



**CANNABIS CONTROL BOARD**

**89 Main Street Montpelier, VT 05602 | [ccb.vermont.gov](http://ccb.vermont.gov)**

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# **GUIDANCE ON PACKAGING**

**MAY 2023**

**JAMES PEPPER, CHAIR  
JULIE HULBURD, COMMISSIONER  
KYLE HARRIS, COMMISSIONER**

**BRYNN HARE, EXECUTIVE DIRECTOR**

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## Introduction

This guidance document clarifies the Board’s requirements for packaging materials, as well as a process for determining whether packaging materials are approved by the Board.

The information in this guidance is limited to packaging materials. For information about labeling on packages please refer to the separate [guidance for labeling](#).

This is only a guidance document, intended to help licensees navigate the rules and laws related to packaging. For the full requirements related to packaging, please refer to Board Rule 2 and 7 V.S.A. chapter 33. This guidance is not legal advice. Consult an attorney if you require legal counsel.

## General Rules

To fully understand these rules, please refer to the definitions section below where key words are defined. Each defined word in these rules has an asterisk after it.

1. In general, packaging that is intended for consumer purchase at a retail location shall be reusable\* and shall not be plastic\*. Examples of reusable, non-plastic packaging materials include glass, tin, cardboard, and bamboo.
  - a. This rule does not apply to packaging used solely for the transfer of cannabis or cannabis products between licensees.
2. Consumer packaging for cannabis\* must be child-deterrent\*.
3. Consumer packaging for cannabis products\* must be opaque and child-resistant\*.
4. Packages and containers that hold cannabis and cannabis products must protect those items from contamination and must not expose the cannabis and cannabis products to any toxic or harmful substance.

## Definitions

1. **“Cannabis”** means all parts of the plant *Cannabis sativa* L., including the seeds, resin extracted from any part of the plant, and any compound, manufacture, salt, derivative, or preparation of the plant, its seeds, or resin.
2. **“Cannabis Product”** means concentrated cannabis and a product that is composed of cannabis and other ingredients and is intended for use or consumption, including an edible product, ointment, tincture, and vaporizer cartridges containing cannabis oil.
3. **“Child-deterrent packaging”** means tear-resistant packaging that can be sealed in a manner that would deter children under five years of age from easily accessing the contents of the package within a reasonable time and not difficult for adults to use properly.
4. **“Child-resistant packaging”** means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance in the container within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging that all children under five years of age cannot open or obtain a toxic or harmful amount of the substance in the container within a reasonable time.
5. **“Plastic”** means a synthetic material made from linking monomers through a chemical reaction to create a polymer chain that can be molded or extruded at high heat into various solid forms that retain their defined shapes during their life cycle and after disposal, including material

derived from either petroleum or a biologically based polymer, such as corn or other plant sources.

6. **“Reusable”** means packaging that is capable of repeated recovery, inspection, sanitation, repair if necessary, and reissue into the supply chain for repeated use.

## Waivers to the Prohibition on Plastic Consumer Packaging

### Waiver Guidelines

A licensee may seek a waiver to the prohibition on plastic consumer packaging if it can demonstrate hardship in securing non-plastic packaging for one of the following reasons:

- i. unavailability of non-plastic packaging;
- ii. inability to achieve child-resistance; or
- iii. necessity to preserve shelf-life stability, prevent contamination of cannabis or cannabis products, or avoid exposure of cannabis and cannabis products to toxic or harmful substances.

A licensee seeking a waiver must propose a packaging alternative that uses de minimis plastic. De minimis plastic means only the amount of plastic reasonably needed to overcome the hardship identified in the waiver petition.

Licensees seeking a waiver to the prohibition on plastic packaging may do so using the [rules waiver form](#) on our website. Licensees applying for a rule waiver should note on the form their proposed de minimis plastic packaging alternative, and must demonstrate that one of the following circumstances exists that makes the de minimis plastic alternative necessary:

1. non-plastic packaging is unavailable for this product type;
2. achieving child-resistance for this product type is impossible without plastic; or
3. plastic is required to preserve shelf-life stability, prevent contamination of cannabis or cannabis products, or avoid exposure of cannabis and cannabis products to toxic or harmful substances.

### Waivers Will Be Applicable to All Licensees

If the Board grants a waiver to the prohibition on plastic consumer packaging the waiver will apply to all licensees, not just the licensee who applied for the waiver.

The Board will publicly post a list of all packaging that has been approved by the Board through this waiver process.

# PACKAGING CANNABIS VS. CANNABIS PRODUCTS

## What needs to be where?

### CANNABIS:

Flower and pre-rolls without any additives are "cannabis" and must be in **child-deterrent packaging**. Opacity is not required.

### CANNABIS PRODUCTS:

Edibles and concentrates, including dipped pre-rolls, are "cannabis products." These must be in **opaque** and **child-resistant packaging**.

## CHILD-DETERRENT

For packaging to be child-deterrent, it must be **tear-resistant**, and difficult enough to open that it would **discourage a child** under five from accessing the contents.

## CHILD-RESISTANCE

**This is a federally-defined term.**

Packaging must meet criteria set by the Consumer Product Safety Commission before it is labeled child-resistant.

Child-resistant packaging must be **significantly difficult** for a child under five to open within a reasonable amount of time, but not difficult for adults to open. Packaging must **maintain resistance** across multiple openings.

**Child-resistant is *not* child-proof** - some children may be able to open resistant packaging. **Always lock up your cannabis.**

## QUESTIONS?

Check out our *Guidance on Packaging*:

[ccb.vermont.gov/guidance](https://ccb.vermont.gov/guidance)

Still have questions? Email us!

[ccb.info@vermont.gov](mailto:ccb.info@vermont.gov)