

Missouri Division of Cannabis Regulation
Guidance Document – 2/09/2023
Topics: Samples and Product Give Away

Samples and Product Give Away

With the implementation of adult use and an increase in facility events, licensees are reminded of the requirements in 19 CSR 100-1 for sale and distribution of marijuana product. Dispensary licensees are the only license type with the authority to sell or distribute (give away) marijuana product to qualifying patients, primary caregivers and consumers. 19 CSR 100-1.180(2)(D)2.F specifically outlines that licensees are to record all disbursements of marijuana product in the statewide track and trace system, Metrc, even in instances where prices are discounted or waived. 19 CSR 100-1.180(2)(D)2 lays out the requirements for dispensary licensees at the time of sale or distribution.

Products may only be sold or distributed at the dispensary's licensed facility location approved by the department and within the area of the facility designated by the licensee and approved by the department for sales transactions. See 19 CSR 100-1.030(3) for information about changes in use of space.

Per 19 CSR 100-1.180(2)(A)3, licensees must maintain a one (1) facility agent to three (3) consumers, qualifying patients, primary caregivers, combined, ratio in the limited access area where marijuana product is available. Please review the aforementioned rule for additional information regarding drive-throughs and pick-up windows.

Cultivation and manufacturing licensees are not permitted, per rule or Article XIV, to sell or distribute marijuana products to any individual. However, if a cultivation or manufacturing licensee intends to give away or provide samples for individuals, including patients, primary caregivers or consumers, the cultivation or manufacturing licensee is required to transfer the marijuana product to a dispensary licensee first. All such actions are required to be recorded in Metrc as 19 CSR 100-1.130(1)(D) requires marijuana product to be tracked from seed or immature plant stage until it is either purchased, expended during testing, or destroyed. Meaning, each product sample or give away must be recorded in Metrc for each individual to whom the product sample or give away is provided.

The rules noted above are not a comprehensive list of the areas to ensure compliance before scheduling and holding a facility event or giving away marijuana product. **There is no scenario where a licensee or agent ID holder working for a licensee may give away, sell or otherwise distribute marijuana to anyone unless they are doing so in an approved area of the dispensary facility and each individual person and product is entered into Metrc appropriately.** Licensees are expected to know and follow the rules that are applicable to their license type. Per 19 CSR 100-1.020(3), licenses and certifications found in violation of any rule in this chapter or provision in Article XIV may be subject to sanctions, including, but not limited to, any of the following: 1. Limitation or restriction on a license or certification; 2. Fines up to an amount equal to the daily gross receipts of the facility; 3. Revocation, suspension, or nonrenewal of a license or certification; and/or 4. Orders to immediately cease or suspend operations.

Please reach out to your compliance officer if you have any questions.