



## **EXECUTIVE ORDER 24-10**

### ***Prohibiting Sale of Unregulated Psychoactive Cannabinoids in Missouri***

#### **What are unregulated psychoactive cannabis products?**

Unregulated psychoactive cannabis products are products that contain chemical substances that cause or have the potential to cause psychoactive effect, including those that are created by a chemical reaction that changes the molecular structure of naturally occurring chemical substances or cannabinoids from the *Cannabis sativa L.* plant.

Generally, CBD, CBN, CBG, CBDa, CBGa, CBDV, CBDVa, CBGV, CBGVa, CBNa, CBC, CBCa, and similar substances do not have psychoactive effect.

Generally, Delta-9 THC, Delta-8 THC, Delta-10 THC, Delta-11 THC, HHC, THCa, THCO, THCV, THCP, THCB, THCH, THCJD, THCX, HHCP, and similar substances do have psychoactive effect.

Any cannabinoid product marketed as having mind- or mood-altering effects (changes to perception, thoughts, emotions, behavior, or awareness) may contain psychoactive cannabinoids, even if the packaging does not disclose this fact.

#### **What is considered “Food”?**

Food is defined as a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption or chewing gum.

#### **What is an “approved source” for food and food additives?**

An “approved source” is a facility where food is produced, prepared, or processed that meets the standards of the regulatory authority. All ingredients used to make food products are considered “food” or a “food additive.” All food products and food additives must come from approved sources.

#### **Are there any “approved” psychoactive cannabinoids that can be added to a food product?**

Regulated food products and other manufactured products in commerce in Missouri may not contain unregulated psychoactive cannabinoids, **with the exception of marijuana products** regulated pursuant to Article XIV of the Missouri Constitution.

### **I see food products that indicate they contain CBD; is that okay?**

CBD is not considered a psychoactive cannabinoid and is not affected by this Executive Order. Food products are not considered adulterated by the State of Missouri solely because they contain CBD.

### **Why are unregulated psychoactive cannabis products a health concern?**

Numerous Missourians have been negatively impacted, including children that have been hospitalized, through the consumption of foods or other products that include unregulated psychoactive cannabinoids. America's Poison Control Center has documented that 41% of the non-regulated intoxicating cannabinoids - Delta 8 exposures are occurring in children 12 and younger. Unregulated psychoactive cannabinoids are associated with several significant health risks including risks of poisoning (especially for children), unexpected intoxication, exposure to chemical contaminants, and more.

- There are no safety studies for human consumption and health effects are largely unknown, especially for children.
- Many products include combinations of non-regulated psychoactive cannabinoids, with unknown interactions.
- There are no regulated potency limits or testing, and large doses are often contained in a single package.
- There are no regulations imposing age restrictions.
- Many products are mislabeled, with unknown or undisclosed psychoactive potency.
- Some products packaging intentionally mimics commercial food products that appeal to children and has a lack of childproofing.
- There are no testing requirements for contaminants such as heavy metals or solvents and other byproducts from processing.

DHSS issued a Health Alert on the risks associated with consumption of hemp-derived psychoactive cannabinoids located [here](https://health.mo.gov/news/newsitem/uuid/c32bc962-9fad-4a37-a43e-721c6709a8d2/dhss-issues-health-advisory-regarding-risks-associated-with-consumption-of-hemp-derived-intoxicating-cannabinoids):  
<https://health.mo.gov/news/newsitem/uuid/c32bc962-9fad-4a37-a43e-721c6709a8d2/dhss-issues-health-advisory-regarding-risks-associated-with-consumption-of-hemp-derived-intoxicating-cannabinoids>.

The Missouri Poison Center has posted an article indicating a rise in Delta 8 poisoning in children located [here](https://missouripoisoncenter.org/rise-of-delta-8-poisoning-in-children/): <https://missouripoisoncenter.org/rise-of-delta-8-poisoning-in-children/>.

The FDA has posted regarding the serious health risks associated with Delta 8 on its website [here](https://www.fda.gov/consumers/consumer-updates/5-things-know-about-delta-8-tetrahydrocannabinol-delta-8-thc): <https://www.fda.gov/consumers/consumer-updates/5-things-know-about-delta-8-tetrahydrocannabinol-delta-8-thc>.

The CDC has posted a Health Advisory on the increase in availability of Delta 8 and potential for adverse events located [here](https://stacks.cdc.gov/view/cdc/109759):  
<https://stacks.cdc.gov/view/cdc/109759>.

**My establishment sells a product that might be considered a psychoactive cannabinoid. Who should I contact to determine if this product is an unregulated psychoactive cannabis product?**

Business owners who have questions about a product they are selling can contact the DHSS Toll-Free Access Line: **866-219-0165** (9 a.m. – 4 p.m., Monday – Thursday) or reach out to [Cannabisinfo@health.mo.gov](mailto:Cannabisinfo@health.mo.gov).

**As a consumer, what should I do if I see psychoactive cannabis products being sold anywhere other than a licensed cannabis dispensary facility or want to submit a product complaint?**

DHSS has established an online form for anyone to report when they see these products being sold. [Click here to submit a report](#).

**How does the Executive Order change the way Article XIV cannabis facility licensees will be regulated by the Division of Cannabis Regulation?**

No regulatory change is anticipated for cannabis facility licensees. Existing regulations already establish that regulated cannabis products may not contain psychoactive cannabinoids made from chemical modification, conversion, or synthetic derivation of cannabinoids and that regulated cannabis must originate from a licensed cultivation facility rather than from outside of the regulated system. However, the Executive Order does clarify that all food products of any kind in Missouri with unregulated psychoactive cannabinoids should only come from Article XIV licensees. Therefore, in order to remain in compliance with 19 CSR 100-1.100(4)(C), which says that all licensees must follow applicable state, local, and federal laws, dispensary licensees that carry non-marijuana food products should ensure that none of those products include unregulated psychoactive cannabinoids.

**How can I know if I am purchasing legal cannabis products?**

Regulated cannabis products can be purchased from facilities licensed by the Department of Health and Senior Services pursuant to Article XIV of the Missouri Constitution. Such facilities can be easily identified by a state-issued certificate posted directly inside the facility and also by the experience of entering a facility, which will include a security checkpoint where individuals are required to show a photo ID to prove they are a licensed patient or an adult over the age of 21. A map of all licensed dispensary facilities can be found at [cannabis.mo.gov](http://cannabis.mo.gov). Individuals who have questions about whether a particular product came from a licensed facility can contact the DHSS Toll-Free Access Line: **866-219-0165** (9 a.m. – 4 p.m., Monday – Thursday) or reach out to [Cannabisinfo@health.mo.gov](mailto:Cannabisinfo@health.mo.gov).

**What is the difference between regular cannabis and hemp-derived (e.g. Delta 8) products?**

All cannabis plants naturally contain THC and other cannabinoids; hemp plants contain much lower amounts of THC than marijuana plants. Hemp-derived psychoactive products are made by chemically converting non-THC cannabinoids into new, psychoactive compounds, and these processes create

unique health risks. In contrast, regulated marijuana products are made by traditional extraction processes, are tested to ensure they are not contaminated with dangerous substances, are labeled, with strict oversight, to ensure consumers know the potency and other ingredients in their products and are subject to packaging requirements designed to protect children. Unregulated cannabis products, including hemp-derived products, are not subject to these same (or any) health and safety requirements.

**Who should businesses and consumers call if they have questions about how Executive Order 24-10 will impact them?**

This webpage, [Health.Mo.Gov/Report](https://www.health.mo.gov/report), will be updated as information becomes available. Executive Order 24-10 directs DHSS to issue information prior to enforcement beginning September 1, so more details will be forthcoming.

