

# 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 and discuss examples of draft language for other state's "warning" requirements; review information on packaging and labeling
- 11:45am Next steps & assignment of tasks/finalization of warning statements
- 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

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### 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

- **Phase 2**

- Packaging & Labeling rules & guidelines
  - Standard cannabis symbol
  - Dates/shelf-life
  - Warning labels

- **Phase 3**

- Edibles & Department of Health oversight

# Warnings\*

## Commonalities:

- Impairment (do not operate machinery or drive)
- May be habit forming
- Not safe for kids
- Adults 21 and older
- Marijuana not used by pregnant or breastfeeding women

## Also noted/observed:

- Delayed impairment (edibles, by 2 hours or more)
- Accidental ingestion/poison control number
- Not safe for pets
- Limited information on health risks
- Edibles cannot be associated cartoons, toys, designs, colors or shapes that appeal to children
- Logos/brand designs cannot be associated with cartoons, toys, designs, colors or shapes that appeal to children
- Psychoactives/Synthetics (Delta 8, etc – CDC warning provided by Dr. Levine)

*\*Statements are not in any order of priority*

# Massachusetts Guidelines

The required statement: **“Please Consume Responsibly”** on the face of the advertisement in addition to *at least two of the following* warnings in their entirety:

- “This product may cause impairment and may be habit forming.”
- “Marijuana can impair concentration, coordination and judgment. Do not operate a vehicle or machinery under the influence of this drug.”
- “There may be health risks associated with consumption of this product.”
- “For use only by adults 21 years of age or older. Keep out of the reach of children.”
- “Marijuana should not be used by women who are pregnant or breastfeeding.”

# Massachusetts Guidelines

All marketing, advertising, and branding must include the following **warning**, including capitalization:

- *“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 MA.”*

# Massachusetts Guidelines

Packaging should also include the following statement, including capitalization, in at least ***ten-point Times New Roman, Helvetica or Arial*** font: “

**“KEEP OUT OF REACH OF CHILDREN.”**

- Cannabis products that contain multiple servings, the following statement must be printed on the exterior of the package in a font that is no smaller ***than ten-point Times New Roman, Helvetica or Arial***, including capitalization:

**“INCLUDES MULTIPLE SERVINGS.”**



# IICPS – With and Without Optional VT Text

## *International Intoxicating Cannabis Product Symbol*

Follow ISO 3864 “Standardized  
Safety Signs”

*Graphical symbols—Safety colours and  
safety signs—Part 1: Design  
principles for safety signs and safety  
markings*

*Nathan, David L. & Nathan, Eli.  
International Intoxicating Cannabis  
Product Symbol, v. 2021-09-10*

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# Enacted Language

While not necessarily advertising, this provides language guidance:

- 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.

# Next Step Tasks

- Language Development:
  - *Using today's language* - Draft a health warning label for cannabis packages (will help drive packaging and labeling)
  - *Draft* language for medicinal cannabis advertising (distinguish between advertising for adult-use and medicinal)
  - *Draft* any general disclosures for advertising (new or summation of any requirements into a unified advertising statement)
  - Review additional IICPS information regarding universal symbols and product packaging
  - 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.

- **In-Room Public Comments**

- **Submit in writing to:**

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

# **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