

EXECUTIVE ORDER

24-10

WHEREAS, there are currently no safety standards, packaging requirements, or other regulations related to the safety of consuming unregulated psychoactive cannabis products in Missouri; and

WHEREAS, unregulated psychoactive cannabis products include delta-8 tetrahydrocannabinol (THC), delta-10 THC, hexahydrocannabinol (HHC), tetrahydrocannabinol (THC-O), tetrahydrocannabiphoral (THCP), tetrahydrocannabivarin (THCV), and other similar compounds; and

WHEREAS, numerous Missourians have been negatively impacted by the consumption of foods with unregulated psychoactive cannabis products added to them; and

WHEREAS, Missouri children, and children across the nation, have been hospitalized due to consuming unregulated psychoactive cannabis products; and

WHEREAS, additional actions must be taken to protect consumers, including children, from the sale of foods that include unregulated psychoactive cannabis products; and

WHEREAS, the Missouri Department of Health and Senior Services (DHSS) is tasked with ensuring the protection of the public when it comes to food under Chapter 196, RSMo; and

WHEREAS, the DHSS is tasked with promulgating regulations that conform, insofar as practicable, with those promulgated under federal acts under Section 196.045, RSMo; and

WHEREAS, state law currently prohibits the sale of foods that are adulterated or misbranded under Section 196.015, RSMo; and

WHEREAS, the DHSS has promulgated rules and a Food Code under Section 196.045, RSMo, which align with the United States Food and Drug Administration (FDA); and

WHEREAS, the FDA and the Missouri Food Code require that all food come from approved sources; and

WHEREAS, the FDA and the Missouri Food Code require that food that is not from an approved source shall be discarded; and

WHEREAS, the FDA and the Missouri Food Code require that food additives must be approved food additives or come from approved food sources; and

WHEREAS, there is no unregulated psychoactive cannabis product that has been approved by the FDA as a food additive; and

WHEREAS, the FDA has stated that food additives must receive premarket approval, and the failure to obtain premarket approval causes the food to be marked as adulterated by the FDA; and

WHEREAS, Section 311.660, RSMo, provides the Missouri Division of Alcohol and Tobacco Control within the Missouri Department of Public Safety with the statutory authority to enforce Missouri's alcohol and tobacco laws and regulations to ensure a safe environment for citizens of Missouri; and

WHEREAS, Missouri regulations currently prohibit the sale of controlled substances on liquor-licensed premises, but are silent on the sale of other unregulated psychoactive cannabis products.

NOW, THEREFORE, I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, by virtue and authority vested in me by the Constitution and laws of the State of Missouri, do hereby order the DHSS, beginning on September 1, 2024, to designate foods containing unregulated psychoactive cannabis products as foods that come from an unapproved food source or as foods that contain an unapproved food additive that comes from an unapproved food source as set forth in the 2022 FDA Food Code and the 2013 Missouri Food Code, or revisions of said codes. Additionally, the DHSS is to find foods that contain unregulated psychoactive

cannabis products are deleterious, poisonous, and adulterated under Sections 196.070, RSMo, and 196.085, RSMo, and to take the necessary steps in accordance with statute and regulation to embargo and condemn any food containing unregulated psychoactive cannabis products. These provisions do not apply to products under the control or purview of the Division of Cannabis Regulation under Article XIV of the Missouri Constitution as long as all psychoactive cannabinoids in those products are sourced from establishments licensed under Article XIV of the Missouri Constitution.

I further direct the DHSS to produce and distribute information regarding how the DHSS will regulate products consistent with this Executive Order.

I further direct the Missouri Division of Alcohol and Tobacco Control to amend its regulations such that unregulated psychoactive cannabis products are prohibited from being sold on the premises of a liquor-licensed facility.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 1st day of August, 2024.

A handwritten signature in black ink, appearing to read 'Michael L. Parson', written in a cursive style.

MICHAEL L. PARSON
GOVERNOR

ATTEST:

A handwritten signature in black ink, appearing to read 'John R. Ashcroft', written in a cursive style.

JOHN R. ASHCROFT
SECRETARY OF STATE