

Vermont Public Health Subcommittee Meeting Minutes – October 18, 2021

Board members and staff in attendance:

- Julie Hulburd – Member
- Nellie Marvel – Outreach and Administration Manager, CCB

Advisory Subcommittee in attendance:

- Ingrid Jonas
- Dr. Mark Levine

NACB staff in attendance:

- Gina Kranwinkel
- Mark Gorman

2 members of the public present

Minutes recorded by Mark Gorman

Note:

Meeting quorum only achieved between 11:40 AM and 11:50 AM, during the period of time that Dr. Mark Levine entered and left the meeting.

Gina calls the meeting to order at 11:10 AM after brief delay.

Gina, in consultation with Board member Julie Hulburd, agrees to move ahead without a quorum to an informal discussion about input received from the Department of Health on three key issues:

1. A warning statement to be used on all cannabis advertisements and product packages.
2. Warning symbols to be included on all cannabis advertisements and packages.
3. Agreement about which Vermont state agency should have regulatory oversight for cannabis edibles.

Mark Gorman reads language to Subcommittee members, staff and others participating in the meeting which is proposed by Department of Health. The text is as follows:

Marketing Materials - Warnings

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

*This is a cannabis product and has not been analyzed or approved by the Food and Drug Administration (FDA). For use by individuals 21 years of age and older or registered qualifying patient only. **KEEP THIS PRODUCT AWAY FROM CHILDREN AND PETS. DO NOT USE IF PREGNANT OR BREASTFEEDING.** Possession or use of this product may carry significant legal penalties in some jurisdictions and under federal law. It may not be transported outside of the state of Vermont. The effects of cannabis may be delayed by two hours or more. Cannabis may be habit forming and can impair concentration, coordination, and judgment. Persons 25 years and younger may be more likely to experience harm to the developing brain.*

*It is against the law to drive or operate machinery when under the influence of this product.
National Poison Control Center 1-800-222-1222.*

The ensuing discussion focused on the warning that the effects of cannabis could be “delayed by two hours or more.”

Ingrid Jonas made the case that this language provides important practical information to the consumer and could be given more prominence if it were moved toward the beginning of the paragraph or if it were printed in bold type.

Staff noted that the statement about delayed effectiveness was only applicable to edibles and may not be appropriate for a general cannabis health warning. It was agreed, however, to clarify the sentence by inserting the word “edible” to read, “The effects of edible cannabis may be delayed by two hours or more.”

Gina agreed that the warning about delayed effectiveness should be bolded to highlight its importance. Staff also pointed out to subcommittee members that the warning statement was comprehensive, and the entire statement would appear on advertisements, cannabis packages and, possibly the point-of-sale flyer to be developed by the Department of Health.

A question was also raised by the Subcommittee whether the Department of Health intended the last sentence of the warning to be included as part of the statement or as a separate warning. The sentence, which concerns driving or operating machinery while under the influence of cannabis, appears to be part of the overall statement despite a formatting glitch which staff will ask Department of Health about.

The subcommittee shifted to a discussion about warning symbols which have been previously discussed in detail. Staff pointed out that studies have found that written product warnings are far more impactful when graphic warning symbols are included at the same time.

Staff discussed the Department’s recommendation to require one of four graphics on all packages, advertisements, and marketing materials. One symbol is triangular, and one is octagonal, and each may be printed with either white or yellow background. The Department also specifies minimum sizes.

With a quorum of Public Health Subcommittee members temporarily present between 11:40 AM EDT and 12 noon EDT, Gina Kranwinkel asked for approval of minutes from September 27 and 30. The September minutes were approved. Members requested approval of October minutes be delayed until the next Subcommittee meeting.

Gina then called for a vote on the warning language, as amended by both the Department of Health and the Subcommittee, and it was approved unanimously.

She then asked the Subcommittee to vote whether it approved the warning symbol designs and text, and they were approved unanimously.

Julie Hulburd asked if the subcommittee had decided a position on the recommendation that regulations and oversight of cannabis edibles be handled by the Vermont Department of Health.

Having lost the presence of a quorum among Subcommittee members, Gina Kranwinkel suggested we hold a brief meeting of the PHSC Thursday, October 21 to vote on which Vermont agency would have regulatory authority over cannabis edibles and to seek approval of the minutes from meetings held October 4, 14 and 18.

The meeting was adjourned at 12 noon EDT.