



Missouri Department of Health and Senior Services

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Paula F. Nickelson
Director

Michael L. Parson
Governor

February 5, 2024

To: Marijuana Facility Licensees

RE: Variance from 19 CSR 100-1.120(1)(C)2

Licensees,

Pursuant to 19 CSR 100-1.020(1)(A), the Division of Cannabis Regulation (DCR) is granting a variance to the requirement in 19 CSR 100-1.120(1)(C)2.A. Licensees will be considered in compliance with the rule by complying with an alternative requirement for flavoring ingredients for ingestible marijuana product.

19 CSR 100-1.120(1)(C)2.A requires the marijuana product container label to disclose:

All active and other ingredients, which shall not include groupings of ingredients that obscure the actual ingredients, such as “natural flavors” or “botanically derived terpenes” and shall include solvents used in the manufacturing process.

Licensees may comply with this rule for ingestible marijuana-infused products, by following the modified language:

All active and other ingredients, which shall not include groupings of ingredients that obscure the actual ingredients and shall include solvents used in the manufacturing process. Components of natural and artificial flavorings for ingestible marijuana products may be grouped, such as “lime flavoring”, “natural banana flavoring”, or “artificial strawberry flavoring”.

This variance does not apply to marijuana-infused products that are to be vaporized or smoked (inhaled products).

DCR determined the good cause for granting this variance is that food flavorings used as intended do not pose any significant health risks to consumers and patients. Requiring disclosure of all components of flavorings may pose an undue burden on licensees in that flavoring manufacturers often do not disclose all components of flavorings, citing trade secrets. Because flavoring additives can pose a health risk when inhaled, there is good cause to keep requirement to list all ingredients in place for marijuana-infused product administered by smoking or vaporizing, such as a vape cartridge.

This variance only applies to what is disclosed on packaging. Per 19 CSR 100-1.030(3)(B), licensee may be required to show proof of ingredients to the Department at any time. Should such disclosure be requested, a licensee can label the information as “proprietary business information” if it believes the information is a trade secret. In such instances, the Department will maintain confidentiality of the information as required by Article XIV Section 2.4(7) and applicable law.

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.

Per 19 CSR 100-1.020(3)(D), concealing non-flavoring ingredients within a flavoring grouping is considered false or misleading information and may result in penalties.

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