.

PRIVATE COST: This proposed rule will cost private entities twenty-two thousand four hundred dollars (\$22,400) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, 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.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:**
Division Title:
Chapter Title:

Rule Number and Name:	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
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Agriculture	\$78,318.50 annually

III. WORKSHEET

Program Coordinator - .75 x \$45,154=\$33,865.50
 Senior Office Support Assistant - .50 x \$28,906=\$14,453
 Expenses & Equipment - \$15,000
 Lab and Travel - \$15,000

IV. ASSUMPTIONS

It is assumed that: 75% of the Program Coordinator's time (.75 x \$45,154 = \$33,865.50) will go towards inspectional requirements of this section; 50% of the Senior Office Support Assistant's time (.50 x \$28,906 = \$14,453) will go to efforts required in 2 CSR 70-14.160; all Expense & Equipment funding (\$15,000) and all laboratory and travel funding (\$15,000) will go towards requirements of 2 CSR 70-14.160.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:**
Division Title:
Chapter Title:

Rule Number and Title:	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
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	Non-profit entities	\$22,400 annually

III. WORKSHEET

2 Entities x 6 inspections per year x 4 hours per inspection x \$50 = \$2,400
2 Entities x 20 samples per year x \$500 per sample = \$20,000
Total = \$22,400

IV. ASSUMPTIONS

It is assumed that there will be 6 inspections and 20 samples per entity per year.

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

PROPOSED 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.

(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. Original rule filed Oct. 8, 2014.

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

PRIVATE COST: This proposed rule will cost private entities fourteen thousand dollars (\$14,000) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, 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.*

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:
Division Title:
Chapter Title:**

Rule Number and Title:	2 CSR 70-14.170. Stop sale, use, or removal orders
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	Non-profit entities	\$14,000 annually

III. WORKSHEET

2 Entities x 2 remanufacturing processes per year x \$1,000 = \$4,000
2 Entities x 10 retest samples per year x \$500 per sample = \$10,000
Total = \$14,000

IV. ASSUMPTIONS

It is assumed that each facility will annually require two remanufacturing processes that will generate ten retest samples.

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

PROPOSED 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.

(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. Original rule filed Oct. 8, 2014.

PUBLIC COST: This proposed rule will cost the Missouri Department of Agriculture one thousand dollars (\$1,000) annually.

PRIVATE COST: This proposed rule will cost private entities one thousand five hundred dollars (\$1,500) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, 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.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:**
- Division Title:**
- Chapter Title:**

Rule Number and Name:	2 CSR 70-14.180. Revocation, suspension, or modification of a cultivation and production facility license
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Agriculture	\$1,000.00 annual average

III. WORKSHEET

Hearing Officer - \$3,000 estimate
Court Reporter - \$1,000 estimate
MDA Staff Time - \$1,000 estimate
Total = \$5,000 every five years = \$1,000 annual average

IV. ASSUMPTIONS

It is assumed that the Director will average one license action every five years.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:**
- Division Title:**
- Chapter Title:**

Rule Number and Title:	2 CSR 70-14.180. Revocation, suspension, or modification of a cultivation and production facility license
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	Non-profit entities	\$1,500 annual average

III. WORKSHEET

One license action every 5 years x an estimated \$7,500 per action = \$1,500 average per year.

IV. ASSUMPTIONS

It is assumed that the director will average one license action every five years.

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

PROPOSED RULE

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

PURPOSE: Establishes penalties for violating the act.

(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. Original rule filed Oct. 8, 2014.

PUBLIC COST: This proposed rule will cost the Missouri Department of Agriculture one hundred dollars (\$100) annually.

PRIVATE COST: This proposed rule will cost private entities two hundred fifty dollars (\$250) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, 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.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:**
- Division Title:**
- Chapter Title:**

Rule Number and Name:	2 CSR 70-14.190. Penalty for violations of the Act or any regulation issued thereunder
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Agriculture	\$100.00 annual average

III. WORKSHEET

Missouri Department of Agriculture staff time = \$1,000 estimate per civil penalty occurring one every 10 years.

IV. ASSUMPTIONS

It is assumed that the Director will average one civil penalty under this section every ten years.

**FISCAL NOTE
 PRIVATE COST**

- I. Department Title:**
Division Title:
Chapter Title:

Rule Number and Title:	2 CSR 70-14.190. Penalty for violations of the Act or any regulation issued thereunder
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	Non-profit entities	\$250 annual average

III. WORKSHEET

One civil penalty action every ten years x \$2,500 = \$250 per year average

IV. ASSUMPTIONS

It is assumed that the director will average one civil penalty under this section every ten years.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions**

PROPOSED AMENDMENT

3 CSR 10-4.117 Prohibited Species. The commission proposes to amend subsections (2)(C) and (2)(D) of this rule.

PURPOSE: This amendment adds non-native round goby and tubenose goby to the prohibited species list to help prevent the introduction and spread of these invasive species to Missouri waters and corrects the scientific name for quagga mussel.

(2) For the purpose of this rule, prohibited species of wildlife shall include the following:

(C) Fishes: Live fish or viable eggs of black carp (*Mylopharyngodon piceus*); round goby (*Neogobius melanostomus*); tubenose goby (*Proterorhinus semilunaris*); snakehead fish of the genera *Channa* or *Parachanna* (or the generic synonyms of *Bostrychoides*, *Ophicephalus*, *Ophiocephalus*, and *Parophio-cephalus*); walking catfish of the family *Clariidae*; and

(D) Invertebrates: New Zealand mudsnail, *Potamopyrgus antipodarum*; rusty crayfish, *Orconectes rusticus*; marbled crayfish, *Procambarus marmoratus*; Australian crayfish of the genus *Cherax*; mitten crabs of the genus *Eriocheir*; zebra mussels, *Dreissena polymorpha*; quagga mussels, *Dreissena rostriformis bugensis*; mystery snails of the genus *Cipangopaludina*.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed April 20, 2005, effective Sept. 30, 2005. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 17, 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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.610 Mussels and Clams. The commission proposes to amend section (1) of this rule.

PURPOSE: This amendment updates the currently accepted common name of Asian clam.

(1) Daily Limit: Five (5) in the aggregate. Limits apply to live and dead animals. Two (2) shell halves (valves) shall be considered one (1) mussel or clam. [*Asiatic clams*] Asian clams may be taken and possessed in any number.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 17, 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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards**

PROPOSED AMENDMENT

3 CSR 10-9.110 General Prohibition; Applications. The commission proposes to amend section (2) of this rule.

PURPOSE: This amendment updates the currently accepted common name of Asian clam.

(2) Except for federally-designated endangered species and species listed in 3 CSR 10-4.117 and 3 CSR 10-9.240, the following may be bought, sold, possessed, transported, and exhibited without permit: [*Asiatic clams*] Asian clams (*Corbicula* species) taken from impoundments that are not waters of the state; bison; amphibians, reptiles, and mammals not native to Missouri; and those birds (except ring-necked pheasants and gray partridge) not native to the continental United States.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule was previously filed as 3 CSR 10-4.110(5), (6), and (10). Original rule filed June 26, 1975, effective July 7, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 17, 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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards**

PROPOSED AMENDMENT

3 CSR 10-9.425 Wildlife Collector's Permit. The commission proposes to amend section (3) of this rule.

PURPOSE: This amendment identifies specific affiliated groups of the Missouri Department of Conservation that are exempted from this rule while operating, conducting, or participating in a department-authorized project or program.

(3) The wildlife collector's permit is not valid until signed by the permit holder. The permit is valid for one (1) year from January 1. The permit holder shall submit a wildlife collector's permit report to the department within thirty (30) days of the permit's expiration date. Issuance of permits for the following year shall be conditioned on compliance with this Code, specified conditions of the permit, and receipt of a satisfactory wildlife collector's permit report. *[Missouri] Stream Teams, Discover Nature Schools classes, and [D]department [of Conservation] volunteers, working on department authorized programs or wildlife collection projects, are exempt from the requirements of this [section] rule.*

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule was previously filed as 3 CSR 10-9.605. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 17, 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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards**

PROPOSED AMENDMENT

3 CSR 10-9.625 Field Trial Permit. The commission proposes to amend section (5) of this rule.

PURPOSE: This amendment corrects a spelling error.

(5) Except as otherwise provided in this rule, permits will not be valid for hound field trials during or five (5) days prior to the spring turkey or firearms deer hunting seasons except on established field trial areas. Permits for raccoon field *[trails] trials* will be valid during nighttime hours and provide for casting no more than four (4) dogs at one time during or five (5) days prior to the spring turkey hunting season. In field trials under permit, wildlife not prohibited in 3 CSR 10-7.410 may be chased by dogs under control but may be pursued and taken only during the open seasons and only by persons possessing a valid hunting permit, except as provided in section (6) of this rule. The sponsoring organization shall issue identification bearing the field trial permit number to all persons without a valid hunting permit who enter dogs in a trial; provided, that this identification shall not be required for trials held entirely on one (1) contiguous tract of land where an agent of the department is provided with a complete list of the names and addresses of all participants before the trial.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed Aug. 27, 1975, effective

Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 17, 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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.180 Hunting, General Provisions and Seasons. The commission proposes to amend section (21) of this rule.

PURPOSE: This amendment will allow fall turkey hunting by archery methods on Saint Stanislaus Conservation Area.

(21) On Saint Stanislaus Conservation Area, hunting is permitted only during managed hunts or by holders of a valid area daily hunting tag, except that persons pursuing deer and fall turkey by archery methods are not required to possess a valid area daily hunting tag.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 17, 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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. 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 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 4—Conditions of Participant Participation,
Rights and Responsibilities**

PROPOSED AMENDMENT

13 CSR 70-4.080 State Children's Health Insurance Program. The division is amending the purpose and sections (2)-(14), deleting sections (3) and (4) and renumbering as necessary.

PURPOSE: This amendment revises the asset limits and qualifying time for the State Children's Health Insurance Program.

PURPOSE: This rule establishes components of the State Children's Health Insurance Program which will provide health care coverage to uninsured, low income children [pursuant to Senate Bill 632 enacted by the 89th General Assembly, 1998 and reauthorized by Senate Bill 577 enacted by the 94th General Assembly, 2007].

(2) An uninsured child/children in a family(ies) with gross income of more than one hundred fifty percent (150%) of the federal poverty level shall not have had health insurance [for six (6) months] prior to [the month of] application pursuant to 208.631, RSMo.

[(3) If a child/children in a family(ies) with gross income of more than one hundred fifty percent (150%) of the federal poverty level had health insurance and such health insurance coverage was dropped, within six (6) months prior to the month of application, the child is not eligible for coverage under this rule until six (6) months after coverage was dropped.

(4) The six (6)-month period of ineligibility would not apply to children who lose health insurance due to—

(A) A parent's or guardian's loss of employment due to factors other than voluntary termination;

(B) A parent's or guardian's employment with a new employer that does not provide an option for dependent coverage;

(C) Expiration of a parent's or guardian's dependent Consolidated Omnibus Budget Reconciliation Act (COBRA) coverage period;

(D) Lapse of a child's (children's) health insurance when maintained by an individual other than custodial parent or guardian;

(E) Lapse of a child's (children's) health insurance when the lifetime maximum benefits under their private health insurance have been exhausted; or

(F) Lapse of a child's (children's) health insurance when the health insurance plan does not cover an eligible child's (children's) preexisting condition.]

[(5)](3) Parent(s) and guardian(s) of uninsured children with gross income of more than one hundred fifty percent (150%) but less than three hundred percent (300%) of the federal poverty level must certify, as a part of the application process, that the child does not have access to affordable employer-sponsored health care insurance or other affordable health care coverage available to the parent(s) or guardian(s) through their association with an identifiable group (for example, a trade association, union, professional organization) or through the purchase of individual health insurance coverage. Access to affordable employer-sponsored health care insurance or other affordable health care coverage shall result in the applicant not being eligible for the Health Care for Uninsured Children program for the child/children in families with gross income of more than one hundred fifty percent (150%) but less than three hundred percent (300%) of the federal poverty level.

(A) For families with gross income of more than two hundred twenty-five percent (225%) but less than three hundred percent (300%) of the federal poverty level affordable employer-sponsored health care insurance or other affordable health care coverage is health insurance requiring a monthly dependent premium of five percent (5%) of two hundred twenty-five percent (225%) of the federal poverty level for a family of three (3).

(B) For families with gross income of more than one hundred eighty-five percent (185%) but less than two hundred twenty-six percent (226%) of the federal poverty level affordable employer-sponsored health care insurance or other affordable health care coverage is health insurance requiring a monthly dependent premium of four

percent (4%) of one hundred eighty-five percent (185%) of the federal poverty level for a family of three (3).

(C) For families with gross income of more than one hundred fifty percent (150%) but less than one hundred eighty-six percent (186%) of the federal poverty level affordable employer-sponsored health care insurance or other affordable health care coverage is health insurance requiring a monthly dependent premium of three percent (3%) of one hundred fifty percent (150%) of the federal poverty level for a family of three (3).

[(6)](4) An uninsured child/children with gross income of more than two hundred twenty-five percent (225%) but less than three hundred percent (300%) of the federal poverty level shall be eligible for service(s) thirty (30) calendar days after the application is received if the required premium has been received. An uninsured child/children with gross income of more than one hundred fifty percent (150%) but less than two hundred twenty-six percent (226%) of the federal poverty level shall be eligible for services once the required premium has been received.

(A) Parent(s) or guardian(s) of uninsured children with gross income of more than one hundred fifty percent (150%) but less than one hundred eighty-six percent (186%) of the federal poverty level are responsible for a monthly premium equal to four percent (4%) of monthly income between one hundred fifty percent (150%) and one hundred eighty-five percent (185%) of the federal poverty level for the family size.

(B) Parent(s) or guardian(s) of uninsured children with gross income of more than one hundred eighty-five percent (185%) but less than two hundred twenty-six percent (226%) of the federal poverty level are responsible for a monthly premium equal to four percent (4%) of monthly income between one hundred fifty percent (150%) and one hundred eighty-five percent (185%) of the federal poverty level for the family size plus eight percent (8%) of monthly income between one hundred eighty-five percent (185%) and two hundred twenty-five percent (225%) of the federal poverty level for the family size.

(C) Parent(s) or guardian(s) of uninsured children with gross income of more than two hundred twenty-five percent (225%) but less than three hundred percent (300%) of the federal poverty level are responsible for a monthly premium equal to four percent (4%) of monthly income between one hundred fifty percent (150%) and one hundred eighty-five percent (185%) of the federal poverty level for the family size plus eight percent (8%) of monthly income between one hundred eighty-five percent (185%) and two hundred twenty-five percent (225%) of the federal poverty level for the family size plus fourteen percent (14%) of monthly income between two hundred twenty-five percent (225%) and three hundred percent (300%) of the federal poverty level for the family size.

(D) The monthly premium shall not exceed five percent (5%) of the family's gross income.

(E) The premium must be paid prior to service delivery.

(F) The premium notice shall include information on what to do if there is a change in gross income.

(G) No service(s) will be covered prior to the effective date which is thirty (30) calendar days after the date the application is received for uninsured children in families with an income of more than two hundred twenty-five percent (225%) of the federal poverty level.

*[(7)](5) If the parent(s) or guardian(s) with an income of more than two hundred twenty-five percent (225%) of the federal poverty level fails to meet the premium payment requirements, a past due notice shall be sent requesting remittance within twenty (20) calendar days from date of the past due letter. Failure to make payment within this time period shall result in the child's ineligibility for coverage for [six (6) months] **ninety (90)-days**.*

[(8)](6) Premium adjustments shall be calculated yearly in March with an effective date of July 1 of the same calendar year. Individuals

shall be notified of the change in premium amount at least thirty (30) days prior to the effective date.

[(9)](7) The *[six (6)-month waiting period and]* thirty (30)-calendar-day delay in service delivery is not applicable to a child/children already participating in the program when the parent's or guardian's income changes. Coverage shall be extended for sixty (60) calendar days to allow for premium collection and to ensure continuity in coverage. Coverage shall be discontinued for the child/children if the premium payment is not made within the sixty- (60-) day extension.

[(10)](8) Any child identified as having "special health care needs," defined as a condition which left untreated would result in the death or serious physical injury of a child, who does not have access to affordable employer-subsidized health care insurance shall not be required to be without health care coverage *[for six (6) months]* in order to be eligible for services under sections 208.631 to *[208.657]* **208.658**, RSMo and shall not be subject to the thirty-(30-) day waiting period required under section 208.646, RSMo, as long as the child meets all other qualifications for eligibility.

[(11)](9) The total aggregate premiums for a family covered by this rule shall not exceed five percent (5%) of the family's gross income for a twelve- (12-) month period of coverage beginning with the first month of service eligibility. Waiver of premiums shall be made upon notification and documentation from the family that payments for premiums have been made up to five percent (5%) of their yearly gross income.

[(12) Parent(s) and guardian(s) of uninsured children with gross income of more than one hundred fifty percent (150%) but less than three hundred percent (300%) of the federal poverty level must certify that their total net worth does not exceed two hundred fifty thousand dollars (\$250,000) to be eligible for health insurance under this rule.

[(13) For the purposes of this rule, children participating in the Missouri Health Insurance Pool are considered insured. Child/children whose parent(s) or guardian(s) drop Missouri Health Insurance Pool coverage in order to qualify under this rule shall not be eligible for six (6) months from the month coverage was terminated.]

[(14)](10) For the purposes of this rule, a child/children whose annual maximum benefits of a particular medical service under their private insurance has been exhausted is not considered insured and does not have access to affordable health insurance.

AUTHORITY: sections 208.633, 208.636, 208.643, 208.646, 208.650, 208.655, and 208.657, RSMo 2000, and sections [208.201,] 208.631, 208.640, [and] 208.647, and 208.658, RSMo Supp. [2007] 2013. Original rule filed July 15, 1998, effective Feb. 28, 1999. Emergency amendment filed Aug. 4, 2005, effective Sept. 1, 2005, expired Feb. 27, 2006. Amended: Filed April 29, 2005, effective Nov. 30, 2005. Amended: Filed Nov. 15, 2005, effective May 30, 2006. Emergency amendment filed June 15, 2006, effective July 1, 2006, expired Dec. 28, 2006. Amended: Filed June 15, 2006, effective Dec. 30, 2006. Amended: Filed Sept. 17, 2007, effective March 30, 2008. Amended: Filed Feb. 1, 2008, effective Aug. 30, 2008. Amended: Filed June 2, 2008, effective Nov. 30, 2008. Amended: Filed Sept. 25, 2014.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions five hundred seventy-eight thousand four hundred ninety-three dollars (\$578,493) annually with adjustments for inflation for the life of the rule.

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 Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** Title 13 - Department of Social Services
- Division Title:** Division 70 - MO HealthNet Division
- Chapter Title:** Chapter 4 - Conditions of Participant Participation, Rights and Responsibilities

Rule Number and Name:	13 CSR 70-4.080 State Children’s Health Insurance Program
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services	\$578,493

III. WORKSHEET

Annual cost	\$578,493	General Revenue	\$149,425
		Federal Funds	\$429,068

IV. ASSUMPTIONS

Less than 500 children each month lost Children’s Health Insurance Program (CHIP) coverage for failure to pay a CHIP premium. The passage of HCS SB 508, CCS for HCS for SS for SB 754, and HCS for SS for SB 869 will allow these children to regain eligibility for CHIP coverage three months earlier than they could have previously.

493 total children for 175 services were paid fee for service for 318 services were paid for through managed care.

Title 15—ELECTED OFFICIALS
Division 40—State Auditor
Chapter 3—Rules Applying to Political Subdivisions

PROPOSED AMENDMENT

15 CSR 40-3.030 Annual Financial Reports of Political Subdivisions. The state auditor is amending sections (1), (2), (3), and (4).

PURPOSE: This amendment implements changes to section 302.341, RSMo Supp. 2013 which require annual financial reports filed with the state auditor pursuant to section 105.145, RSMo by political subdivisions to include the percentage of revenue obtained from fines and court costs from traffic violations through the political subdivision's municipal court.

(1) **An annual financial report shall be filed with the State Auditor's Office by every political subdivision.** The annual financial report [of each political subdivision] shall be set forth on the financial report form available from the State Auditor's Office and on its website, or may be in a form [as] determined by the political subdivision[, but] **which shall contain, as a minimum, the following:**

(E) A statement of the bonded indebtedness at the beginning and end of the reporting period; [and]

(F) The property tax rate levied for each fund expressed in cents per one hundred dollars (\$100) assessed valuation./;]

(G) The annual general operating revenue of the political subdivision; and

(H) The percentage of annual general operating revenue obtained from fines and court costs from traffic violations, including amended charges from any charged traffic violation, which occurs within the political subdivision and charged in the political subdivision's municipal court as defined by section 302.341, RSMo.

(2) In lieu of filing an annual financial report [in the form described in section (1)], a political subdivision may file an independent audit report prepared by a certified public accountant **which, at a minimum, must contain the items listed in section (1) above.**

(3) Notwithstanding any other provision of this rule, a political subdivision whose cash receipts for the reporting period are ten thousand dollars (\$10,000) or [fewer] less may file [a] **an annual financial report in a form [as] determined by the political subdivision which need only contain the following:**

(C) A summary of cash disbursements during the reporting period of each fund; [and]

(D) The cash balance at the end of the reporting period of each fund./;]

(E) The annual general operating revenue of the political subdivision; and

(F) The percentage of annual general operating revenue obtained from fines and court costs from traffic violations, including amended charges from any charged traffic violation, which occurs within the political subdivision and charged in the political subdivision's municipal court as defined by section 302.341, RSMo.

(4) The annual financial report shall be mailed to the State Auditor's Office[,] at PO Box 869, Jefferson City, MO 65102, or emailed to PolySubFS@auditor.mo.gov.

AUTHORITY: section 105.145, RSMo Supp. [2011] 2013. Original rule filed Oct. 13, 1983, effective Jan. 13, 1984. Amended: filed June 29, 2006, effective Jan. 30, 2007. Amended: filed March 1, 2012, effective Aug. 30, 2012. Amended: Filed Sept. 23, 2014.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Auditor's Office, PO Box 869, 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 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

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

PROPOSED 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.

(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 enforce-

ment 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. Original rule filed Oct. 8, 2014.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions thirty-seven thousand three hundred forty-six dollars (\$37,346) in the aggregate annually.

PRIVATE COST: This proposed rule 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 rule with the Missouri Department of Health and Senior Services, Division of Community and Public Health, Harold Kirbey, Division Director, PO Box 570, Jefferson City, MO 65102-0570. 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.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Health and Senior Services
Division Title: Division of Community and Public Health
Chapter Title: Hemp Extract Registration**

Rule Number and Name:	19 CSR 20-51.010 Hemp Extract Registration Card
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Health and Senior Services	\$37,346.10 annually

III. WORKSHEET

Staff Costs: \$32,488

0.5 FTE Health Program Representative III Salary (\$19,992)

Fringe @ 50% (\$9,996)

Computer/Network Charges/Communication/General Office Supplies (\$2,500)

Registration Card/Badge Printer: \$4,000

Annualized Cost (includes initial purchase, software license/ upgrades, maintenance fee, and five year replacement) = \$4,000

Registration Card Supplies: \$487

Cards plus print cartridge supplies averages \$.50 per card (974 x \$.50= 487)

Mailing of Registration Cards: \$371.10

Postage rate of \$0.381 per card (974 x \$0.381 = 371.10)

IV. ASSUMPTIONS

- 0.5 FTE Health Program Representative III will be needed to administer the program, including development and maintenance of the registrant database and issuance of registrant cards.
- According to the National Institute of Neurological Disorders and Stroke, 1 in 100 Americans have epileptic seizures and of those, approximately 25-30% of them suffer from intractable epilepsy. Based on Missouri's population of 5.9 million, it is estimated that approximately 59,000 Missouri residents suffer from seizures and roughly 14,750-17,700 residents of Missouri suffer from intractable epilepsy.
- DHSS estimates that approximately 5% of the estimated 17,700 residents with intractable epilepsy will apply for a hemp extract registration card. (17,700 x .05 = 885).

- DHSS estimates that approximately 10% of the cards issued will need to be re-issued during the year due to change in patient information, obtainment of a waiver, and/or lost/damaged cards. ($889 \times .10 = 89$)
- The registration period is annual.