

# Mission & Vision

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*“...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.”*

# Statute Review - 7 VSA § 861 (1), (2)

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- (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.

# Statute Review - 7 VSA § 864

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- (a) "Advertise" and "advertisement" have the same meaning as in section 861 of this title.
- (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.
- (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.
- (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.

# Statute Review - 7 VSA § 866

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(a) A cannabis establishment licensed pursuant to this chapter shall not dispense or sell cannabis to a person under 21 years of age or employ a person under 21 years of age. The Board may assess civil penalties against or suspend or revoke the license of a cannabis establishment that dispenses or sells cannabis or cannabis products to a person under 21 years of age.

(b) A cannabis establishment shall not permit a person under 21 years of age to enter a building or enclosure on the premises where cannabis is located. This subsection shall not apply to a registered patient visiting a dispensary even if that dispensary is located in a building that is located on the same premises of a cannabis establishment.

(c) The Board, in consultation with the Department of Health, shall adopt rules in accordance with section 881 of this title to:

(1) prohibit cannabis products or the packaging of such products that are designed to make the product more appealing to persons under 21 years of age;

(2) prohibit the packaging of cannabis and cannabis products that is designed to make the product more appealing to persons under 21 years of age;

(3) require that cannabis products sold by licensed retailers and integrated licensees are contained in child-resistant packaging; and

(4) require that cannabis and cannabis products sold by licensed retailers and integrated licensees are packaged with labels that clearly indicate that the contents of the package contain cannabis and should be kept away from persons under 21 years of age.

# Statute Review 7 VSA § 866

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(d) In accordance with section 864 of this title, advertising by a cannabis establishment shall not depict a person under 21 years of age consuming cannabis or cannabis products or be designed to be or have the effect of being particularly appealing to persons under 21 years of age. 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

# Baseline Advertising Recommendations

- Baseline rules for all establishments
  - includes business-to-business advertising
- Public Health Sub Committee of the Advisory Committee & Consultants
  - Deneka Scott & Mark Gorman – NACB, Moderators
  - Dr. Mark Levine, Commissioner of Health
  - Tim Wessel, Brattleboro Selectboard
  - Ingrid Jonas, Vermont State Police, Retired

# Baseline Advertising, Warning Label and Standard Symbol

## General Recommendations

The Board should:

- Develop easy to use guidance with a self-audit checklist
- Create clear examples of acceptable/unacceptable advertising in supporting guidance
- Support the development and distribution of an educational site and materials for parents, guardians, and youth
- Consider a QR code that links to health warnings in multiple languages, text to speech, or other educational materials
- Should review warning language and youth risk behavior data regularly

# Baseline Advertising Recommendations

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Websites – Must have age-gating

Social Media – Must link to website to promote products

Advertising of any kind may not:

- Use objects, such as toys, inflatables, movie characters, cartoon characters, child-friendly depictions of food or other consumables, 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. This includes, but is not limited to, brand logo development and any advertising used for the purposes of marketing the licensee's dispensary and/or products
- Use any depictions or images of minors or anyone under 21 years of age
- Be located within 1,000 feet of a daycare center, school, playground, or youth center



# Baseline Advertising Recommendations

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- Be published or disseminated without first obtaining reliable and verifiable up-to-date audience composition data demonstrating that at least 85% percent of the audience viewing the advertising or promotion is reasonably expected to be 21 years of age or older
- Advertise free cannabis goods or giveaways of any type of product. • Advertise or promote in a manner that is false, untrue, or tends to create a misleading impression as to the effects on health of cannabis consumption
- Include any statement concerning a brand or product that is inconsistent with any statement on the labeling thereof

# Baseline Advertising Recommendations

For clarity – buffer zones for location and buffer zones for advertising are not the same

Building Exterior Example - Advertising



Building Exterior Example – Not Advertising



Photo Credit: Potguide.com

# Baseline Packaging and Labeling Recommendations

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 Warning Label Recommendations

All marketing, advertising, branding and promotion must include the following warning exactly as it is below:

*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 edible 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.*

# Baseline Warning Label Recommendations

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All product packaging must include the following statement, including capitalization, in at least 10 point Times New Roman, Helvetica or Ariel and bolded font:

**KEEP OUT OF REACH OF CHILDREN**

All product packaging for products that contain multiple servings, the following statement, including capitalization, in at least 10-point Times New Roman, Helvetica or Ariel and bolded font:

**INCLUDES MULTIPLE SERVINGS**

# Baseline Standard Symbol Recommendations

All packages sold must use the following warning symbols. Board chose white symbols as the standard symbol licensees must use on all cannabis or cannabis products sold by a retailer.

 <b>CONTAINS THC</b>	 <b>NOT SAFE FOR KIDS</b>	 <b>CONTAINS THC</b>	 <b>NOT SAFE FOR KIDS</b>
<p><b>Minimum Size</b></p> <p><b>Packing and Labeling:</b> 0.5" x 0.5" <b>Edible Marijuana Product:</b> At least 25 percent of the servings' height and width, but not less than 0.25" x 0.25"</p> <p><b>Required Colors</b></p> <p>When used on the marketing layer, the universal symbol and optional "not safe for kids" icons must be reproduced in black and red.</p> <p><b>Black</b> (CMYK): 0, 0, 0, 100 <b>Red</b> (CMYK): 0, 95, 100, 0 <b>Red</b> (Pantone): PMS 485</p> <p>Coloring is not required for on-product markings.</p>		<p><b>Background</b></p> <p>The icons must be placed on a white or light-colored background. The interior of the icon must remain white.</p> <p><b>Restrictions</b></p> <ul style="list-style-type: none"><li>• Do not recreate or modify the icons in any manner.</li><li>• Do not stretch or distort the icons.</li><li>• Do not use the icons smaller than the minimum size.</li><li>• Do not change the icon colors (Note: Coloring is not required for on-product markings.)</li><li>• Do not use the icons on a dark background.</li></ul>	

# Discussion points

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Should the following also be addressed?

- Advertisements that include a call to action (ex “shop now, buy now”)
- Advertisements that include an association of cannabis with lifestyle
- Sponsorship of sports teams and community events (ex Winston Cup)
- Advertising at entertainment and sporting events
- Unsolicited dissemination of pamphlets (handouts/windshield leaflets)
- Location to treatment centers or houses of worship
- Warning Label: Add seek guidance from health providers? Other health warnings?
- Symbol: Continue with two options or select just one?
- Wayfinding

# Baseline Health, Safety & Sanitation Recommendations

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All establishments must:

- Require that cannabis, at all stages of the supply chain be handled in a safe and sanitary manner
- Free of excess dirt, debris, and foreign matter, including materials not used for production
- Free of pests, mold, rot, fungus, waste, or other contaminants
- Require that health, safety, and sanitation procedures be available to staff and communicated in a language or manner that the employee can understand
- Provide adequate handwashing facilities and require regular handwashing
- Include sufficient, clean, temperature and moisture appropriate storage
- Require appropriate personal cleanliness of staff
- Require appropriate dress for safety and sanitation
- Provide sufficient space for equipment, processing, and sanitation
- Require regular cleaning of all surfaces in such a way that products are free from contamination with foreign chemicals and employee workspaces are sanitary



# Baseline Health, Safety & Sanitation Recommendations

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- Develop safe and sanitary handling procedures for all products
- Provide regular training on health, safety, and sanitation procedures Ensure that employees follow procedures
- Report breaches in health, safety, and sanitary procedures to the CCB immediately
- Comply with existing well-defined health, safety, and sanitation rules with the acknowledgment that products contain cannabis/THC and that the CCB ultimately oversees licensing and compliance. For example;
  - Food processing should follow established Good Manufacturing Practices
  - All establishments should follow VOSHA safety rules

# Baseline Employment & Training Requirements

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Employees of all cannabis establishments must complete the following training requirements within 60 days of hire and annually after that:

- The cannabis establishment's operating, security, health, safety, and sanitary procedures
- Compliance, enforcement, inspection, incident reporting, and record-keeping responsibilities
- Acceptable forms of ID
- Training required for establishment type (safe food handling, handling of materials)
- Training on inventory control and appropriate tracking systems
- Training on cash handling (safety and sanitization)
- Human trafficking and domestic violence awareness (adopted from the hospitality industry)
- Diversity, equity, and inclusion
- Racism and bias
- Sexual harassment and discrimination
- Prevention of sale to minors
- Signs of overconsumption and mental health or substance abuse disorder
- Training on products produced or sold and the known effects on the human body

# Baseline Policies for Outreach

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7 VSA 881 (a)(1)(Q) “ policies and procedures for conducting outreach and promoting participation in the regulated cannabis market by diverse groups of individuals, including those who have been disproportionately harmed by cannabis prohibition.”

The CCB will create and regularly update guidance for cannabis establishments, including best practices in understanding power and privilege in the workplace, employee engagement, and inclusive and ethical leadership.

Examples of best practice guidelines may include:

- Dominant culture, power, and privilege and its impact in the workplace
- Identifying bias in hiring and promotion
- Crafting inclusive job descriptions and policies
- Internship, apprentice mentoring, and allyship programs
- Employee engagement, inclusive, and ethical leadership