

Vermont Public Health Sub-Committee Meeting Minutes—September 23, 2021

Mark Gorman calls meeting to order at 11:03 AM.

Attendees

Advisory Committee Members:

- Ingrid Jonas
- Tim Wessel
- Dr. Mark Levine

VT Cannabis Board:

- Julie Hulburd
- Nellie Marvel

NACB:

- Gina Kranwinkel
- Mark Gorman
- Deneka Scott

3 members of the public

Minutes recorded by Meggan Hau.

There were no public comments this week to review. Members of the Vermont public were notified how to submit comments via the [CCB website](#).

Board member Julie Hulburd spoke to the sub-committee members to ask if they could get to 75-80% confident with materials including the warning statements and language

NACB Sub-Committee moderator Deneka Scott started the meeting by sharing the discussion guide on screen. She shared examples of warning labels used by Maine and Massachusetts and two additional alterations. The sub-committee members were asked if they had a preference. It was noted that the preference is the symbol used by ME/MA but requested a modification to yellow and red (vs. white and red with black letters). The advisor noted that the yellow and red may be difficult to see if packages were in similar colors and recommended to continue to consider a “white knockout” of the warning symbol.

Notable Comment(s) on Warning Symbol examples:

- *Ingrid Jonas*- prefers “Contains THC” in red, and the Not Safe For Kids stop sign graphic. Preference also for a more realistic cannabis leaf.
- *Tim Wessel*- prefers the red outline in the warning symbol. Requested to see an example of red and yellow combined warning symbol. Preference for a more realistic cannabis leaf. Requested to pause and wait to agree on the warning symbol.
- *Dr. Levine*- Requested a timeline review. Noted he would take the recommendations back to the Department of Health and needs to be time for the team to review the warning signs and statements.

- Deneka Scott- noted the report is due by October 20, but we need report in draft form a week or two before that. So far here are the edits that will be done: Change leaf to realistic leaf with red border and try yellow background. Include Contains THC in text without mentioning VT.

Notable comments on Warning Language on Packages:

- Deneka Scott- Most (packages) are using paragraph formatting as it doesn't take up as much space. If you want font to be a certain font size, it will make a difference on how big the package will have to be. My recommendation would be case by case based on dimensions but at the same time, if it's on an edible container, it would be important to make it a certain size no matter what the packaging.
- Ingrid Jonas- Edibles are different than other products. Accidental ingestion is important to point out for edibles but not so much for other products.
- Deneka Scott- (in response to IJ) That can be stated in the safety flyer at point of sale, and it can be available online, where there is the opportunity to say much more about it. There is also a recommendation that every first-time customer must take a safety flyer.
- Dr. Levine- I'm trying to imagine the person purchasing these products. They're probably not going into the dispensary and thinking about what we are concerned about. How much education are they looking for vs how much we want to provide?
- Ingrid Jonas- I tend to think about unsuspecting person who is in the house, experimenting, not person who went in to purchase but who lives in the same home. Have there been any cases in other states where there have been a liability claims if someone purchases something, a child took an edible and overdoses so to speak and becomes impaired, where the warning labels haven't been clear enough?
- Deneka Scott- We will look into that. My recommendation regarding serving size will be to include serving size and estimated amount of THC in each serving.

Next, Deneka Scott presented Warning Statement language.

Notable Comment(s):

- Tim Wessel- The reference to pregnancy and breastfeeding, may pose potential harms. I saw a different warning statement saying do not use this product while pregnant or breastfeeding. If there is science on this, I'd like to know what we should say.
- Dr. Levine- I think we have enough research to say do not use during pregnancy. Worst time to use it is first trimester.
- Tim Wessel- Whether we go with paragraph or bullet points, it speaks a little to the priority order of the warning statements. Bolding, all caps
- Ingrid Jonas- I agree with those comments as well. Did we want to get away from term marijuana and just use cannabis? What is the best practice?
- Mark Gorman- In recent state laws, it says to remove from the statutes the word marijuana and replace with cannabis.
- Deneka Scott- When discussing the disclaimers around Children- two primary bullets (Keep product away from children and in case of accidental ingestion...) There is a statement- Do not give children marijuana products unless under the prescription of a physician.
- Julie Hulburd- It's possible that the same product that a parent is picking up as a prescription from a medical dispensary is potentially sold by same company and packaging.

- Tim Wessel- You can't have Keep Product Away from Children and 'unless under prescription of a physician.'
- Dr. Levine- We can't continue to have bullets that contradict each other.

Suggested Next Steps:

- Update the warning label graphics
- Discuss how to prioritize the order of the warning statement- some in all caps, some in bold, etc.
- Across the entire recommendations/information – a complete update from “marijuana to cannabis”

Public Comment Period:

Deneka Scott opened the floor for public comment at 11:49 AM.

Public Comment(s):

- Ian Singleton: In CA, where I did some business, you had to have a two-color warning label, and they just switched it. To make it unique to VT, you could have an outline of the state with symbol in the middle. On warning language, we have a beautifully packaged product, we need to think about the space the language takes up, especially pre-rolls and concentrates. It's tough to show the product with so many warnings. In regard to the poison control statement, is it necessary? It isn't a poison, so we could say take child to hospital or call 9-1-1 but poison control seems a bit much.
- Ben Mervis: Poison control- I think it needs to be there, but you need to think ahead on how to prepare poison control and advise police on how to handle those calls. We don't want to scare people, but the current language does play into scare tactics as opposed to guidance that can be provided. I want to emphasize on font sizes and symbols that without those very strict guidelines, you can see a lot of distortion. You could consider warnings need to take up to ¼ visible space on product or limit it to no more than ¼. I've seen that done effectively. Thanks for changing marijuana to cannabis.

Adjournment:

Following closing the public comment period, Mark Gorman moves to adjourn the meeting. Dr. Levine motions. Ingrid Jonas seconds. Meeting is adjourned at 11:58 pm.

Next Public Health Sub-Committee meeting is Monday, September 27 at 11 am ET.