

## **Missouri Division of Cannabis Regulation Guidance Document – 1/31/2023**

**Topics: Mandatory Testing of Marijuana Product; Testing Pre-rolls; Final Marijuana Product; Method of Administration; Remediation of Failed Product**

### **Mandatory Testing of Marijuana Product**

As DCR communicated on January 20<sup>th</sup>, the emergency rule retained all of the existing rule requirements that were previously expressed in 19 CSR 30-95.070 for testing marijuana product. These provisions can now be found in emergency rule 19 CSR 100-1.110.

It is imperative that all licensees are aware of the testing requirements, as cultivation and manufacturing licensees cannot transfer marijuana to be sold at a dispensary and dispensary licensees cannot sell, deliver, or disburse marijuana until it has been tested in accordance with 19 CSR 100-1.110 and passed mandatory testing. This requirement is specifically outlined for cultivation licensees in 19 CSR 100-1.160(2)(C), manufacturing licensees in 19 CSR 100-1.170(2)(B), and dispensary licensees in 19 CSR 100-1.180(2)(B).

As licensees will be operating under existing testing requirements, it is important to highlight and provide expectations for areas where DCR continues to see violations, compliance issues, or misunderstanding for requirements that were outlined in 19 CSR 30-95.070 and now in 19 CSR 100-1.110.

A cultivation, dispensary, or manufacturing licensee must ensure that production of all marijuana product within a harvest lot or process lot is complete and is available to the testing licensee for sample collection. In addition, a licensee should complete quality assurance on the harvest or process lot to be sampled prior to sample collection. A cultivation, dispensary, or manufacturing licensee is to complete the transfer manifest and verify the information is correct, including: the testing package tag, source package, and test batch category in relation to the type of marijuana product and the testing, and whether the testing is mandatory or voluntary.. The testing licensee must also review the manifest and verify the information to ensure testing is in compliance with 19 CSR 100-1.110.

All harvest and process lots of marijuana product, including prerolls created at dispensary facilities, must pass mandatory testing before they may be sold for use by a patient or consumer. Mandatory testing is to be performed on the final marijuana product equivalent to what will be dispensed. Where marijuana will be sold in a method of administration the marijuana product must be sampled after it has been processed into its method of administration. All other marijuana products may be sampled in bulk after all processing of the harvest lot or process lot is complete. Final marijuana product means marijuana product that is intended for human use and includes all ingredients whether or not the ingredients contain cannabinoids. Method of administration means the tool(s) used to administer marijuana, such as vape cartridges and pre-rolls.

Within the current testing rules, there are not sampling amount guidelines for prerolls and infused prerolls. Consistent with the unit requirements outlined in 19 CSR 100-1.130(1)(K), licensees are to use the table referenced in 19 CSR 100-1.110(3)(B)2 for prerolls and infused prerolls. These marijuana products are to be recorded in grams when sold or disbursed for use by qualifying patient and consumers.

Another process that is not within the current testing rules is guidelines for disputing mandatory test results. At this time, cultivation, dispensary, or manufacturing licensee may submit a variance request to dispute mandatory testing results. Justification for the testing dispute will be required to be provided within the request. As a reminder, pursuant to 19 CSR 100-1.110(5), marijuana product that has failed mandatory testing may not be retested without approval. Marijuana product that has passed mandatory testing may be retested through voluntary testing. Licensees may not conduct additional mandatory testing without approval.

Licensees that are in violation of rules related to the mandatory testing of marijuana product are subject to administrative holds, recalls, notices of violation, fines, and other disciplinary actions.

### **Remediation of Failed Product**

The remediation requirements previously expressed in 19 CSR 30-95.040(4)(J) have not been included within the emergency rule. The process and requirements remain the same as previously express in 19 CSR 30-95.040(4)(J). Marijuana that fails mandatory testing must either be destroyed or with Department approval, may be remediated; remediated marijuana must pass all testing required by 19 CSR 100-1.110; licensees may only elect to remediate any particular marijuana once. Please note any marijuana product that fails testing for heavy metals is not eligible for remediation.

The remediation request form is available on our website at <https://health.mo.gov/safety/cannabis/pdf/remediation-request.pdf>. Licensees must submit remediation request forms to DCR through [complianceinspections@health.mo.gov](mailto:complianceinspections@health.mo.gov), with the subject line, Attention: Remediation Request. As a reminder, a form is not considered submitted unless it is complete with accurate information. Licensees that proceed with remediating marijuana product prior to receiving written approval are subject to recalls, notices of violation, fines, and other disciplinary actions.