TECHNICAL ADVISORY GUIDANCE **#25010002**
INFORMATION REQUIRES IMMEDIATE ATTENTION

To: All West Virginia Medical Cannabis Permittees

From: West Virginia Department of Health, Bureau for Public Health, Office of Medical Cannabis

Effective Date: September 23, 2025

RE: Product, Strain Name, and Additive Approvals

The West Virginia Department of Health, Bureau for Public Health, Office of Medical Cannabis (OMC) is issuing this technical advisory to provide clarity to dispensary/processor/grower permit holders on product name, strain name, and additive name approvals as they relate to final product approval. The OMC is updating our medical cannabis product approval process to avoid any product information that would be attractive to children (*W. Va. CSR 64-110-16.5.4*) or that contain any resemblance to trademarked food or beverage products (*W. Va. CSR 64-110-16.5.1*). We believe this will make marketing and product labeling a simpler process moving forward.

OMC has recently discovered widespread use of strain names and additive names to describe or promote products. At no point were the approval of strain names or additive names meant for use as a product description or product name.

Strain name approvals were intended to be limited to genetic identification of medical cannabis plants. Instead, strain names have also appeared in product names, product descriptions, and potential advertising campaigns. To avoid confusion related to the proper use of approved strain names, OMC will no longer approve strain names that could result in the potential to violate the Medical Cannabis Act or associated legislative rules.

Additionally, OMC requires the submission of additives for review and issuance of a corresponding approval number. The names for these additives have been found to commonly appear as product descriptions and product names throughout West Virginia. At no point did the approval of an additive equate to the approval for the additive name to be used as a product name or description.

Effective today, the OMC will no longer approve product, additive, or strain names that would be considered attractive to children, reference the illicit market, or be similar to or mimic trademarked food and/or beverage products. This policy update will also include previously approved names. To clarify previous versions of TA #25010002, the OMC will work with permittees to minimize financial impacts resulting from this policy update and will allow a 6-month window from the date of this advisory to sell existing inventory. Effective March 1, 2026, any products that violate this guidance will be placed on administrative hold until appropriate action is taken to satisfy the requirements described in this advisory.

OMC considers the following names/branding to be attractive to children including:

- Names that refer to or mimic sweets, candies, or other desserts.
- Names that resemble cartoons, cartoon characters, or references to any other media for which children are the primary audience.
- Fruit names when used as a stand-alone flavored description (e.g. Blueberry, Cherry, etc.) will be permitted. Fruit names will not be allowed when used in conjunction with deserts, candies, sweets, trademarked food or beverage products, or names that mimic trademarked food or beverage products. Fruit names used in combination with other names (e.g. Mango Sunrise) will be evaluated on a case-by-case basis.

Additionally, OMC will not permit the use of names referencing, or implying, intoxicating effects.

To ensure consistent terminology, accurate labeling, and regulatory compliance in West Virginia, the following definitions clarify the distinctions between strain names, product names, and additive names as they pertain to the medical cannabis industry:

1. Strain Name (Cultivar Name)

Definition:

A strain name refers to the designated name of a cannabis cultivar that reflects its unique genetic identity, including its cannabinoid and terpene profile. Strain names are typically assigned by growers and are used to distinguish between plant lineages with specific therapeutic properties or characteristics.

Regulatory Note:

Strain names must not be misleading, imply unproven medical claims, or appeal to minors. ***A strain name approval by the OMC is not an approval for use as a product name; they are distinct.***

Strain information may be used on product labels once submitted with the product for approval

where relevant but must be distinct from product branding. ***When considering strain names, growers should understand that objectionable names may be denied for use in product packaging and marketing (including website product descriptions).***

Synonyms or proprietary names for the same cultivar must be traceable within Metrc.

2. Product Name

Definition:

A product name is the commercial or brand name assigned by a licensee to a manufactured cannabis product intended for patient use. Product names may refer to formulation type, intended effects, dosage, or included strains, but are distinct from the strain name itself and require OMC approval to be included in a product name, description, or marketing. ***NOTE: Adding strain and additive names on labels or in the marketing of products, including website product descriptions, must be approved in the product approval process.***

Regulatory Note:

Packaging must be submitted for approval exactly as it will appear when the product is sold. Again, for clarification purposes, approval of strain names and/or additives does not equate to approval for use on packaging or in marketing.

Product names must not include unsubstantiated health claims.

Names must not mimic or be confusingly similar to trademarked food or beverage products or be attractive to children.

Each product name must be associated with a registered product type, batch, and formulation. Example of product names: “Relief 10mg THC Capsules”, “Calm Tincture – Lavender Blend”, “SleepWell Vape – Indica Formula”

3. Additive Name

Definition:

An additive name refers to any non-cannabis ingredient added to a cannabis product to modify its flavor, aroma, consistency, effect, or stability. Additives include botanical terpenes, flavoring agents, diluents, carriers, and excipients.

An additive approval by the OMC is limited only to its use in medical cannabis products. OMC will issue an approval number for each approved additive. Additive approvals do not extend any further than their approval for use. Submission for additive approvals must not be combined with product approvals.

Regulatory Note:

All additives must be approved for use in inhalable, ingestible, or topical cannabis products, as applicable. Additives must be listed in the product's ingredient disclosure and tracked for safety and compliance.