
Commerce & Gaming Committee

HB 1250

Brief Description: Regarding labeling of marijuana products.

Sponsors: Representatives Wylie, Vick, Blake and Appleton.

Brief Summary of Bill

- Allows statement on marijuana product labels describing the product's intended role in maintaining bodily structures or functions, provided claims are substantiated and not misleading.
- Prohibits marijuana product label information from containing claims that marijuana products diagnose, mitigate, treat, cure, or prevent any disease.
- Removes the express directive for the LCB to adopt certain labeling rules and adds the above bulleted requirements for product labels to statute.

Hearing Date: 1/29/19

Staff: Kyle Raymond (786-7190).

Background:

The Legislature requires the Liquor and Cannabis Board (LCB) to adopt rules determining the nature, form, and capacity of all containers used by licensees to contain marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products (collectively, "marijuana").

The LCB's labeling requirements for marijuana sold at retail must include the following information: (1) processor and retailer licensee's business or trade name and Unified Business Identifier (UBI) number; (2) marijuana lot numbers; (3) marijuana's tetrahydrocannabinol (THC) concentration and cannabidiol (CBD) concentration; (4) available medical and scientific information about the health and safety risks posed by marijuana use; and (5) the statement *Warning—May be habit forming*, which is required pursuant to a separate state law on the misbranding of drugs.

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By rule, the LCB requires additional labeling information, including: product weight, a statement disclosing all pesticides applied to the marijuana plants, and information about the growing medium during production and processing. The LCB also requires all of the following warning statements on marijuana product labels:

- *Warning: This product has intoxicating effects and may be habit forming. Smoking is hazardous to your health;*
- *There may be health risks associated with consumption of this product;*
- *Should not be used by women that are pregnant or breast feeding;*
- *For use only by adults twenty-one and older. Keep out of reach of children; and*
- *Marijuana can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery under the influence of this drug.*

Summary of Bill:

Marijuana product labels are permitted to include information describing the intended role of a marijuana product to maintain a structure or function of the body, or characterize the documented mechanism by which the product maintains such a structure or function. All marijuana product label claims must be substantiated as truthful and not misleading.

The labeling may include terms that describe the product's intended role in maintaining bodily structures or functions. The terms licensees are permitted to use for labeling include, but are not limited to: "wellness," "well-being," "health," "maintain," "support," "assist," "promote," and "relief," and derivatives of any such terms.

Marijuana product labels that describe how it maintains bodily structures or functions may not claim to diagnose, mitigate, treat, cure, or prevent any disease. In addition, the labeling may not be false, misleading, or especially appealing to children.

The LCB's authority to adopt rules regarding labeling marijuana products sold at retail outlets is removed, and the following labeling requirements are added to statute:

- business or trade name and UBI number of the producer and processor licensee;
- lot numbers of the product;
- THC and CBD concentrations;
- medically and scientifically accurate information about the health and safety risks posed by marijuana use; and
- the following statement required under a separate state law applicable to drugs:
Warning—May be habit forming.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.