
TECHNICAL ADVISORY GUIDANCE
INFORMATION REQUIRES IMMEDIATE ATTENTION

#22040101

To: All Medical Cannabis Licensees in West Virginia

Issuing Agency: Bureau for Public Health/Office of Medical Cannabis

Effective Date: 06/01/2022

RE: Destruction/Disposal of Medical Cannabis at Dispensaries

The West Virginia Department of Health and Human Resources, Office of Medical Cannabis (OMC) is issuing this technical advisory to provide updated guidance on disposal/destruction of medical cannabis. Currently, licensees are required to return any products which are defective, damaged, expired or contaminated to the grower/processor from which they received the cannabis. This advisory permits the licensee to destroy/dispose medical cannabis at their retail location. In order to perform this action in the retail location, medical cannabis products must be destroyed and rendered unusable by using the methods set forth in this advisory.

The dispensary shall notify OMC regarding plans for destruction. Notification shall include the date and time the cannabis will be rendered unusable and disposed of. If the dispensary designates the destruction of medical cannabis on the same day and time weekly, communication of that day and time shall be sufficient to comply with this paragraph. Any change in the date and time must be communicated to OMC. All waste and unusable product shall be weighed, recorded, and entered into the inventory tracking system (METRC) prior to rendering it unusable. The destruction of medical cannabis must be conducted by no less than two employees. One of these employees must be a member of management at the retail store. A book of record shall be kept at the dispensary that includes the date, time, and names of personnel involved in the destruction process. The destruction must be conducted in a designated limited access area with fully functioning video surveillance. All external refuse containers shall be maintained in a locked condition.

Unless otherwise required by local, state, or federal waste management authorities, the allowable method for rendering medical cannabis waste unusable is by thermal treatment or melting; shredding, grinding or tearing; incorporating the medical cannabis waste with other municipal waste; and/or incorporating the waste with other ground material so the resulting mixture is at least fifty-one percent non-cannabis waste. Other

methods to render cannabis waste unusable must be approved by OMC before implementation. The two categories of acceptable waste in which cannabis may be included are as follows:

Compostable waste in which cannabis is to be disposed of as compost feedstock or in another organic waste method may be mixed with the following type of waste materials:

- (a) Food waste;
- (b) Yard waste;
- (c) Vegetable-based grease or oils; or
- (d) Other wastes as approved by the OMC (e.g., agricultural material, biodegradable products and paper, clean wood, fruits and vegetables, plant material).

Non-compostable mixed waste in which cannabis is to be disposed of in a landfill or by another disposal method may be mixed with the following types of waste materials:

- (a) Paper waste;
- (b) Cardboard waste;
- (c) Plastic waste;
- (d) Soil; or
- (e) Other wastes as approved by the OMC (e.g., non-recyclable plastic, cat litter, pharmaceutical waste disposal solution).

Medical cannabis waste rendered unusable using the methods described above can be disposed of at a permitted solid waste facility. The waste must be transported by a third-party waste hauler for final disposition. The dispensary must disclose to the waste hauler that cannabis waste is contained in the material being disposed of. Examples of acceptable permitted solid waste facilities include:

- (a) Compostable mixed waste: compost, anaerobic digester or other facility.
- (b) Non-compostable mixed waste: landfill, incinerator or other facility.