

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 100—Division of Cannabis Regulation
Chapter 1—Marijuana

EMERGENCY RULE

19 CSR 100-1.080 Facility Employee Training

PURPOSE: Under Article XIV, Sections 1 and 2 of the Missouri Constitution, the Department of Health and Senior Services has the authority to regulate and control medical and marijuana facilities. This rule explains what training all medical and marijuana facility licensees are required to provide to employees.

EMERGENCY STATEMENT: This emergency rule serves to implement Article XIV and to ensure the right to, availability, and safe use of marijuana product. This emergency rule is necessary to protect a compelling governmental interest since Amendment 3 to the Missouri Constitution made significant changes to the regulation of marijuana, and new rules will be needed to effectuate those changes. As a result, the Department of Health and Senior Services finds a compelling governmental interest, which requires emergency action. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health and Senior Services believes this emergency rule is fair to all interested persons and parties under the circumstances. If an emergency is not enacted, there would be no rules explaining how the new provisions of Article XIV of the Missouri Constitution apply, and there would be much confusion as to the processes and procedures related to licensure and regulation of the marijuana industry. This emergency rule was filed January 20, 2023, becomes effective February 3, 2023, and expires August 1, 2023.

(1) Facility licensees must ensure all facility employees, including contract employees, are trained in at least the following and must maintain records of employee training for at least five (5) years:

(A) The use of security measures and controls that have been adopted by the licensee for the prevention of diversion, inversion, theft, or loss of marijuana product, as applicable to the employee's duties;

(B) Proper use of the statewide track and trace system, as applicable to the employee's duties;

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(C) Procedures for responding to an emergency, including severe weather, fire, natural disasters, and unauthorized intrusions;

(D) The safety and sanitation procedures of the facility, as applicable;

(E) Department rules and guidance as applicable to the employee's duties;

(F) All processes and procedures used by the facility that are applicable to that employee's duties;

(G) Transportation and dispensary licensees must ensure employees responsible for assisting customers or handling customer purchase records are trained in standards for maintaining the confidentiality of information related to the use of marijuana product and in procedures for verifying the identity and age of consumers, qualifying patients, and primary caregivers; and

(H) Dispensary licensees must ensure that employees responsible for assisting customers are trained in the following:

1. Procedures for verifying purchase limitations of consumers, qualifying patients, and primary caregivers;

2. The differences in the purported effects and effectiveness of the strains of marijuana available for purchase at their dispensary and the methods of their use; and

3. The expected timeframes for individuals to feel the effects of marijuana product based on their chosen method of use.

(2) All required employee training shall be completed prior to an individual beginning work at a licensed facility or performing activities covered by a new or modified SOP.

(3) Facility licensees must make all training records available for review during inspections.

AUTHORITY: Sections 1.3.(1)(b), 1.3.(2), 2.4(1)(b), and 2.4(4) of Article XIV, Mo. Const. Emergency rule filed January 20, 2023, effective February 3, 2023, expires August 1, 2023. A proposed rule covering this same material is published in this issue of the Missouri Register.

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

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