
EMERGENCY RULE

TITLE 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 100 – Division of Cannabis Regulation Chapter 1 – Marijuana

EMERGENCY RULE

19 CSR 100-1.120 Packaging, Labeling, and Product Design

PURPOSE: This rule defines terms used in Chapter 1.

EMERGENCY STATEMENT: This emergency rule informs citizens of the packaging rules pertaining to the regulation of marijuana for adult and medical use. 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. Specifically, existing rules only covered the packaging of medical products, and the new law permits both medical and adult use marijuana products. As a result, the Department of Health and Senior Services finds a compelling governmental interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States 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 marijuana products for adult-use are to be packaged. This emergency rule was filed January 20, 2023, becomes effective February 3, 2023, and expires August 1, 2023.

(1) All medical and marijuana licensees shall ensure that all marijuana product is packaged and labeled in a manner consistent with the following:

(A) Licensees shall not manufacture, package, or label marijuana –

1. In a false or misleading manner;
2. In any manner designed to cause confusion between a marijuana product and any product not containing marijuana; or
3. In any manner designed to appeal to a minor;

(B) Marijuana and marijuana-infused products shall be sold in containers clearly and conspicuously labeled with:

1. “Marijuana” or a “Marijuana-infused Product” in a font size at least as large as the largest other font size used on the package; and
2. “Warning: Cognitive and physical impairment may result from the use of Marijuana” in a font no smaller than seven- (7-) point type;

(C) Any marijuana or marijuana-infused products packaged for retail sale before delivery to a dispensary must be packaged in opaque, re-sealable packaging designed or constructed to be significantly difficult for children under five (5) years of age to open but not normally difficult for adults to use properly. Any marijuana or marijuana-infused products not packaged for retail sale before delivery to a dispensary must be packaged by the dispensary upon sale to a qualifying patient or primary caregiver in opaque, re-sealable packaging designed or constructed to be significantly difficult for children under five (5) years of age to open but not normally difficult for adults to use properly. All edible marijuana-infused products must be packaged for retail by the infused-products manufacturer before transfer to a dispensary;

(D) Marijuana and marijuana-infused products shall bear a label displaying the following information, in the following order:

1. The total weight of the marijuana included in the package.
 - A. For dried, unprocessed marijuana, weight shall be listed in ounces or grams;
 - B. For concentrates, weight shall be listed in grams; or
 - C. For infused products, weight shall be listed by milligrams of THC;
 2. Dosage amounts, instructions for use, and estimated length of time the dosage will have an effect;
 3. The THC, tetrahydrocannabinol acid, cannabidiol, cannabidiol acid, and cannabinol concentration per dosage;
 4. All active and inactive ingredients, which shall not include groupings of ingredients that obscure the actual ingredients, such as “proprietary blend” or “spices”;
 5. In the case of dried, unprocessed marijuana, the name, as recorded with the Missouri Secretary of State, of the cultivating facility from which the marijuana in the package originated and, in the case of infused products, the name of the infused-product manufacturer, as recorded with the Missouri Secretary of State; and
 6. A “best if used by” date;
- (E) No branding, artwork, or other information or design elements included on marijuana or marijuana-infused products shall be placed in such a way as to obscure any of the information required by this section;
- (F) Marijuana and marijuana-infused product packaging shall not include claims of health benefits but may include health warnings; and
- (G) Marijuana and marijuana-infused products must, at all times, be tagged with traceability information generated by the statewide track and trace system.

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 Jan. 20, 2023, effective Feb. 3, 2023, expires Aug. 1, 2023. An emergency rule and a proposed rule covering this same material will be published in the March 1, 2023, 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.