
Commerce & Gaming Committee

HB 1124

Brief Description: Addressing marijuana-infused edible product packaging and labeling requirements.

Sponsors: Representatives Condotta, Sawyer and Vick.

Brief Summary of Bill

- Establishes packaging and labeling requirements for packages of marijuana-infused edible product in solid form that contain more than one serving in the package, including an optional THC-symbol that may be marked, stamped, or otherwise imprinted directly on each serving.

Hearing Date: 1/17/17

Staff: Peter Clodfelter (786-7127).

Background:

Marijuana Packaging and Labeling Requirements.

State Law. A marijuana processor license, issued by the state Liquor & Cannabis Board (LCB), authorizes the holder to process, package, and label useable marijuana, marijuana-infused products, and marijuana concentrates (collectively marijuana products) for sale at wholesale to other marijuana processors and marijuana retailers. The Legislature delegates authority to the LCB to adopt rules regarding methods of packaging and labeling marijuana products.

Administrative Rules. The LCB's rules require any container or packaging containing marijuana products to protect the product from contamination and to not impart any toxic or deleterious substance to the marijuana products. Marijuana-infused products meant to be eaten or swallowed must be packaged in child-resistant packaging in accordance with federal regulations adopted pursuant to the federal Poison Prevention Packaging Act of 1970, or may be packaged in plastic four mil or greater in thickness and be heat sealed with no easy-open tab, dimple, corner, or flap. For marijuana-infused edible product in solid form, if there is more than one serving in

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the package, each serving must be packaged individually in child-resistant packaging and placed in the outer package.

All marijuana products sold at retail must include material that is attached to the package or provided separately to the consumer containing specific warnings and a statement disclosing all pesticides used during production and processing. Additionally, labels affixed to the container or package containing marijuana products must include information about the businesses that produced, processed, and sold the marijuana product, the product weight, and, if solvents were used, a statement disclosing the extraction method. For marijuana-infused products meant to be eaten or swallowed that are sold at retail, labels affixed to the container or package must additionally include information about the manufacture date, the best by date, the serving size and number of servings contained within the unit, potency, and other information.

Effective February 14, 2017, the LCB will require the packaging of marijuana-infused edible products to have a "Not for Kids" warning symbol, which contains an image of a red hand, the phrase "NOT FOR KIDS," the word "EMERGENCY," and the national Poison Control Center's phone number.

Marijuana Packaging and Labeling Requirements in Colorado.

In Colorado, regulations require that, unless it is impracticable to do so, each serving of marijuana-infused edible product sold at retail must be marked, stamped, or otherwise imprinted directly with a specific universal symbol that includes the letters "THC" and an exclamation point. The universal symbol must be distinguishable and easily recognizable and be centered either horizontally or vertically on each serving. If centered horizontally on a serving, the height and width of the symbol must be of a size that is at least 25 percent of the serving's width, but not less than one-quarter inch by one-quarter inch. And if centered vertically on a serving, the height and width of the symbol must be of a size that is at least 25 percent of the serving's height, but not less than one-quarter inch by one-quarter inch.

Summary of Bill:

Marijuana Packaging and Labeling Requirements.

Three options are provided for packaging marijuana-infused edible product in solid form that contains more than one serving in the package. First, individual servings may be placed in an outer package that is not child-resistant if each individual serving is in a package that is child-resistant. Second, individual servings may be placed in an outer package that is child-resistant and each individual serving may also be in a package that is child-resistant. Third, individual servings may be placed loose in an outer package that is child-resistant if each serving is marked, stamped, or otherwise imprinted with a specific symbol.

If a serving of marijuana-infused edible product in solid form that is sold at retail is marked, stamped, or otherwise imprinted with a symbol in order to be placed loose within an outer layer of packaging that is child-resistant, the symbol must include specific information and be centered on each serving. Specifically, the symbol:

- must prominently include an exclamation point and the letters "THC";
- may not include other words, letters, shapes, or marks, except as provided below;
- may include the letter "M" if the marijuana-infused edible product in solid form is classified as a compliant marijuana product by the Department of Health;

- may include a shape that encloses the letters "THC," the exclamation point, and, if applicable, the letter "M";
- must be marked, stamped, or otherwise imprinted directly on at least one side of each serving of the marijuana-infused edible product in solid form;
- must be distinguishable and easily recognizable; and
- must be centered either horizontally or vertically on each serving of marijuana-infused edible product in solid form.

If the symbol is centered horizontally on a serving, the height and width of the symbol must be of a size that is at least 25 percent of the serving's width, but not less than one-quarter inch by one-quarter inch. If the symbol is centered vertically on a serving, the height and width of the symbol must be of a size that is at least 25 percent of the serving's height, but not less than one-quarter inch by one-quarter inch.

If marijuana-infused edible product in solid form that is sold at retail is of a type, size, or design that makes it impossible or impracticable to mark, stamp, or otherwise imprint the symbol directly on each serving, and there is more than one serving in the package containing marijuana-infused edible product in solid form, then each serving must be in child-resistant packaging.

The use of the symbol is optional, and nothing requires each serving of marijuana-infused edible product in solid form that is sold at retail to be marked, stamped, or otherwise imprinted with the symbol, even if it is possible to do so.

The term "child-resistant" is defined to correspond to the LCB's rules on child-resistant packaging, and means:

- in compliance with the child-resistant packaging standards in Title 16 C.F.R. Part 1700 of the Poison Prevention Packaging Act of 1970 regulations as they exist on January 1, 2017; or
- packaging that consists of plastic four mil or greater in thickness and is heat sealed with no easy open tab, dimple, corner, or flap.

Appropriation: None.

Fiscal Note: Available.

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