



Missouri Department of Health and Senior Services

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Paula F. Nickelson
Director

Michael L. Parson
Governor

July 28, 2023

Missouri Facility Licensees

RE: Waiver/variance from the final rule effective July 30, 2023

Licensees,

Pursuant to 19 CSR 100-1.020(1)(A), the Division of Cannabis Regulation (DCR) is granting waivers or variances related to the final rules effective on July 30, 2023.

DCR understands that licensees need time to come into compliance with some areas of the final rules. A waiver means a licensee is not required to comply with the rule or specific provision of the rule. A variance means that a licensee must comply with an alternative requirement to be considered in compliance with the rule or provision of the rule.

- **19 CSR 100-1.100(2)-(3)** require individuals to submit fingerprints within two (2) weeks after application submission for a state and federal fingerprint-based criminal background check to be conducted by the Missouri State Highway Patrol. DCR is **issuing a variance** for the requirement to submit fingerprints within two (2) weeks after an application. To comply with the aforementioned rules, individuals must submitted fingerprints within two (2) weeks of receiving a request from DCR.
- **19 CSR 100-1.100(4)(D)** requires implementation of a quality management system using a published standard. DCR is **waiving** this requirement until December 1, 2023.
- **19 CSR 100-1.110(4)(A)-(C)** requires testing licensees to use testing methods that are published peer-reviewed methods, have been validated for cannabis testing by an independent third party, have been internally verified by the testing licensee, or in the absence of the aforementioned, meet method validation requirements. Additionally, the rule requires testing licensees to report the testing method to be used prior to using that method and for the testing licensee to submit lab method validations prior to offering the applicable testing. DCR is **waiving** this requirement until October 31, 2023.
- **19 CSR 100-1.110(7)(B)1.B-C** requires additional information to be provided within the report filed to record testing results, mandatory and voluntary, within the statewide track and trace system, including the certificate of analysis and photo of the sample. DCR is **waiving** this requirement until September 1, 2023.
- **19 CSR 100-1.110(7)(E)6-8** provides for additional analytes, tetrahydrocannabivarin (THCV), cannabidivarin (CBDV), and delta 8 tetrahydrocannabinol ($\Delta 8$ -THC), to be included in mandatory testing of the cannabinoid profile. DCR is **waiving** this requirement until October 31, 2023.
- **19 CSR 100-1.110(7)(G)2** requires an additional analyte, vitamin E acetate, to be included in chemical residue screening for mandatory testing of marijuana product tested as inhalables and concentrates. DCR is **waiving** this requirement for vitamin E acetate until October 31, 2023.
- **19 CSR 100-1.110(7)(G)4** requires residual solvent testing for all final marijuana product including raw plant material. DCR is **waiving** this requirement for final marijuana product tested as raw plant material until October 31, 2023.

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.

- **19 CSR 100-1.110(7)(G)5.B-C** provides for additional final marijuana products, manually extracted concentrates, and solid infused products to be included in water activity and moisture content screening for mandatory testing. DCR is **waiving** this requirement until October 31, 2023.
- **19 CSR 100-1.110(7)(G)6.A-D** provides for more specific requirements related to foreign matter screening for mandatory testing. DCR is **waiving** the additional requirements until October 31, 2023.
- **19 CSR 100-1.110(8)** requires terpene analysis to be included in a testing licensee's scope of accreditation and scope of proficiency testing when tested in conjunction with mandatory testing. DCR is **waiving** this requirement until October 31, 2023.
- **19 CSR 100-1.120(1)(C)2.H** provides for additional labeling requirements related to mandatory testing of the cannabinoid profile including the exact tetrahydrocannabivarin (THCV), cannabidivarin (CBDV), and delta 8 tetrahydrocannabinol (Δ 8-THC) per serving/dose, listed in milligrams. DCR is **waiving** this requirement until January 31, 2024.
- **19 CSR 100-1.180(2)(D)2.D** requires Department-issued IDs to be scanned using a barcode scanner. DCR is waiving this requirement for **delivery transactions** until October 31, 2023.

The final rules are located at <https://www.sos.mo.gov/CMSImages/AdRules/csr/current/19csr/19c100-1.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.

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.

Please reach out to your compliance officer if you have any questions.

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