

Draft Rule: Packaging, Labeling, and Product Design

PURPOSE: Under Article XIV, Sections 1 and 2 of the Missouri Constitution, the Department of Health and Senior Services is authorized to promulgate rules necessary to ensure the safe use of marijuana product, including rules related to labeling and packaging standards. This rule explains what packaging, labeling, and product design regulations apply to all medical and marijuana facility licensees.

(1) All marijuana product shall be produced, packaged, and labeled in a manner that protects public health and does not appeal to children.

(A) No marijuana product may be manufactured, packaged, or labeled in a false or misleading manner, such as by inaccurately representing product ingredients.

(B) Product and Packaging Design

1. No marijuana product or packaging may be designed using the shape or any part of the shape of a human, animal, or fruit, including realistic, artistic, caricature, or cartoon renderings;

2. No marijuana product or packaging may be designed in such a way as to cause confusion between a marijuana product and any product not containing marijuana, such as where products or packaging are visually similar to any commercially similar product that does not contain marijuana;

3. All marijuana product packaging shall be resealable, opaque, and certified as child resistant. Where marijuana product is packaged in a series of containers, the container closest to the product, excluding methods of administration or wrappers, must be compliant with this requirement;

4. All marijuana product packaging shall be constructed from FDA-approved food contact substances. Where marijuana product is packaged in a series of containers, the container closest to the product, including methods of administration or wrappers, must be compliant with this requirement;

5. All marijuana product packaging, including exit packaging, may only utilize a single color and a single logo or symbol of a different color or colors, provided the logo or symbol is no larger than one inch in length and one inch in height;

(C) Labeling

1. All containers, wrappers, packages, and methods of administration that contain marijuana product shall be clearly and conspicuously labeled with “Marijuana” or “Marijuana-infused Product” printed at least as large as any other words used on the containers, methods of administration, wrappers, and packages, as well as a prominently displayed symbol indicating the product contains marijuana, which shall be approved by the department and consist of a triangle surrounding the image of a marijuana leaf and an exclamation point;

2. Marijuana product packaging shall bear a label displaying the following information, in the following order:

A. All active and other ingredients, which shall not include groupings of ingredients that obscure the actual ingredients, such as “natural flavors” or “terpenes.”;

B. Servings and, for medical marijuana, doses per package;

C. A “best if used by” date;

D. The licensed entity name(s) and license number(s) from which the final marijuana product originated;

E. The licensed entity name(s) and license number(s) of the licensee that packaged the product, if different from the licensed entity from which the final marijuana product originated;

F. The testing lab where the representative batch or harvest lot passed required testing

G. The statewide track and trace system source tag number and the tag number associated with the final testing results for the product

H. The exact total weight of the marijuana included in the package.

(I) For dried, unprocessed marijuana, weight shall be listed in ounces or grams;

(II) For concentrates, weight shall be listed in grams;

(III) For prerolls, weight shall be listed in grams; or

(IV) For infused products, weight shall be listed by milligrams of delta 9 tetrahydrocannabinol;

I. The exact delta 9 tetrahydrocannabinol, tetrahydrocannabinol acid, cannabidiol, cannabidiol acid, cannabinol, tetrahydrocannabivarin, cannabidivarin, and delta 8 tetrahydrocannabinol per serving/dose, listed in milligrams;

J. The following warning: “Keep out of reach of children.”

3. Marijuana product packaging shall not include claims of health benefits but may include health warnings;

4. Marijuana product packaging may not contain any information other than that specifically required by this subsection;

(2) All marijuana product shall be compliantly packaged and labeled by the cultivation, manufacturing, or microbusiness wholesale facility providing the final marijuana product for sale except where cultivation or microbusiness wholesale facilities are providing dried, unprocessed marijuana to dispensaries for use in creating prerolls or for dispensing “deli style.” In such a case, the dispensary facility is responsible for ensuring the product is compliantly packaged and labeled prior to sale;

(3) Any violation of this subsection shall be punishable by an appropriate and proportional department sanction, up to and including an administrative penalty of five thousand (\$5000) dollars for each violation or each product category for which a requirement is violated, and loss of license.