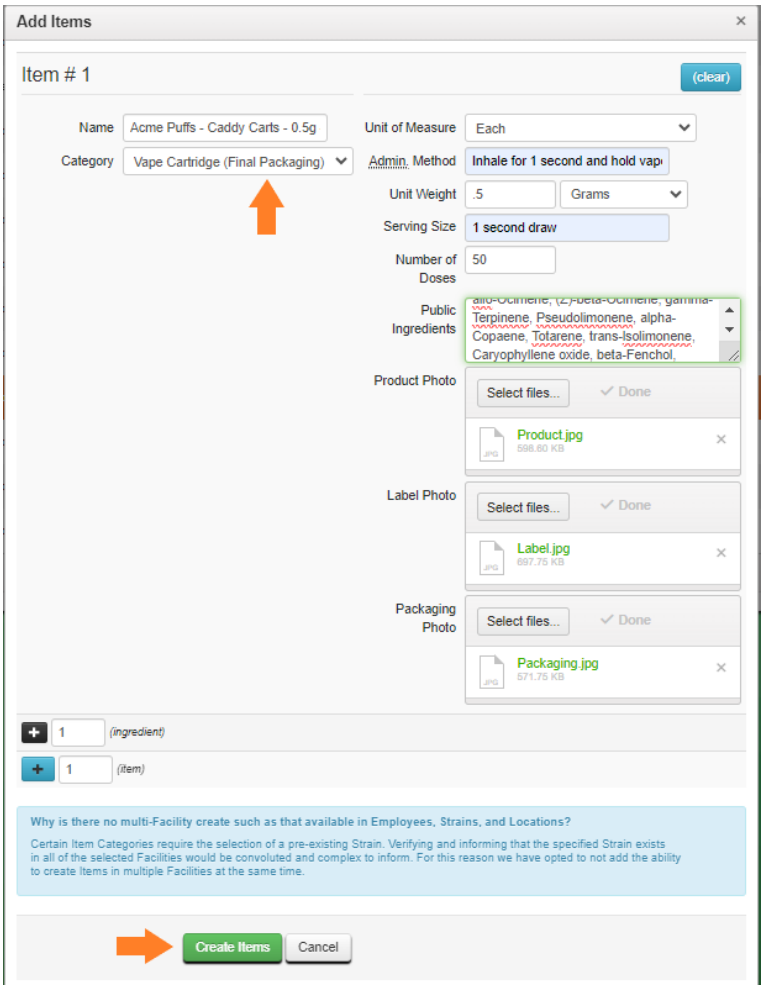
Missouri Division of Cannabis Regulation
Guidance Document – 9/15/2023
Topics: Submitting Final Marijuana Product, Packaging, and Label Design for Item Approval

To assist with the Item Approval process implemented on September 1, 2023, the Division of Cannabis Regulation (DCR) is releasing guidance to clarify and troubleshoot steps in the submission process.

<u>Which item categories should a licensee use to submit an item for approval?</u>
When entering an item for approval, be sure to select a "**(Final Packaging)"** item category from the Category drop down menu. If licensees do not select a final packaging item category, the item will not enter the review queue for the Item Approval process.



Once you have filled out all required fields, select the **"create items"** button at the bottom of the item window. After a licensee creates an item, it will enter the queue to begin the Item Approval process. DCR will send a request, through email, for additional documentation as needed. Licensees will have seven (7) calendar days to return the requested documentation, or DCR will deny the request per 19 CSR 100-1.030(2)(B)3.

What if we do not have physical packaging available for a packaging photo?

DCR understands photos of physical final packaging may not be available until the submitted design is approved and the licensee receives the packaging run from their printer. In these instances, the licensee must attest on the Item Approval Application that they will upload a photo of the final packaging after receipt but prior to distribution.

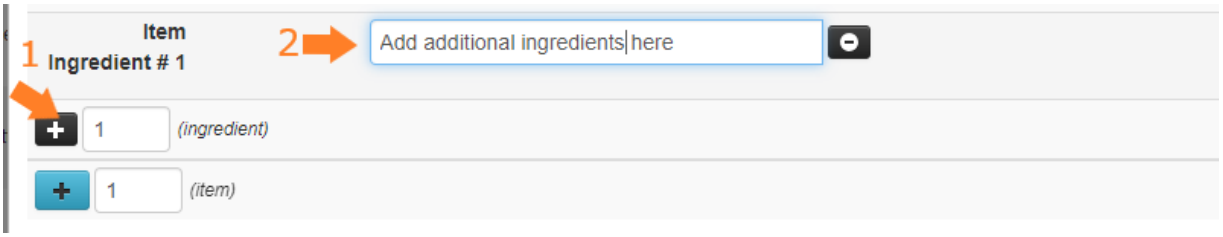
In addition to the attestation, licensees are required to make a request to DCR to upload the packaging photo after approval. Licensees cannot edit packages in a "Final Packaging" item category after approval and will require assistance from DCR to unlock the items. Licensees must send a request to DCR at CannabisProductCompliance@health.mo.gov to unlock the item for the photo upload. This request must include the item approval number generated by Metrc.

DCR addresses photo upload requirements in additional guidance. Licensees may find guidance on DCR's website at https://health.mo.gov/safety/cannabis/facility-comms-guidance.php.

What if we cannot fit all the ingredients in the public ingredients field?

Licensees must fill out the public ingredients field for every item submitted. This text box should include every ingredient, including solvents used in the extraction process. If the product ingredients list surpasses the 1,000-character limit, licensees must continue the list, ingredient by ingredient, in descending order, within the "Item Ingredients" field(s) **after** the "Public Ingredients" field has been exhausted.

To add "Item Ingredients", locate and select the "+" button at the bottom left corner of the item creation window titled "*(ingredient)"* to add additional ingredients one at a time. Changing the number in the field box, left of "*(ingredient)",* **prior** to selecting the "+" button will add the entered number of additional lines and reduce the number of clicks needed to complete the process.



Why can we not enter a zero in the CBD content fields?

DCR is aware that licensees cannot enter a zero (0) into the required CBD content fields when creating an item. DCR has removed the requirements for these fields, and licensees shall continue to identify additional cannabinoids ingredients used within the item name. Licensee may choose to express added cannabinoids in a ratio, for example:

- Acme Eats_Restore Lozenges _1CBD:1CBG:2THC_ 100mg_ 10ct
- Acme Eats – Restore Lozenges – 1:1:2 (CBD:CBG:THC) – 100mg – 10ct
- Acme Eats 100mg Restore 1:1:2 Lozenges – 10ct (5mg CBD: 5mg CBD: 10mg THC)

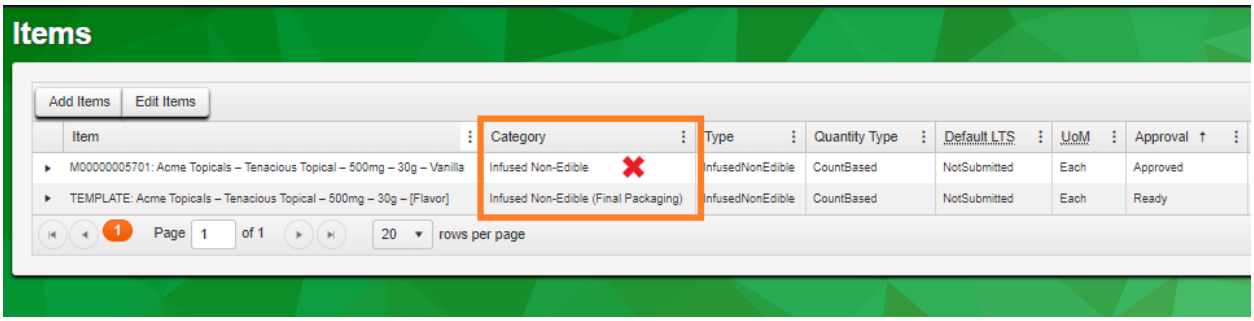
Licensees that have already entered final products with this information may make the change when they submit these items for item approval.

Which item categories receive an approval number?

With the implementation of the Item Approval process, all item categories will receive an approval number. Any items created in an item category that does ***NOT*** have "Final Packaging" will automatically receive an approval number with the status "Approved" in the "Approval" column on the "Items" screen. This does not mean DCR approved these items for use. Pursuant to 19 CSR 100-1.120(2), all marijuana product, packaging, and label designs must be submitted to the department for review of compliance prior to use. Only items created in an item category that ***DOES*** have "Final Packaging" will be submitted for Department approval before receiving an approval number.

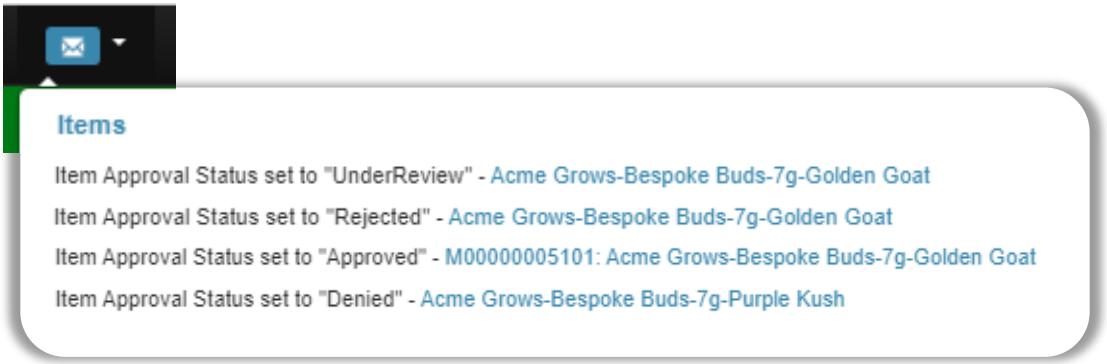
This means dispensary licensees should not accept items into their inventory if the package in an item category does ***NOT*** have "Final Packaging" but ***DOES*** have an item approval number; except where cultivation or microbusiness wholesale facilities are providing dried, unprocessed marijuana to dispensary for use in creating prerolls or for dispensing directly to consumers or qualifying patients in custom amounts, also known as deli-style. In such a case, the dispensary facility is responsible for ensuring the product is compliantly packaged and labeled prior to sale.

Licensees transferring or receiving these items may be in violation of 19 CSR 100-1.120(2) and/or 19 CSR 100-1.130(2)(E)2.



Where does a licensee receive notification concerning the status of items submitted for approval?

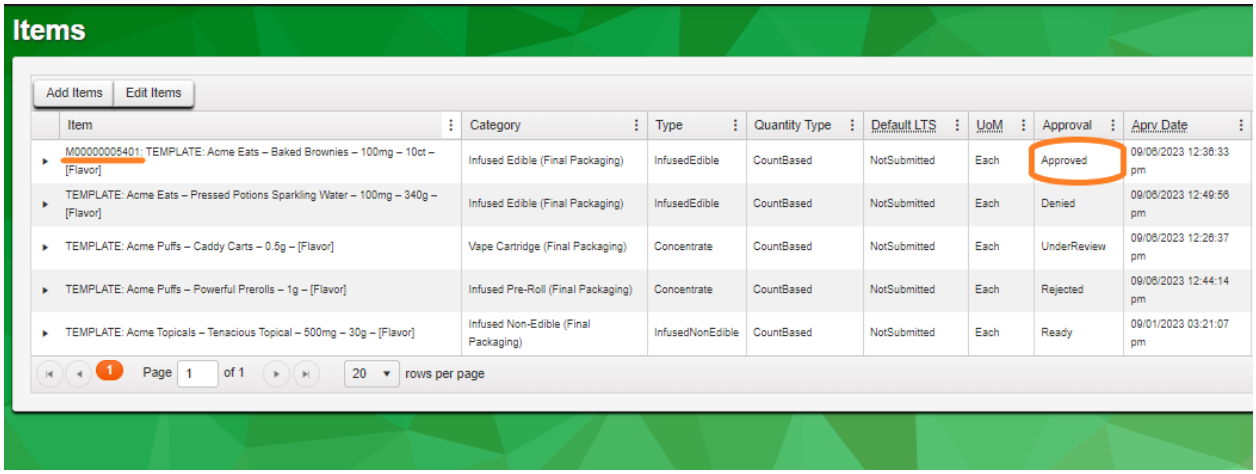
Licensees will receive notifications regarding items submitted for approval within the information envelope located on the Metrc navigation bar or on the "Items" screen under the "Admin" tab.



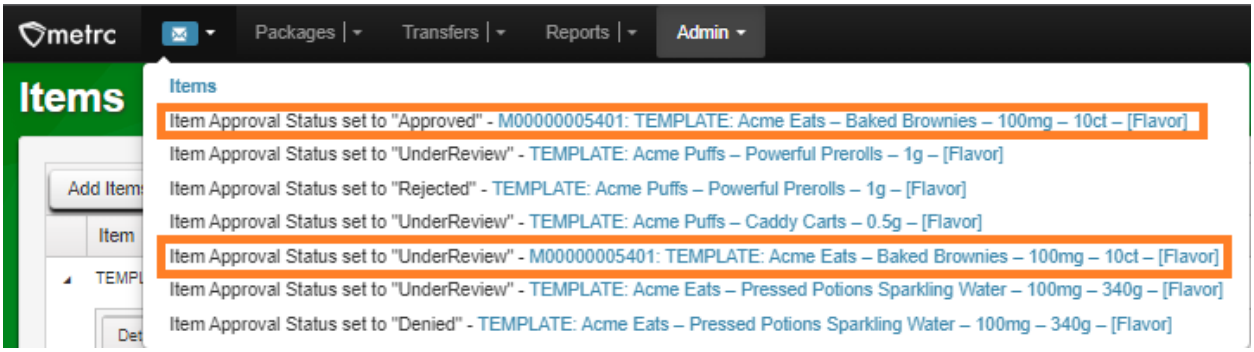
There are five possible statuses as an item moves through the Item Approval process:

- **Ready** – means the item is submitted in the Item Approval queue and ready for DCR review
- **Under Review** – means a DCR staff has started the item review.
- **Rejected** – means DCR has identified a minor error and is allowing the licensee to correct the error. Licensees will have seven (7) calendar days to correct the error per 19 CSR 100-1.030(2)(B)3.
- **Approved** – means DCR has approved the item product, packaging, and labeling design as a whole.
- **Denied** – means DCR has determined the application was incomplete and/or item product, packaging and labeling design did not comply with 19 CSR 100-1.120(1).
    - If deemed incomplete, DCR will identify reasons why it determined the submission is incomplete, in writing, per 19 CSR 100-1.120(2)(B). DCR will identify why the item approval application was incomplete in a document emailed to the licensee's designated contact.

Note: Licensees should refer to the "Approval" column on the items screen to verify approval of a "Final Packaging" item's product, packaging, and labeling design. Licensees can find the item approval number in front of the item name in the "Item" column. The "Approval Date" column is a misnomer and provides a date/time stamp for the last action taken with the item in Metrc. This date/time stamp will change until DCR approves or denies the item as a whole.



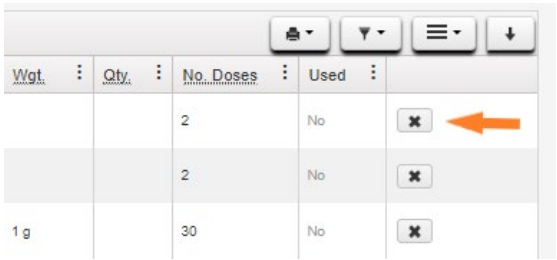
Note: Once Metrc generates the item approval number, which is located before the item name, the approval number will populate in all previous notifications for that item.



What should a licensee do if an item is denied?

DCR will identify within the item notes why the item packaging, labeling, and product design did not comply with 19 CSR 100-1.120(1). The information provided is for general purposes only and does not, and is not intended to, constitute legal advice or replace the need for Department approval, where applicable.

To resubmit an item, licensees must first delete the item in Metrc by clicking the "**X**" on the far right of the "Items" screen. Once the item has been deleted, the licensee may generate a new item and incorporate all necessary changes before submitting for approval.



Can a licensee have additional logos, symbols, colors, or designs on the inside of a package?

No. Both the interior and exterior of the packaging design must meet the requirements outlined in 19 CSR 100-1.120(1)(B). As a whole, a product package's design, interior **and** exterior, may only utilize a primary color as well as up to two (2) logos or symbols of a different color or colors, whether images or text, including brand, licensee, or company logos per 19 CSR 100-1.120(1)(B)5. For additional information on 19 CSR 100-1.120(1)(B), licensees are encouraged to review the Packaging, Labeling and Product Design Guide or email CannabisProductCompliance@health.mo.gov.

For questions or feedback regarding packaging, labeling, and product design; compliance; or the Item Approval process, please contact the Product Compliance Team by email at CannabisProductCompliance@health.mo.gov. Licensees can find additional information on our website: https://health.mo.gov/safety/cannabis/facility-comms-guidance.php.