

July 24, 2026

Office of Medical Cannabis
West Virginia Bureau for Public Health
350 Capitol Street, Room 523
Charleston, WV 25301
medcanwv@wv.gov

**RE: Public Comment on Proposed Legislative Rule 64CSR112 - Medical Cannabis
Program: Dispensaries**

To the Office of Medical Cannabis:

We appreciate the opportunity to comment on the proposed amendments to Legislative Rule 64CSR112. We write as former regulators, each of us having led a state cannabis agency, and we respect and appreciate the direction of the proposed rule. It strengthens patient and caregiver verification, tightens dispensing and inventory controls, updates the security and surveillance standards, and preserves the labeling and safety-insert obligations that give West Virginia patients reliable information. Our comment concerns one addition to the labeling provisions in Section 8.

As it finalizes the rule, the Office should recognize a standardized Quick Response (QR) code, generated through the State's electronic seed-to-sale tracking system, as the means of delivering the Bureau-approved safety insert and the related patient-safety information Section 8 requires. The rule already mandates a Bureau-approved insert with each sale, and it already reserves to the Bureau the authority to require additional labeling and information. A standardized code lets the Office keep every required on-package element (the warnings, the cannabinoid content, the dose count) while delivering the broader safety information in a form that stays current, does not depend on the patient keeping a paper insert, and remains under the Bureau's control.

Three features of the rule support this approach.

- **Safety inserts (§64-112-8.5).** The rule requires a Bureau-approved insert on administration, dangers, problematic use, side effects, and youth-misuse prevention, and it authorizes the Bureau to add "any other information ... to enhance patient safety." A code that resolves to that insert delivers the same content, lets the Bureau update it without a reprint, and carries detail a printed insert cannot hold: the full cannabinoid and terpene profile, allergens, the certificate of analysis, and directions for use.
- **Recall notification (§64-112-18, §64-110-23).** The recall provisions already contemplate reaching patients through "press releases and other appropriate notifications." A scannable code is among the most direct of those notifications. It

reaches a patient who has taken product home, at the moment they next handle it, and shows the current recall or hold status for the product in hand.

- **The State’s electronic tracking system (§64-112-19; W. Va. Code §16A-7-1).** West Virginia already prescribes a statewide seed-to-sale system that assigns each package a unique identifier and holds its record. The code should be generated through that system rather than built by each licensee. A code the State issues resolves to the State’s own record and can be verified on sight. A code each licensee builds resolves to a page the State does not control, gives no assurance that it shows the current or authentic record, and is a known source of broken links and fraud. Generating the code through the system the State already operates carries the State’s control through to the patient and adds no new data obligation for licensees.

This recommendation adds no new mandate. It rests on authority the rule already provides in Sections 8.1, 8.3.8, and 8.5.6, and on the Bureau’s authority to prescribe the electronic tracking system under Section 19 and W. Va. Code §16A-7-1. The safety-insert obligation is already in the rule, and the recommendation supplies a standard, optional means of meeting it. A scannable code should supplement required disclosure, not replace it. The Bureau-approved insert should remain available in print on request, and the information should remain reachable by patients for whom scanning is not practical, including older patients and those without access to a smartphone. The language below preserves both points.

We offer the following language for the Office’s consideration.

Amend §64-112-8.1 to add a system-generated QR code to the required identifiers:

“Medical cannabis products dispensed by a dispensary must only be identified by the name of the grower/processor, the name of the dispensary, the form and species of medical cannabis, the percentage of THC and CBD contained in the medical cannabis product, a Quick Response (QR) code generated through the State’s electronic seed-to-sale tracking system, and any other labeling required by the Bureau. The QR code shall be displayed on the product label or package and shall resolve to the current Bureau-approved safety insert and any additional product safety information the Bureau designates.”

Add a new §64-112-8.5.7:

“8.5.7. A dispensary may satisfy the requirement of this section to provide a Bureau-approved safety insert by making the safety insert information available through the Quick Response (QR) code required under subsection 8.1, whether displayed on the product package, label, receipt, exit packaging, or other material provided to the patient or caregiver at the time of dispensing. The information accessed through the code shall be the current Bureau-approved

safety insert. Upon request, a dispensary shall provide a printed copy of the current Bureau-approved safety insert to a patient or caregiver.”

The same code confirms in real time that a product is tested and within the regulated supply chain, and it gives the Bureau a controlled channel for recall and public-health notices to patients who have already taken product home. Comparable systems already operate in pharmaceuticals, in food labeling, and in the retail sector’s move to 2D barcodes.

West Virginia’s program continues to develop, and its licensees already operate on the State’s seed-to-sale system. Setting a consistent labeling and safety standard now, while the base is small, is more practical than retrofitting one later. We appreciate the opportunity to comment and would be glad to serve as a resource as the Office completes its work on this rule.

Sincerely,

A handwritten signature in blue ink, appearing to read "T. Klimas".

Tyler Klimas
Leaf Street Strategies

A handwritten signature in black ink, appearing to read "Shawn Collins".

Shawn Collins
The Homegrown Consulting Group