

**Title 15: Mississippi State Department of Health**

**Part 22: Medical Marijuana**

**Subpart 4: Tracking and Labelling of Medical Marijuana**

**Chapter 1 REGULATIONS FOR LABELLING, PACKAGING, and TRACKING MEDICAL MARIJUANA**

**Subchapter 1 General Provisions**

Rule 4.1.1 Legal Authority: This regulation has been promulgated under the authority of and pursuant to Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2).

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

Rule 4.1.2 Licensed Entities shall not sell, distribute, or otherwise transfer medical marijuana and medical marijuana products that are not packaged and labeled in accordance with these regulations.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

Rule 4.1.3 A Licensed Medical Marijuana Treatment Center/ Dispensary shall refuse to accept or shall return to the licensed entity transferring medical marijuana or medical marijuana products to the dispensary, any medical marijuana or medical marijuana products that are not packaged and labeled in accordance with these regulations. The Licensed Entity that sold or otherwise transferred the nonconforming medical marijuana or medical marijuana products shall accept such return. If circumstances are such that the dispensary cannot return or refuse to accept the nonconforming medical marijuana or medical marijuana products, the dispensary shall dispose of the nonconforming medical marijuana and medical marijuana products.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

Rule 4.1.4 A Medical Marijuana Treatment Center/dispensary shall document any such return, nonacceptance, or disposal, and such documentation shall include at a minimum:

- a. The license number, name, contact information, and address of the licensed entity that sold or otherwise transferred the nonconforming medical marijuana or medical marijuana products to the dispensary;
- b. A complete inventory of the medical marijuana and medical marijuana products to be returned or disposed, including the batch number;
- c. The reason for the nonacceptance, return, or disposal; and
- d. The date of the nonacceptance, return, or disposal.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

## Subchapter 2 General Packaging Requirements

Rule 4.2.1 The following packaging requirements apply to all medical marijuana or medical marijuana products being transferred to or sold to a Medical Marijuana Treatment Center/dispensary or by a Medical Marijuana Treatment Center/dispensary for sale to a qualified patient and/or caregiver:

- a. Labels, packages, and containers shall not be attractive to minors and shall not contain any content that reasonably appears to target children, including toys, cartoon characters, or any color scheme, image, graphic, or feature that might reasonably be expected to make the product label, package, or container appealing to children.
- b. Packages should be designed to minimize appeal to children and shall not depict images other than the business name and logo of the licensed entity.
- c. Packaging must contain a label that reads: "Keep out of reach of children." Placement must be on the primary panel of the product.
- d. All medical marijuana and medical marijuana products must be packaged in child-resistant containers at the point of sale or other transfer to a patient, a patient's parent, or legal guardian if patient is a minor, or a caregiver.
- e. Label must contain a warning that states "Women should not use marijuana or medical marijuana products during pregnancy because of the risk of birth defects."
- f. Packages and labels shall not contain any false or misleading statements.
- g. Packages and labels shall not contain product names related to foods to avoid patient confusion.
- h. Packages and labels shall not contain product names to candy or candies (or any spellings thereof e.g. kandy, kandies, etc.)
- i. No medical marijuana or medical marijuana products shall be intentionally or knowingly packaged or labeled to cause a reasonable patient confusion as to whether the medical marijuana or medical marijuana product is a trademarked product or any commercially available candy, snack, baked good or beverage.
- j. Packages and labels shall not make any claims or statements that the medical marijuana or medical marijuana products provide health or physical benefits to the patient.
- k. Must not contain the logo of the Department or any seal, flag, crest, coat of arms, or other insignia that could reasonably mislead any person to believe the product has been endorsed, manufactured, or used by any state, county, or municipality or any agency thereof.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

Rule 4.2.2 In addition to the packaging requirements in Rule 4.2.1, all retail-ready medical marijuana or medical marijuana products must be in compliant packaging upon enter the medical marijuana treatment center/ dispensary retail space.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

Rule 4.2.3 In addition to the packaging requirements in Rule 4.2.1, all retail-ready medical marijuana or medical marijuana products must:

- a. Be opaque and light resistant;
- b. Fully enclose the product so that it cannot be seen from outside the packaging;
- c. Protect the product from contamination;
- d. Not impart any toxic or deleterious substance to the medical marijuana product;
- e. must be in child-resistant packages or containers that meet the effectiveness specifications outlined in 16 CFR 1700.15;
- f. must be in a resealable package or container that meets the effectiveness specifications outlined in 16 CFR 1700.15, if the Medical Marijuana Product contains more than one serving;

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

### **Subchapter 3 General Labeling Requirements**

Rule 4.3.1 For retail sales by licensed entities, Medical Marijuana and/or medical marijuana products must contain the following labeling:

- a. The name and license number of the grower or manufacturer who is selling or otherwise transferring the medical marijuana or medical marijuana products to the medical marijuana treatment center/dispensary;
- b. Name of the medical marijuana or medical marijuana product;
- c. The batch number of the medical marijuana or medical marijuana product;
- d. Unique identifier number created by the seed to sale system;
- e. Net quantity or weight of contents;
- f. Ingredients list;
- g. The Mississippi Universal Symbol in the manner and form prescribed by the Department;
- h. Total THC as provided by the independent medical marijuana testing facility;
- i. Total CBD as provided by the independent medical marijuana testing facility;
- j. Terpenoid potency; and
- k. The statement, "This product has been tested for contaminants."

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

Rule 4.3.2 All labeling must be in plain font that can be easily read.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

Rule 4.3.3 All labeling on topical products must also state “For Topical Application – Do Not Eat or Smoke”.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

## **Subchapter 4 Labeling and Packaging Requirements for Edible Medical Marijuana Products**

Rule 4.4.1 Labels and packaging for food containing marijuana shall comply with all applicable requirements in existing Mississippi law, rules and regulations.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

Rule 4.4.2 Requirements for principal display panels or information panels include:

- a. Ingredients list;
- b. Food allergen information;
- c. Nutrition labeling, if required under 21 CFR 101.9;
- d. List of the cannabis ingredients;
- e. Total contents of THC and CBD must be stated per serving unit in milligrams (mgs);
- f. Total contents of THC and CBD must be stated per package in milligrams (mgs);
- g. Serving size; and,
- h. Number of servings per package.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

Rule 4.4.3 All packages and individually packaged product units, including but not limited to those in bulk packaging, must contain the Mississippi Universal Symbol in clear and plain sight. The universal symbol must be at least the same size as the allowable branding element. If no branding element is included, the universal symbol must be at least 0.5”x 0.5”. The universal symbol must be placed on the primary panel of the package and the product itself.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

## **Subchapter 5 Label Requirements for Sales Between Cultivators and Manufacturers**

Rule 4.5.1 All medical marijuana and medical marijuana products sold or otherwise transferred between cultivators/growers and/or manufacturers shall be labeled, and the label shall contain, at a minimum, the following information:

- a. Name and license number of the cultivator/grower or manufacturer who is selling or otherwise transferring the medical marijuana or medical marijuana product;
- b. The batch number of the medical marijuana or medical marijuana product;
- c. Date of harvest or production; and,
- d. Unique identifier number generated by the seed to sale system.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

**Subchapter 6 Warnings at the Point of Sale in Retail Settings in Medical Marijuana Treatment Centers/Dispensaries**

Rule 4.6.1 The following warnings must be highly visible at the point of sale (e.g. at the counter, directly behind the counter at least at eye level):

- a. “WARNING: For Medical Use ONLY. Store in a securely locked location away from children.”
- b. “WARNING: Not for resale. For MEDICAL USE by REGISTERED PATIENTS only.”
- c. “WARNING: Do not operate a vehicle or machinery under the influence of marijuana.”
- d. “WARNING: Marijuana should not be used by women who are pregnant or breastfeeding.”
- e. If products that are intended to be smoked or vaporized are sold:
  - i. “WARNING: Smoking and Vaping is hazardous to your health.”
- f. If edible products are sold:
  - i. “WARNING: The effects of edible products may be delayed by 2 or more hours”.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

**Subchapter 7 Tracking and Tagging Requirements for the Medical Marijuana Program**

Rule 4.7.1 All Licensed Entities must utilize an electronic inventory control system (aka seed to sale system) as set forth by the Department to allow real time monitoring of its Medical Marijuana and Medical Marijuana Product inventory.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

Rule 4.7.2 A Licensed Entity may utilize an electronic inventory control system of its choosing, provided the system utilized meets all the requirements below:

- a. Documents the chain of custody of Medical Marijuana and Medical Marijuana Products in real time, including, but not limited to:
  - i. all transfers between Licensed Entities (of all types e.g. cultivator to manufacturer to independent medical marijuana testing facility);
  - ii. Sales from Licensed Entities to Qualified Patients or Caregivers; and,
  - iii. movement within a Licensed Entities’ physical spaces (e.g., manufacturing space to retail space or grow room to drying area)

- b. Allows for inventory reviews and Medical Marijuana and Medical Marijuana Product traceability to allow the Licensed Entity to detect any diversion, theft, or loss within a timely manner;
- c. Tracks the entire lifespan of a Licensed Entity's inventory of Medical Marijuana and Medical Marijuana Products including, but not limited to:
  - i. when medical marijuana seeds are planted;
  - ii. when medical marijuana plants are harvested and/or destroyed;
  - iii. when medical marijuana is transported, sold, stolen, diverted, or lost;
  - iv. a complete inventory of all medical marijuana; seeds; plant tissue; clones; usable marijuana; trim; leaves; other plant matter; and medical marijuana products;
  - v. all samples sent to an independent medical marijuana testing facility or used for internal quality testing or other purposes.
- d. Tracks Medical Marijuana and Medical Marijuana Products using an assigned batch number and bar code that can be utilized to identify whether a specific product has been tested;
- e. Be capable of generating a transportation manifest approved by the Department that can accompany any transport of Medical Marijuana or Medical Marijuana Products;
- f. Tracks and confirms the amount of Medical Marijuana a Qualified Patient has purchased within the previous fourteen (14) days;
- g. Be interoperable with the Department's identified state system(s). The licensed entity is responsible for the costs associated with user fees for access to the state system, tags, etc.; and,
- h. In the event of an adverse event or recall, is capable of tracking medical marijuana or medical marijuana product from a qualified patient or caregiver to the source of the medical marijuana or medical marijuana product.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

Rule 4.7.3 Unique identifier tags shall be placed in a manner to clearly display their association with a particular plant, plant material, or product as approved by the Department. For example:

- a. Affixed to the plant itself or the plant receptacle;
- b. On a label affixed to the storage/transport package and or/retail-ready package; and/or
- c. Any other means deemed appropriate by the Department.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

Rule 4.7.4 All immature plants, usable marijuana, medical marijuana products and waste must be tagged with the following information unless otherwise approved by the Department:

- a. The Licensed Entity’s license number and tradename/business name;
- b. The unique identifier generated by the inventory control system;
- c. Strain name or product name (waste excluded);
- d. The quantity of the product;
- e. An expiration date; and,
- f. Any other information or technical functions the Department deems appropriate.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

Rule 4.7.5 Each mature marijuana plant must be physically tagged and tracked individually with the following information unless otherwise approved by the Department:

- a. The licensee’s license number and tradename or business name;
- b. The unique identifier generated by the inventory control system;
- c. Strain name;
- d. Date of creation;
- e. An expiration date; and,
- f. Any other information or technical functions that the Department deems appropriate.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

**Subchapter 8 Inventory Reporting Requirements for Licensed Entities**

Rule 4.8.1 Licensed growers, processors, and dispensaries shall complete a monthly report on a form and in a manner prescribed by the Department. These reports shall be deemed untimely if not received by the Department by the fifteenth (15th) of each month for the preceding month.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

Rule 4.8.2 Licensed Medical Marijuana Treatment Centers/Dispensaries reports shall include:

- a. The amount of marijuana purchased in pounds;
- b. The amount of marijuana sold or otherwise transferred in pounds;
- c. The amount of marijuana waste in pounds;
- d. If necessary, a detailed explanation of why any medical marijuana product purchased by the licensee cannot be accounted for as having been sold or still remaining in inventory;
- e. Total dollar amount of all sales to qualified patients and caregivers;
- f. Total dollar amount of all state assessments collected from sales to medical marijuana patients and caregivers; and
- g. Any information the Department determines is necessary to ensure that all

marijuana grown in Mississippi is accounted for as required.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

Rule 4.8.3 Cultivator reports shall include:

- a. The amount of marijuana harvested in pounds;
- b. The amount of marijuana purchased in pounds;
- c. The amount of marijuana sold or otherwise transferred in pounds;
- d. The amount of drying or dried marijuana on hand;
- e. The amount of marijuana waste in pounds;
- f. If necessary, a detailed explanation of why any marijuana cannot be accounted for as having been sold, disposed of, or maintained in current inventory;
- g. Total dollar amount of all sales; and
- h. Any information the Department determines is necessary to ensure that all marijuana grown in Mississippi is accounted for as required.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

Rule 4.8.4 Manufacturer reports shall include:

- a. The amount of marijuana purchased in pounds;
- b. The amount of marijuana sold or otherwise transferred in pounds;
- c. The amount of medical marijuana manufactured or processed in pounds;
- d. If necessary, a detailed explanation of why any marijuana cannot be accounted for as having been purchased, sold, processed, or maintained in current inventory;
- e. The amount of marijuana waste in pounds; and
- f. Any information the Department determines is necessary to ensure that all marijuana grown in Mississippi is accounted for as required.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

Rule 4.8.5 Submission of information and data to the Department through the seed-to-sale tracking system established by the Department is required.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*