



Missouri Department of Health and Senior Services

P.O. Box 570, Jefferson City, MO 65102-0570 | Phone: 573-751-6400 | FAX: 573-751-6010
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Paula F. Nickelson
Director

Michael L. Parson
Governor

July 6, 2023

Missouri Facility Licensees

RE: Packaging, Labeling, and Product Design Waiver

Licensees,

Pursuant to 19 CSR 100-1.020(1)(A), the Division of Cannabis Regulation (DCR) is granting waivers related to 19 CSR 100-1.120 of the proposed final rules that were filed on May 15, 2023. The result of a waiver is that a licensee is not required to comply with a rule or specific provision of a rule. The effective date of the proposed final rules is July 30, 2023.

DCR understands that licensees need time to come into compliance with the changes within the packaging, labeling, and product design section of the proposed final rule. In addition, the proposed final rule requires all final marijuana products to be pre-approved by the Department prior to being available for sale to patients and consumers. The Department has outlined a plan to implement this pre-approval process to allow for minimal patient and consumer disruptions. We will continue to provide licensees guidance and updates related to final marijuana packaging, labeling, and product design requirements.

DCR is waiving the following requirements:

- **19 CSR 100-1.120(1)(C)2.H** provides for additional labeling requirements related to mandatory testing.
 - The requirement for listing exact tetrahydrocannabinol (THCV), cannabidiol (CBDV), and delta 8 tetrahydrocannabinol (Δ 8-THC) per serving/dose, listed in milligrams, is being waived to provide testing licensees time to develop compliant testing methods for these three areas and provide licensees with results to include on labels.
 - DCR is only waiving these three areas of rule within 19 CSR 100-1.120(1)(C)2.H; all other requirements must be met. Licensees must be in compliance with 19 CSR 100-1.120(1)(C)2.H related to THCV, CBDV, and Δ 8-THC by February 1, 2024.
- **19 CSR 100-1.120(1)(C)2.L** requires licensees to include the Department-issued product packaging approval number on the label.
 - DCR is waiving this requirement for the time period of July 30, 2023, through August 31, 2023. All final marijuana product items created after August 31, 2023, must be approved through the Item Approval process prior to being available for sale to patients and consumers and list the Item Approval number on the label. Licensees must be in compliance with 19 CSR 100-1.120(1)(C)2.L beginning September 1, 2023, for all new marijuana products.
- **19 CSR 100-1.120(2)** requires all final marijuana product designs, packaging designs, and label designs to be submitted to the Department for review and approval prior to use.
 - DCR is waiving this requirement for the time period of July 30, 2023 through August 31, 2023. Licensees must be in compliance with 19 CSR 100-1.120(2) beginning September 1, 2023, for any new items created in the statewide track and trace system, Metrc.

PROMOTING HEALTH AND SAFETY

The Missouri Department of Health and Senior Services' vision is optimal health and safety for all Missourians, in all communities, for life.

DCR has determined the good cause for granting the aforementioned waivers is that licensees need additional time to come into compliance with the changed or additional requirements outlined in the final proposed rules filed May 15, 2023.

DCR will allow licensees to continue to use their current stock of packaging and existing items for final marijuana product currently on the market until January 31, 2024. On February 1, 2024, all final marijuana products that do not have an Item Approval number associated with the product, packaging, and labeling design must be pulled from dispensary shelves and may no longer be sold.

The proposed final rules are located at: <https://health.mo.gov/safety/cannabis/pdf/19csr100-proposed-rules-filed-051523.pdf>.

As of July 30, 2023, licensees must be in compliance with all applicable rules outlined in the final rules, 19 CSR 100-1, with the exception of the rules for which waivers and variances have been issued and have not expired. It is DCR's expectation that licensees are actively working towards compliance with the rules for which a waiver or variance has been issued so they can be in compliance on by the dates outlined above. Licensees that are not in compliance upon expiration of the waiver or variance may be subject to disciplinary actions.

DCR will provide licensees with an updated Packaging and Labeling Guide this month, to assist licensees with the new requirements. This guide will be sent to licensees through email to their designated contact. It will also be available on our website at <https://health.mo.gov/safety/cannabis/index.php>. In addition, licensees may contact DCR at CannabisProductCompliance@health.mo.gov for questions regarding this rule requirement.

Thank you for your cooperation. We look forward to working with all licensees as we continue to implement Article XIV and adult use in Missouri.

Andrea Balkenbush, Deputy Director
Division of Cannabis Regulation
Department of Health & Senior Services