



Packaging and Labeling Advisory Panel

Locations of Required Text for Marijuana Packages and Sales

This document produced by the Cannabis Alliance's Regulatory Committee as work related to the WSLCB's *Packaging and Labeling Advisory Panel*.

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Why this is good for our members:


The restructuring of label requirements proposed here would create significant advantages over the current requirements, mostly due to efficiency. By removing the requirements for retail name and UBI, and through additional rule changes from the Traceability Work Group to remove the subplot labeling requirement, these rule revisions would discontinue the mandatory practice of relabeling packages for every wholesale transaction. Several members have stated that the relabeling requirements for retail identifiers and subplot can add between 10% and 25% to their manufacturing costs. By eliminating this unnecessary step in the traceability process, we can save our members significant packaging costs.

Furthermore, this restructuring of the labeling rules frees up a significant amount of space on the label. This allows our producer/processor members to enjoy more advertising and branding space on their packages, an especially important advertising avenue.

Finally, the rule revisions allow for more sensible labeling which more accurately reflects the risks and characteristics of the product. Warnings are reduced, and moved off the label to other locations in the store and online. These proposals allow for an opportunity to more honestly describe cannabinoid concentrations as a range, rather than as an exact value. We anticipate the resulting ranges (which will often overlap between products) will help to deemphasize the importance of potency for consumers shopping for product. The proposal allows for this without any increased mandatory testing cost to the producer/processor.

Revisions to the packaging and labeling rules are long overdue, and the Cannabis Alliance is glad to see some label relief being discussed in earnest at the LCB. Our regulatory committee has collaborated extensively on these recommendations.

The table below was produced as a place to formulate our ideas for where label and messaging requirements should be met. Edits by the Cannabis Alliance’s Regulatory Committee are in red. Following this page is a rationale for the placement of each item on the table. The **general** category indicates information required for all marijuana product labels. The **edibles** category indicates label requirements for edible marijuana products only. The **topicals** category indicates label requirements for marijuana products meant for topical application. The **Usable MJ/ Concentraes for Inhalation** category indicates label requirements for those product types. The **Accompanying materials/ Point of Sale/ Educational materials/ or signage** category indicates messages that must be either hand delivered to the consumer upon purchase, or conspicuously displayed at the retail store. The **X File** category represents label requirements that should be removed from the rules. The category called **website** represents dynamic content that must be made available to any marijuana buyer by the seller at any marijuana transaction. Content in the Website category can be delivered via web URL.

General	Usable MJ/ Concentrates for Inhalation	Edibles/ topicals/ and other products with intoxicating effects not for inhalation	Topicals	Accompanying materials/ Point of Sale/ Educational materials/ or signage	X file	Website	Other
 Symbol indicating contains marijuana, for 21 and older, may be unlawful outside of WA.	Warning: This product has intoxicating effects and may be habit forming. Smoking is hazardous to your health.	Caution: When eaten or swallowed, the intoxicating effects of this drug may be delayed by two or more hours.	Do Not Eat	There may be health risks associated with consumption of this product.	Harvest date.	Statement that discloses all pesticides applied to the marijuana plants and growing medium during production and processing.	A marijuana processor is allowed to blend tested usable marijuana from multiple lots into a single package for sale to a marijuana retail licensee providing the label requirements for each lot used in the blend are met and the percentage by weight of each lot is also included on the label.
	8 pt potency range or mean ± standard deviation as described in rule. Not to be listed with more than two (2) significant figures.	Total milligrams of active THC, or Delta 9 and total milligrams of active CBD per serving	For external use only.	Should not be used by women that are pregnant or breast feeding.	“This product contains marijuana”	If solvents were used, statement that discloses the type of extraction methods, including any solvents, gases, or other chemicals or compounds used to produce or that are added to the extract.	
UBI number of the producer/processor who packaged the product.		Serving size and the number of servings contained within the unit.	Total milligrams of active THC, or Delta 9 and total milligrams of active CBD per serving	Marijuana can impair concentration, coordination, and judgment. So not operate a vehicle or machinery under the influence of this drug.	For use only by adults twenty-one and older. Keep out of reach of children.	The Laboratory Certificate of Analysis	
Net weight in ounces and grams or volume as appropriate.		Date of manufacture. (ask WSDA if this is needed)		This product has intoxicating effects and may be habit forming.	This product may be unlawful outside of WA.		
Sixteen digit inventory ID number assigned by the WSLCB’s traceability system. This must be the same number that appears on the transport manifest.				A description of what the symbol indicates: contains marijuana, for 21 and older, may be unlawful outside of WA.	Lot number.	The business or trade name and the sixteen digit WA state unified business identifier number of the licensees that produced, processed and sold the marijuana or marijuana products. The marijuana retail licensee trade name and WA state unified business identifier number may be in the form of a sticker placed on the label.	
					Weight of the product.		
					The label must prominently display the number of servings in the package.		
					Best by date. (ask WSDA if this is needed)		

General – labeling requirements for all marijuana packages

“Symbol indicating contains marijuana, for 21 and older, may be unlawful outside of WA.”

A universal symbol allows us to dramatically reduce the number of required text characters on all marijuana products. The Packaging and Labeling Advisory Panel has also reviewed literature supporting that symbols are a more effective means of conveying such warning than are large blocks of text. A symbol containing our state’s unique geographic shape combined with the universally recognized shape of a marijuana leaf and the common depiction of the characters “21+” clearly and succinctly replaces 151 characters that would have otherwise filled roughly 12 square centimeters. With a push toward educational materials to create community awareness about the symbol’s meaning, we can effectively convey the same message with more clarity and less label real estate. Finally, a universal symbol which contains the state’s shape helps to brand Washington marijuana, which is a benefit to our local economy long-term.

“UBI number of the producer/processor who packaged the product.”

Continuing the practice of placing the producer/processors UBI on the label. See in the **Website** section below, the Packaging and Labeling Advisory Panel agreed that placing the UBIs of all businesses who touched the product during production and processing is excessive in some cases. While this information is useful to the buyer, it is dynamic content that crowds a label and would be sufficiently communicated through electronic means.

“Net weight in ounces and grams or volume as appropriate.”

As is always required.

“Sixteen digit inventory ID number assigned by the WSLCB’s traceability system. This must be the same number that appears on the transport manifest.”

Whatever number from traceability is on the manifest is the only identifying number required on the label.

Usable MJ/ Concentrates for Inhalation

“Warning: This product has intoxicating effects and may be habit forming. Smoking is hazardous to your health.”

Continuing this warning on labels for marijuana products that are often inhaled. Removed the statement “may be habit forming” as that statement is already in **Accompanying Materials**.

“8 pt potency range or mean \pm standard deviation as described in rule”

No lot of useable marijuana is completely homogenous. Some lots are more homogenous than others. While it is disingenuous to label a marijuana product with a discrete number and thereby imply homogeneity, it is also incorrect to assume that different lots of marijuana are of equal variance. From a statistical perspective, the only rational solution is to label with a range using a statistical sampling technique and a mathematically estimated variance. In absence of a statistical sampling technique, a wide variance should be assumed, and it can be up to the

manufacturer to electively demonstrate a lower variance through additional testing. By assuming a justifiable range of 8 points for the average marijuana lot, while also providing manufacturers an option to demonstrate a more exact variance figure, an appropriate compromise between cost and precision is achieved. Furthermore, when potencies are expressed as a range, more packages on the retail shelf will have overlapping values, thus deemphasizing the role of THC concentration of product quality in the eyes of the consumer. The following suggested edits to WAC314-55-105 allow for reasonable range estimates on labels, while keeping the rules fair for producers and processors both large and small, and providing opportunity for more honest descriptions of cannabinoid content on marijuana labels.

WAC 314-55-105(13) In addition to requirements in subsection (12) of this section, labels affixed to the container or package containing usable marijuana, or packaged marijuana mix sold at retail must include:

- (a) Concentration of THC (total THC and activated THC-A) and CBD (total CBD and activated CBD-A) expressed as a percentage not to be listed with more than 2 significant figures. Both the concentration of THC and the concentration of CBD must be reported as a range written as a lower bounds and a higher bounds with a dash in between such as "THC: 16 - 24%". The range of THC and CBD concentrations may be calculated by either of the following methods:
 - (i) the lower end of the range is the value reported to the traceability system by the laboratory minus five percentage points, and the upper end of the range is the value reported to the traceability system by the laboratory plus three percentage points, OR
 - (ii) if multiple samples from the same lot were tested and reported by the laboratory, the lower end of the range is the average value tested by the laboratory minus one standard deviation, and the upper end of the range is the average value tested by the laboratory plus one standard deviation, so long as the following conditions are met:
 - (A) the accompanying Certificate of Analysis from the laboratory lists the ranges and lists the results from all samples used to calculate the ranges,
 - (B) if the calculated standard deviation is less than the second significant figure of the average, the standard deviation will be assumed at the value of 1 in the second significant figure of the average, AND
 - (C) the standard deviation is the square root of the variance, where the variance is the sum of squared differences from the average divided by $n-1$, and n is the number of samples used in the calculation.

Edibles/ topicals/ and other products with intoxicating effects not for inhalation

“Caution: When eaten, ~~(or)~~ swallowed, or otherwise absorbed the intoxicating effects of this drug may be delayed by two or more hours.”

An appropriate caution for infused edibles, beverages, suppositories, and other marijuana products with intoxicating effects not intended for inhalation.

“Total milligrams of active THC, or Delta 9 and total milligrams of active CBD per serving.”

Dosage for these products per serving instead of as a concentration per weight.

“Serving size and the number of servings contained within the unit.”

In addition to net weight, the weight of each serving size and the number of servings in the package.

Topicals

“Do Not Eat.” “For external use only.”

Topicals should not be eaten.

“Total milligrams of active THC, or Delta 9 and total milligrams of active CBD per serving.”

Dosage for these products per serving instead of as a concentration per weight.

Accompanying materials/ Point of Sale/ Educational materials/ or signage

“There may be health risks associated with consumption of this product.”

“Should not be used by women that are pregnant or breast feeding.”

“Marijuana can impair concentration, coordination, and judgment. So not operate a vehicle or machinery under the influence of this drug.”

“This product has intoxicating effects and may be habit forming.”

“A description of what the symbol indicates: contains marijuana, for 21 and older, may be unlawful outside of WA.”

These are warning messages that apply to all marijuana products. They are educational messages that should be made readily available to the consumer, but their requirement on a package label would be excessive. Even tobacco doesn't require a label that state “may be habit forming” or “not to be used while breast feeding.” Instead, those messages are communicated through signage and educational materials provided at the point of sale and elsewhere in our community.

X file

“Harvest date.”

All on Packaging and Labeling group agreed this is not necessary. It confuses consumers into thinking that older marijuana is less good, which is not factual. It leads to waste and undue pressure on our producers to overproduce. It is not a health risk indicator.

"This product contains marijuana"

Replaced by a symbol.

"For use only by adults twenty-one and older. Keep out of reach of children."

Replaced by a symbol.

"This product may be unlawful outside of WA."

Replaced by a symbol.

"Lot number."

Not necessary when the following is already required: *"Sixteen digit inventory ID number assigned by the WSLCB's traceability system. This must be the same number that appears on the transport manifest."*

"Weight of the product."

Duplicate requirement. *"Net weight in ounces and grams or volume as appropriate"* is already required for all labels.

"The label must prominently display the number of servings in the package."

Duplicate requirement. *"Serving size and the number of servings contained within the unit"* is already required for all edibles labels.

"Best by date. (ask WSDA if this is needed)"

Certainly not needed. Industry requires best by dates. Best by dates are made up by manufacturers in an effort to get consumer to throw out food and buy new food.

From wikipedia

"These dates are only advisory and refer to the quality of the product, in contrast with use by dates, which indicate that the product may no longer be safe to consume after the specified date"

Best by (best before) dates are never required (except for eggs). Use by dates are not appropriate for marijuana products.

Website

“Statement that discloses all pesticides applied to the marijuana plants and growing medium during production and processing.”

“If solvents were used, statement that discloses the type of extraction methods, including any solvents, gases, or other chemicals or compounds used to produce or that are added to the extract.”

“The laboratory Certificate of Analysis”

“The business or trade name and the sixteen digit WA state unified business identifier number of the licensees that produced, processed and sold the marijuana or marijuana products. The marijuana retail licensee trade name and WA state unified business identifier number may be in the form of a sticker placed on the label.”

The requirements in this category represent dynamic content that is unique to each lot of marijuana. It would not be feasible to require such dynamic content on a label, nor would it be cost-effective to provide such information at every retail transaction. The rules require this information to be “made available upon request” of the buyer, and the Packaging and Labeling Advisory Panel has agreed that hosting such content at a website is acceptable so long as the link to that information is made readily available and the information linked to is up to date and accurate for the lot in question. Paper delivery is also acceptable. This information must be made available at any marijuana sale transaction upon request of the buyer.