

Frequently Asked Questions for Patients

Can I consume medical marijuana and drive?

The patient identification card does not offer individuals protections from violating laws pertaining to operating a motorized vehicle while under the influence. Nothing in Article XIV permits a person to operate, navigate, or be in actual physical control of any dangerous device or motor vehicle, aircraft or motorboat while under the influence of marijuana.

Can I grow my own marijuana plants?

Yes, upon receipt of a patient cultivation identification card. There is an additional \$100 fee to grow up to six flowering plants per patient and security regulations that must be followed. See 19 CSR 30-95.030(4) for more information.

If I have a patient cultivation card, where do I find seeds or plants to grow marijuana until dispensaries open?

The department cannot advise anyone on where to obtain the means to grow marijuana.

How much medical marijuana can I buy?

The qualifying patient's physician may certify up to four ounces of dried, unprocessed marijuana, or its equivalent, in a 30-day period. If there is a compelling reason why the qualifying patient needs a greater amount, then the Department requires two independent physician certifications specifying what other amount the qualifying patient needs. See 19 CSR 30-95.030(5)(E) for more information.

Does the department have a list of dispensaries?

No. At this time, there are not yet any licensed Missouri dispensaries.

Does the Department have a list of physicians who will certify medical marijuana?

No. The Department does not maintain a list of physicians who are willing to complete the physician certification form.

Do I have to pay taxes on medical marijuana purchases?

Yes. Dispensaries are required to charge four percent of the retail price in addition to any other applicable state or local taxes.

If I have a past conviction for possession, can I still receive a patient license for purchase and/or home grow?

Yes. Previous convictions do not disqualify an individual from obtaining an identification card. However, a qualifying patient's identification may be revoked for certain criminal conduct that occurs after the card is issued. See 19 CSR 30-95.030(3)(B) for more information.

If I have a patient license from another state, can I purchase medical marijuana in Missouri?

No. There is no reciprocity between Missouri's Medical Marijuana Program and other state medical marijuana programs. Just because you are licensed in another state doesn't automatically qualify you for a license in Missouri. Patients may purchase medical marijuana in Missouri only upon presentation of a Department-issued patient identification card.

How many caregivers can I designate?

Patients can designate up to two caregivers. The patient must be licensed and the caregiver(s) must be licensed according to 19 CSR 30-95.030(8)(B).

How many patients can a caregiver have?

Caregivers can have up to three patients. See 19 CSR 30-95.030(8) for more information.

What are the patient/caregiver fees?

There is a \$25 fee for patients and a \$25 fee for caregivers. See Article XIV(3)(19) & (20) for more information.

Can I do a walk-in application instead of applying on-line?

No. The Department only accepts patient/caregiver applications submitted through its secure, on-line registry. Any mailed patient/caregiver application and/or payment will not be accepted.

Where can I publicly consume medical marijuana?

Per 19 CSR 30-95.030, no qualifying patient shall consume marijuana for medical use in a public place, unless provided by law. 19 CSR 30-95.010 defines a public place as any public or private property, or portion of public or private property, that is open to the general public, including but not limited to, sidewalks, streets, bridges, parks, schools and businesses. See 19 CSR 30-95.010(33) for more information.

Can I legally possess medical marijuana now?

Only those patients and caregivers with a valid department-issued identification card may legally possess marijuana in accordance with 19 CSR 30-95.030. Article XIV of the Missouri Constitution provides that, once the Department begins accepting patient applications, those applications will be acted upon by the Department within 30 days after receipt.

When will medical marijuana be available for purchase at licensed Missouri facilities?

The department will begin accepting applications for cultivation, manufacturing, and dispensing facilities on Aug. 3, 2019 and we anticipate medical marijuana may be available for purchase at licensed facilities sometime after January 2020.

How do I get a medical marijuana patient or patient cultivation identification card?

Refer to 19 CSR 30-95.030.

- **Step 1:** You must visit a Missouri-licensed physician, who is active and in good standing to practice medicine or osteopathy pursuant to Missouri law, to obtain a physician certification. Once the online submission system becomes available, the physician must submit the certification directly to the department. The Department will announce when the online physician certification system is available. Until the online system is activated, the patient should submit the certification with their application.
- **Step 2:** Apply for an identification card in the department's secure online registry. The department will either approve or deny the application within 30 days of receipt of the completed application.

Will I be able to go to the pharmacy to purchase medical marijuana with my identification card?

No, only a Missouri licensed dispensary facility will be authorized to sell medical marijuana to patients.

Can someone with an out-of-state medical marijuana card purchase marijuana from a licensed dispensary or cultivate their own marijuana in Missouri?

No. Licensed dispensaries may accept only Missouri-issued cards, and any patients cultivating marijuana in Missouri must do so in accordance with all the provisions in 19 CSR 30-95.030.

What is a primary caregiver?

Someone who is:

1. Twenty-one (21) years of age or older;
2. Responsible for managing the well-being of a Qualified Patient; and
3. Designated on the primary caregiver's application for an identification card or in other written notification to the department.

Can anyone other than a state-licensed physician (MD) or osteopath (DO) provide a physician certification?

No.

What conditions qualify?

- a. Cancer;
- b. Epilepsy;
- c. Glaucoma;
- d. Intractable migraines unresponsive to other treatment;
- e. A chronic medical condition that causes severe, persistent pain or persistent muscle spasms, including but not limited to those associated with multiple sclerosis, seizures, Parkinson's disease, and Tourette's syndrome;
- f. Debilitating psychiatric disorders, including, but not limited to, post-traumatic stress disorder, if diagnosed by a state licensed psychiatrist;
- g. Human immunodeficiency virus or acquired immune deficiency syndrome;
- h. A chronic medical condition that is normally treated with a prescription medication that could lead to physical or psychological dependence, when a physician determines that medical use of marijuana could be effective in treating that condition and would serve as a safer alternative to the prescription medication;
- i. A terminal illness; or
- j. In the professional judgment of a physician, any other chronic, debilitating or other medical condition, including, but not limited to, hepatitis C, amyotrophic lateral sclerosis, inflammatory bowel disease, Crohn's disease, Huntington's disease, autism, neuropathies, sickle cell anemia, agitation of Alzheimer's disease, cachexia, and wasting syndrome.

Can I visit a doctor now to obtain certification for my qualifying condition?

Yes. However, the physician certification must be no more than thirty (30) days old at the time you apply for a patient identification card or renewal card.

Can a qualifying patient under the age of 18 obtain a cultivation license?

No, unless the qualifying patient under the age of 18 is emancipated. Only a parent or guardian who holds a primary caregiver identification card may obtain a cultivation license for a non-emancipated qualifying patient under the age of 18.

How do I get more information?

Email your inquiries to MedicalMarijuanaInfo@health.mo.gov
(<mailto:MedicalMarijuanaInfo@health.mo.gov>)

Can someone with an out-of-state medical marijuana card or physician certification possess medical marijuana in Missouri?

Section 5(1) of Article XIV provides that a person who produces an "equivalent identification card or authorization issued by another state or political subdivision of another state" will not be subject to arrest or other sanctions under Missouri law for possession of marijuana in quantities less than the limits for qualified Missouri patients.

Can I have a medical marijuana identification card and own and/or purchase guns?

Article XIV of the Missouri Constitution, which authorizes medical use of marijuana in Missouri, does not reference or prohibit the possession or purchase of firearms. However, federal law still may prohibit the possession or purchase of a firearm by individuals who use marijuana, regardless of whether a state has legalized marijuana for medical use. The Department of Health and Senior Services does not regulate the possession or purchase of firearms and therefore cannot say how the federal prohibition will be enforced within Missouri. Specific questions about these federal firearm restrictions should be directed to your attorney or the appropriate law enforcement agency.

I want a cultivator license and have a caregiver. Are we both required to apply for cultivator licenses?

No. In the qualifying patient/caregiver relationship, only the patient or the caregiver may obtain a cultivator license, but not both.

What information is required on the physician certification form?

The Physician Certification Form is posted on the Department's website at <https://medicalmarijuana.mo.gov> (<https://medicalmarijuana.mo.gov>). The following information is required: qualifying patient information, physician information, qualifying medical condition, physician attestation and agreement, and physician signature and date.

What if my physician (MD or DO) won't complete the physician certification form?



While Article XIV allows Missouri-licensed physicians to discuss and recommend medical marijuana for their patients, the Constitution does not mandate physicians do so as part of their practice. If your physician won't complete the physician certification form, then ask if they would be willing to refer you to a physician who will.

What information is required in the Cultivation Security Arrangement and Processes section of the patient/caregiver application?



Qualifying patient cultivation facilities must take place in an enclosed locked facility per 10 CSR 30-95.010. The description should include how you will comply with the requirements in this rule regarding location, security, and who will have access to the facility.

What forms of payment will the department accept?



The department will accept electronic Check (ACH), MasterCard, Visa, Discover, American Express and any gift card issued by those credit cards.