

Mission & Vision

“...safely, equitably, and effectively...”

- **Social Equity** *“..The Board aspires to build an equitable and accessible program in order to mitigate the past harm inflicted by the prohibition of cannabis....”*
- **Youth Prevention and Education** *“The Board acknowledges the effects of cannabis use on the cognitive and socio-emotional development of youth and young adults. The Board will endeavor to develop a regulatory program that aims to prevent cannabis use among youth and educates consumers on the risks involved in cannabis consumption.”*
- **Consumer Protection** *“...ensure that consumer protection standards are achieved in both the adult-use and medical-use programs..”*
- **Public Safety** *“....can be a harm reduction policy if done responsibly.”*

Baseline Recommendations For All - 10/27/2021

All product packaging must:

- Be child-resistant, tamper-evident packaging
- Include applicable chain of custody information such as Product ID, Batch ID, Cultivator's, Wholesalers, or Manufacturer's license number and where the product was made
- Comply with advertising and branding rules (previously discussed)
- Include required warning labels and symbols
- Include appropriate nutritional labels, serving sizes, and allergen warnings
- Identify package contents (flower, oil, etc)
- Clearly identify ingredients (other than flower)
- Clearly identify THC content
- Be free from false or misleading statements

Baseline Recommendations For All - add

All product packaging must:

- Be opaque
- Be resealable
- Discussion point: Should there be exceptions to resealable packaging?

Packaging

October 29, 2021

Statute Review - 7 VSA § 904 (d) - Cultivator Packaging

(d) Each cultivator shall create packaging for its cannabis.

(1) Packaging shall include:

(A) The name and registration number of the cultivator.

(B) The strain and variety of cannabis contained.

(C) The potency of the cannabis represented by the amount of tetrahydrocannabinol and cannabidiol in milligrams total and per serving.

(D) A "produced on" date reflecting the date that the cultivator finished producing the cannabis.

(E) Appropriate warnings as prescribed by the Board in rule.

(F) Any additional requirements contained in rules adopted by the Board in accordance with this chapter. Rules shall take into consideration that different labeling requirements may be appropriate depending on whether the cannabis is sold to a wholesaler, product manufacturer, or retailer.

(2) Packaging shall not be designed to appeal to persons under 21 years of age.

Packaging Recommendations For Cultivators

When sold to a wholesaler, product manufacturer or another cultivator, packaging must include:

- All of the appropriate baseline packaging recommendations
 - Harvest date
 - Discussion point: Should packaging also include QR code or web address of testing results?
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- When sold to a retailer as a finished product:
 - All of the appropriate baseline packaging requirements including required labels and warnings
 - Must follow all retail packaging requirements

Statute Review - 7 VSA § 881 (3) - Manufacturer Packaging

(3) Rules concerning product manufacturers shall include:

(A) requirements that a single package of a cannabis product shall not contain more than 50 milligrams of THC, except in the case of:

(i) cannabis products that are not consumable, including topical preparations; and

(ii) cannabis products sold to a dispensary pursuant to 18 V.S.A. chapter 86 and regulations issued pursuant to that chapter;

(B) requirements that cannabis products are labeled in a manner that states the number of servings of tetrahydrocannabinol in the product, measured in servings of a maximum of five milligrams per serving, except:

(i) cannabis products that are not consumable, including topical preparations; and

(ii) cannabis products sold to a dispensary pursuant to 18 V.S.A. chapter 86 and regulations issued pursuant to that chapter;

Statute Review - 7 VSA § 904 (d) – Manufacturer Packaging

(C) requirements that cannabis products are labeled with the date the product was manufactured, the date the product is best used by, the ingredients contained in the product, information on the length of time it typically takes for products to take effect, and appropriate warnings developed by the Board in consultation with the Department of Health;

(D) requirements that a cannabis product is clearly identifiable with a standard symbol adopted by the Board indicating that it contains cannabis;

(E) procedures and standards for testing cannabis products for contaminants, potency, and quality assurance and control; and

(F) requirements for opaque, child-resistant packaging.

Packaging Recommendations - Manufacturer

Consumable finished product from a manufacturer shall:

- All of the appropriate baseline packaging requirements including required labels and warnings
- Not use toys, inflatables, movie characters, cartoon characters, child-friendly depictions of food or other consumables or depictions that or include any other display, depiction, or image designed in any manner likely to be appealing to minors or anyone under 21 years of age.
- Include the date product was made and “use by” or “best if used by” date
- For consumables:
 - Include number of servings in the package and serving size, serving size not to exceed 5mg per serving
 - Strain, variety and THC content (%)
 - Servings should be easy to measure (ie by indentation, or tool supplied by product)
 - Include the total number of milligrams in the package, not to exceed 50mg
 - Note the estimated time consumer will take effect after consumption
 - Provide product testing information and access to test results (web address or QR code)

Packaging Recommendations - Manufacturer

- For non-consumables
 - Contain all of the baseline requirements for the product type
 - Include products used in production, scents or other additives and common irritants warnings (ie keep away from eyes)
 - Include notice that the product is not for consumption

Statute Review - 7 VSA § 907(c) - Retail Packaging

(c)(1) Packaging shall include:

(A) the strain and variety of cannabis contained;

(B) the potency of the cannabis represented by the amount of tetrahydrocannabinol and cannabidiol in milligrams total and per serving;

(C) a "produced on" date reflecting the date that the cultivator finished producing the cannabis;

(D) appropriate warnings as prescribed by the Board in rule; and

(E) any additional requirements contained in rules adopted by the Board in accordance with this chapter.

(2) Packaging shall not be designed to appeal to persons under 21 years of age.

Packaging Recommendations - Retail

Retail packaging must:

- Follow the appropriate baseline requirements including warning labels and symbols
- Follow the requirements included in finished products from the manufacturer
- Exit packaging must be sealed or stapled closed and must not appeal to minors (using the same criteria as advertising and manufacturer packaging).

Discussion Point: Should exit packaging include a QR code

Statute Review - 7 VSA § 881(7) & Integrated Packaging

(7) Rules concerning integrated licensees shall include the provisions provided in subdivisions (1)-(6) of this subsection and any additional provisions the Board deems appropriate for safe regulation of integrated licensees in accordance with this chapter.

Recommendations for Integrated License Packaging

- All of the appropriate baseline requirements including warning labels and symbols
- All of the requirements for each business area (retail, manufacture etc)

Retail General Operations

October 29, 2021

Statute Review - 7 VSA § 881(5)(B),(C)- Retail Rules

(5) Rules concerning retailers shall include:

(B) restrictions that cannabis shall be stored behind a counter or other barrier to ensure a customer does not have direct access to the cannabis;

(C) requirements that if the retailer sells hemp or hemp products, the hemp and hemp products are clearly labeled as such and displayed separately from cannabis and cannabis products;

General Operation Recommendations - Retail

Retail Product Placement

- Products that contain THC and meet the definition of cannabis may be displayed in a retail location if:
 - The product is behind a locking barrier
 - The barrier may be transparent
 - Product packaging may be on display outside the locking barrier (ie on a shelf or other display), packaging displayed in this way shall not contain product
- Products that contain THC and meet the definition of Cannabis may be sold at the same location as products that meet the definition of hemp, or other non-hemp and cannabis products such as stickers, t-shirts, and consumption apparatus, however cannabis products must be displayed separately and clearly labeled.

Discussion Point: Removing product from locking barrier for inspection prior to purchase?

Statute Review - 7 VSA § (907)(d) - Retail Rules – POS Flyer

(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.

Point-of-Sale Flyer Recommendations

- The Point-of-Sale Flyer
 - Should be available in multiple languages
 - Should be available online and accessible via a web address and/or QR code
 - Should be accessible to those with disabilities (text to speech etc)
 - Use common and easy to understand language
 - Use info graphic style format to communicate information
 - Consider creating visually appealing poster size versions
 - Should communicate information with the assumption that the reader has already made the choice to consume

Point-of-Sale Flyer Recommendations

- The Point-of-Sale Flyer should contain:
 - Methods for consuming cannabis safely and responsibly
 - Avoiding burns and other safety hazards
 - Proper storage, suggest keeping away from children in a locked space
 - Proper disposal
 - How to avoid over-consumption including the length of time it may take for a consumer to feel the effects
 - Information on the risks of mixing with alcohol or medications
 - Potential health risks and the warning signs of these risks (this includes those listed on the warning label and any other risks such as mental health risks)
 - Signs of impairment and what to do in the case of over-consumption
 - Resources for mental health, general health, and substance abuse concerns related to cannabis
 - Statement that cannabis should not be consumed until the consumer arrives at their destination
 - Information about how long THC remains in the body and it's general effect on the human body
 - Statement about the dangers of driving under the influence
 - Warning that products purchased in Vermont should remain in Vermont
 - Notice that cannabis remains federally illegal
 - Should include resources about talking to youth about delaying, avoiding, or choosing not to use Cannabis

Additives

October 29, 2021

Statute Review - 7 VSA § (881)(a)(1)(I) - Additives

(a) The Board shall adopt rules to implement and administer this chapter in accordance with subdivisions (1)-(7) of this subsection.

(1) Rules concerning any cannabis establishment shall include:

(I) regulation of additives to cannabis and cannabis products, including those that are toxic or designed to make the product more addictive, more appealing to persons under 21 years of age, or to mislead consumers;

Recommendations - Additives

Shall not be added to cannabis or cannabis products:

- Chemicals, other than those allowed in the processing of cannabis and cannabis products, shall not be added.
- Psychoactive materials, other than those naturally occurring in cannabis, shall not be added to cannabis or cannabis products
- Characterizing flavors, sweeteners or other shall not be added to consumable cannabis products except for those for sale to medical patients

Note for clarity: This is to say that a sweetener or flavoring can not be added to cannabis, not that cannabis can't be added to something sweet. For example, a sweetener can not be added as a coating to flower, nor can it be added concentrates for vaporizing. Cannabis can, however, be added to a candy. Additionally, this is not to say that natural flavors can not be identified as part of the naturally occurring flavor profile of a cannabis product. For example, the words earthy, sweet and sage can be used to describe Sour Kush.

Discussion Points:

- Medical products with characterizing flavors
- Are there specific chemicals, toxins or sweeteners that should be identified?
- Should some additives be allowed in production or cultivation of cannabis, should that be called out