



NATIONAL ASSOCIATION OF CANNABIS BUSINESSES

PUBLIC HEALTH SUB-COMMITTEE

09/23/21

Agenda / Discussion Guide

- 11:00am **Call to Order for Sub-Committee on Public Health; approval of minutes**
Cannabis Control Board Conference Room
- 11:05am Review Warning Symbols & Warning Language
- 11:45am Next Steps / Recommendation Documents & Packaging
- 11:50am Public Comments
- 12:00pm Adjourn

Public Health

SUB-COMMITTEE MEMBERS

NACB

- Deneka Scott
- Mark Gorman

Advisory Committee

- Tim Wessel
- Dr. Mark Levine
- Ingrid Jonas

CCB

- Julie Hulburd

- Advertising & Marketing
 - *(Point of Sale flyer for retailers)*
- Packaging & Labeling, including standard cannabis symbol
 - *Dates/shelf-life*
 - *Data we could present*
- Edibles & DOH oversight

MILESTONE

- **OCTOBER 20, 2021**
Assist the Board in the development of:
 - Regulations regarding advertising and marketing that limit youth exposure.
 - Packaging & Labeling
 - Consideration of dispensary as food manufacturing establishment

Submit Public Comments to:

<https://ccb.vermont.gov/form/publicinputform>

Key Requirements of Recommendations to CCB

- **Phase 1**

Advertising & Marketing rules and guidelines

- Guidelines, including warning statements for packaging/labeling/advertising
- Licensee material approvals

Packaging & Labeling rules & guidelines

- Standard cannabis symbol
- Dates/shelf-life
- Warning labels

- **Phase 2**

- Edibles & Department of Health oversight

Warning Symbols

Warning Symbols – ME & MA



CONTAINS THC

Mandatory



**Optional
(For ME/MA)**



CONTAINS THC

- DO NOT OPEN CONTAINER UNTIL YOU HAVE REACHED YOUR DESTINATION
- DO NOT CONSUME IF PREGNANT OR BREASTFEEDING
- INTOXICATING EFFECTS OF MARIJUANA MAY BE DELAYED BY 2 HOURS
- DO NOT DRIVE A VEHICLE OR OPERATE HEAVY MACHINERY WHILE USING MARIJUANA
- MAY CONTAIN MULTIPLE SERVINGS**









CONTAINS THC

There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. There may be health risks associated with consumption of this product. Marijuana can impair concentration, coordination, and judgment. The impairment effects of edible marijuana may be delayed by two hours or more. **In case of accidental ingestion, contact poison control hotline 1-800-222-1222 or 9-1-1.**

**MAY CONTAIN MULTIPLE SERVINGS
KEEP OUT OF REACH OF CHILDREN**

Universal Warning Symbol

- 1 
- 2 
THC | VT
- 3 
VT • THC
- 4 
VERMONT
- 5 
VT
- 6 
THC



THC | VT

There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. There may be health risks associated with consumption of this product. Marijuana can impair concentration, coordination, and judgment. The impairment effects of edible marijuana may be delayed by two hours or more. **In case of accidental ingestion, contact poison control hotline 1-800-222-1222 or 9-1-1.**

**MAY CONTAIN MULTIPLE SERVINGS
KEEP OUT OF REACH OF CHILDREN**



Warning Language

Public Health / Safety / Impairment / Intoxication

- This is a marijuana product. Please consume responsibly. For adults 21 and older.
- Marijuana can impair concentration, coordination, and judgment.
- The consumption of alcohol and marijuana has been shown to increase impairment risks.
- It is against the law to drive or operate machinery and equipment when under the influence of marijuana.
- It is illegal to consume marijuana products in a moving vehicle.
- The impairment effects of edible marijuana may be delayed by two hours or more.

APPROVED

EDITS REQ

- KEEP THIS PRODUCT AWAY FROM CHILDREN.
- Do not give children marijuana products unless under the prescription of a physician.
- In case of accidental ingestion, contact poison control hotline 1-800-222-1222 or 9-1-1.

APPROVED

EDITS REQ

- KEEP THIS PRODUCT AWAY FROM CHILDREN.
- Do not give children marijuana products unless under the prescription of a physician.
- In case of accidental ingestion, contact poison control hotline 1-800-222-1222 or 9-1-1.

APPROVED	
EDITS REQ	

- Marijuana use during pregnancy and breast-feeding may pose potential harms.
- Marijuana should not be used by women who are pregnant or breastfeeding.

APPROVED	
EDITS REQ	

General Health / Oversight / Health

- This product has not been analyzed or approved by the Food and Drug Administration (FDA).
- There is limited information on the side effects of using this product, and there may be associated health risks.
- There may be health risks associated with consumption of this product.
- Consumption of marijuana may be habit forming.
- In case of accidental ingestion, contact poison control hotline 1-800-222-1222 or 9-1-1.

APPROVED

EDITS REQ

Federal Illegality

- This product may be illegal outside of Vermont.
- It is illegal to transport cannabis across state lines.

APPROVED	
EDITS REQ	

MA Warning Language - List

- This product has not been analyzed or approved by the Food and Drug Administration (FDA).
- There is limited information on the side effects of using this product, and there may be associated health risks.
- Marijuana use during pregnancy and breast-feeding may pose potential harms.
- It is against the law to drive or operate machinery when under the influence of this product.
- KEEP THIS PRODUCT AWAY FROM CHILDREN.
- There may be health risks associated with consumption of this product.
- Marijuana can impair concentration, coordination, and judgment.
- The impairment effects of edible marijuana may be delayed by two hours or more.
- In case of accidental ingestion, contact poison control hotline 1-800-222-1222 or 9-1-1.
- This product may be illegal outside of Vermont.
- It is illegal to transport cannabis across state lines.

APPROVED

EDITS REQ

Adaptation of MA Warning Language

This product has not been analyzed or approved by the Food and Drug Administration (FDA). There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. **KEEP THIS PRODUCT AWAY FROM CHILDREN.** There may be health risks associated with consumption of this product. Marijuana can impair concentration, coordination, and judgment. The impairment effects of edible marijuana may be delayed by two hours or more. In case of accidental ingestion, contact poison control hotline 1-800-222-1222 or 9-1-1. This product may be illegal outside of Vermont. It is illegal to transport cannabis across state lines.

APPROVED	
EDITS REQ	

Mockups – Visuals with VT Warnings

FAUX CANNABIS COMPANY

GET YOUR CANNABIS FROM FAUX

123 MAIN STREET
ANYTOWN, VERMONT 00000

- This product has not been analyzed or approved by the Food and Drug Administration (FDA).
- There is limited information on the side effects of using this product, and there may be associated health risks.
- Marijuana use during pregnancy and breast-feeding may pose potential harms.
- It is against the law to drive or operate machinery when under the influence of this product.
- KEEP THIS PRODUCT AWAY FROM CHILDREN.
- There may be health risks associated with consumption of this product.
- Marijuana can impair concentration, coordination, and judgment.
- The impairment effects of edible marijuana may be delayed by two hours or more.
- In case of accidental ingestion, contact poison control hotline 1-800-222-1222 or 9-1-1.
- This product may be illegal outside of Vermont.
- It is illegal to transport cannabis across state lines.



FAUX CANNABIS COMPANY

GET YOUR CANNABIS FROM FAUX

123 MAIN STREET
ANYTOWN, VERMONT 00000

This product has not been analyzed or approved by the Food and Drug Administration (FDA). There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN. There may be health risks associated with consumption of this product. Marijuana can impair concentration, coordination, and judgment. The impairment effects of edible marijuana may be delayed by two hours or more. In case of accidental ingestion, contact poison control hotline 1-800-222-1222 or 9-1-1. This product may be illegal outside of Vermont. It is illegal to transport cannabis across state lines.



Next Sub-Committee Meeting

- Review Packaging
 - Types
 - Examples
 - Warning Symbols
 - Warning Language
 - Requirements
- Review recommendations for limiting youth exposure

- **In-Room Public Comments**

- **Submit in writing to:**

<https://ccb.vermont.gov/form/publicinputform>

Statutes

Safety Flyer - Requirements

- 7 VSA 907 (d) – enacted with requirements
 - (d) A retailer shall display a safety information flyer at the point of purchase and offer a customer a copy of the flyer with each purchase. A retailer shall inform the customer that if the customer elects not to receive the flyer, the information contained in the flyer is available on the website for the Board. The flyer shall be developed by the Board in consultation with the Department of Health, posted on the Board's website, and supplied to the retailer free of charge. At a minimum, the flyer or flyers shall contain information concerning the methods for administering cannabis, the amount of time it may take for cannabis products to take effect, the risks of driving under the influence of cannabis, the potential health risks of cannabis use, the symptoms of problematic usage, how to receive help for cannabis abuse, and a warning that cannabis possession is illegal under federal law.

Overview of Act 164 and 62 Requirements for Advertising

Act 164 – RE: Advertising

- **Act 164**
- **Sec. 5. (f) page 18 regarding ADVERTISING**
- The Executive Director of the Cannabis Control Board, in consultation with the Office of the Attorney General and the Department of Health, shall ***develop a proposal for advertising for both the adult-use and medical cannabis programs established in this act.***
- The proposal shall reflect the General Assembly’s priorities:
 - **not promoting cannabis use**
 - **limiting exposure of cannabis advertising to persons under 21 years of age**
 - **ensuring consumer protection and public safety**
- The proposal shall take the following into consideration:
 - **constitutional protections for commercial speech that may exist regarding the cannabis market**

Act 62: Definitions

- **Act 62**
- § 861. **DEFINITIONS** As used in this chapter:
 - (1) “Advertise” means the publication or dissemination of an advertisement.
 - (2) “Advertisement” means any written or verbal statement, illustration, or depiction that is calculated to induce sales of cannabis or cannabis products, including any written, printed, graphic, or other material, billboard, sign, or other outdoor display, other periodical literature, publication, or in a radio or television broadcast, the Internet, or in any other media.
- The term *does not include*:
 - (A) any label affixed to any cannabis or cannabis product, or any individual covering, carton, or other wrapper of that container that constitutes a part of the labeling under provisions of these standards
 - (B) any editorial or other reading material, such as a news release, in any periodical or publication or newspaper for the publication of which no money or valuable consideration is paid or promised, directly or indirectly, by any cannabis establishment, and that is not written by or at the direction of the licensee
 - (C) any educational, instructional, or otherwise noncommercial material that is not intended to induce sales and that does not propose an economic transaction, but that merely provides information to the public in an unbiased manner; or
 - (D) a sign attached to the premises of a cannabis establishment that merely identifies the location of the cannabis establishment

Act 62: Advertising Rules

More specifically, Act 62 stipulates the following rules:

- § 864. ADVERTISING

- (b) A cannabis establishment advertisement shall not contain any statement or illustration that:
 - (1) is deceptive, false, or misleading
 - (2) promotes overconsumption
 - (3) represents that the use of cannabis has curative effects
 - (4) offers a prize, award, or inducement for purchasing cannabis or a cannabis product, except that price discounts are allowed
 - (5) offers free samples of cannabis or cannabis products
 - (6) depicts a person under 21 years of age consuming cannabis or cannabis products; or
 - (7) is designed to be or has the effect of being particularly appealing to persons under 21 years of age

Act 62: Advertising Rules

- (c) Cannabis establishments shall not advertise their products via any medium unless the licensee can show that not more than 15 percent of the audience is reasonably expected to be under 21 years of age. **(85% over 21)**
- (d) All advertisements shall contain **health warnings** adopted by rule by the Board in consultation with the Department of Health.
- (e) All advertisements **shall be submitted to the Board** on a form or in a format prescribed by the Board, prior to the dissemination of the advertisement. The Board may:
 - (1) **require a specific disclosure be made in the advertisement in a clear and conspicuous manner if the Board determines that the advertisement would be false or misleading without such a disclosure; or**
 - (2) **require changes that are necessary to protect the public health, safety, and welfare or consistent with dispensing information for the product under review**

Specific Recommendations to Ensure Compliance with Advertising Rules

*For sub-committee discussion purposes to support requirements – **starting points/considerations/recommendations** to the Vermont CCB the following actions to ensure compliance by cannabis licensees:*

- **Create Vermont Cannabis Advertising & Marketing Guidelines/Requirements** with (self-audit) checklist for licensees to ensure understanding of requirements in development of advertising/marketing materials (prior to submission for approvals). (See below for specific content considerations – #2-5)
 - Create a form and format to be used by licensees in submitting advertisements for review by the CCB
 - Establish a fee for advertisement review by the Board
- **Draft a health warning label for cannabis packages**; consider additional for types of cannabis packages (i.e., edibles)
- **Specify means of assuring** that advertising audience contains no more than 15% under 21 y/o (**85% audience must be over 21**)
- **Require “age-gating” for social media sites and related advertising pages** to limit underage access to commercial cannabis messaging

Specific Recommendations to Ensure Compliance with Advertising Rules

Continued: For sub-committee discussion purposes to support requirements – starting points/considerations/recommendations to the Vermont CCB the following actions to ensure compliance by cannabis licensees:

- ***Draft* language for medicinal cannabis advertising** which alerts licensees of requirements and/or prohibited language regarding medicinal use and health claims
- ***Develop* possible sanctions for non-compliance with advertising rules and what the process is to rectify violations;** consider alternative actions for “repeat offenders”
- ***Develop* educational website for parents and guardians** to use in “talking to your kids about marijuana” (expands upon current: <https://www.healthvermont.gov/alcohol-drugs/lets-talk-cannabis/cannabis-and-youth>)
- ***Draft* initiatives that would clearly distinguish** between commercial messages for adult-use and medical cannabis