



Packaging and Labeling Rules WAC 314-55-105 and 106

Washington State Liquor and Cannabis Board

June 6, 2018



Housekeeping Items

- Attendees are muted for this presentation.
- To view the presentation on your full screen, click the diagonal double-headed arrow in the white bar.
- To return to the screen with the Q&A section, click the “Return” button at the top center of your screen on the menu that appears when you hover over the blue area.
- Entire presentation will be given before Q&A.
- Submit your questions in the Q&A section on your screen by typing them in and hitting “Enter.”
- Questions will be answered as time allows.
- All questions not answered will be answered in writing, and emailed to all attendees along with a link to the recorded webinar.



Rulemaking Overview

The industry has said to WSLCB that:

- Labeling requirements are too onerous;
- Labels are difficult to read; and
- Labels are confusing.

During 2017, a work group of industry members, the Department of Health, and the Washington Poison Center worked with the WSLCB to gather information and receive feedback on packaging and labeling rules requirements.

These rule changes reflect what was learned from this work group and other states that regulate marijuana, as well as through consumer surveys. The rule changes provide more clarity and organization, and include other changes to ensure packaging and labeling rules are effective.



Rulemaking Overview

The new packaging and labeling requirements are mandatory for all licensees effective January 1, 2019.

Beginning June 7, 2018, licensees can choose to use the current rules

-OR-

the new rules, but must comply with all requirements in either scheme, including the new universal symbol. (*Board Interim Policy*)

The following optional information may or may not be included on labels under both current and new rules:

- Retailer name and UBI #
- Harvest date
- Manufactured date
- “Best by” date



Labeling Reqs. for All Products

Current Rules

- “This product contains marijuana”
- “This product may be unlawful outside of Washington state”
- “This product has intoxicating effects and may be habit forming”
- Concentration of THC (total THC and activated THC-A) and CBD (total CBD and activated CBD-A)
- Business/Trade Name and UBI of producer, processor, and retailer
- 16 digit inventory ID
- Net weight in ounces and grams or volume as appropriate
- Accompanying materials – affixed or given separately to customer

New Rules

- “Warning- May be habit forming”
- “Unlawful outside Washington State”
- “It is illegal to operate a motor vehicle while under the influence of marijuana”
- Business/Trade Name and 9 digit UBI of producer and processor
- Unique identifier generated by traceability
- Electronic format, including URL/QR code, option for accompanying materials
- Universal Symbol



Marijuana Edibles

In Current Rules and New Rules:

- List of all ingredients and major food allergens as defined in the Food Allergen Labeling and Consumer Protection Act
- **All ingredients** in descending order of predominance by weight/volume as applicable
- Any solvents, gases, chemicals, and/or compounds used to create or added to extract used to create the product
- If solvents were used to create the extract, list extraction method



Marijuana Edibles – Addtl. Req.

Current Rules

- Date manufactured
- Best by date
- Serving size and # of servings in unit
- “Caution: When eaten or swallowed, the intoxicating effects of this drug may be delayed by two or more hours.”
- “This product contains marijuana.”
- NOT FOR KIDS Warning Symbol

New Rules

- Serving size and # of servings in unit
- “CAUTION: Intoxicating effects may be delayed by 2+ hours”
- NOT FOR KIDS Warning Symbol
- Optional: Date manufactured and best by date



Useable Marijuana / Mix

Current Rules

- Date of harvest
- Statement disclosing all pesticides used applied to the marijuana plants and growing medium during production and processing

New Rules

- “Smoking is hazardous to your health”

Note: Pesticides disclosure required in accompanying materials to reduce redundancy



Marijuana Concentrates

- If solvents were used to create, a statement that discloses the type of extraction method, including any solvents or gases used to create the concentrate or extract
- Any other chemical or compounds used to produce or added* to the concentrate or extract

**This means anything that was added to the extract other than cannabis and the solvent/extraction method*



Topicals

- **“DO NOT EAT”** – bold font, capital letters
- All ingredients in descending order of predominance by weight/volume as applicable



Optional Label Information

- Harvest date
- Best by date
- Manufactured date
- Other cannabinoids and terpenes may be included on the label if:
 - ✓ The producer/processor has test results from a certified lab to support the claim
 - ✓ The test results are made available to a consumer upon request



Required Accompanying Materials

Current Rules

- “Warning: This product has intoxicating effects and may be habit forming. Smoking is hazardous to your health”
- “There may be health risks associated with consumption of this product”
- “Should not be used by women who are pregnant or breast feeding”
- “For use only by adults twenty-one and older. Keep out of reach of children”
- “Marijuana can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery under the influence of this drug”
- Statement disclosing all pesticides used applied to the marijuana plants and growing medium during production and processing

New Rules

- Statement disclosing all pesticides used applied to the marijuana plants and growing medium during production and processing
- Accompanying materials may be given to consumers via electronic format, including using a URL or QR code on the label.



Universal Symbol

- Required on all products
- Notifies consumer or any person viewing that the product is or contains marijuana
- Consumer Surveys
- Takes the place of the following warnings:
 - ✓ “This product contains marijuana”
 - ✓ “For use only by adults twenty-one and older”
- Minimum size matches NOT FOR KIDS symbol for visibility
- NOT FOR KIDS symbol only required on edibles



10pt text

.5" x .75" .75" x .75"



Universal Symbols in other jurisdictions:

Colorado



Oregon



California



Michigan



Canada





Packaging Adjustments – New Rules

- Allows certain infused solid edible products such as lozenges and capsules and other similar products on a case by case basis to be packaged loosely (not individually wrapped) in a resealable child resistant exterior package.
- Lozenge: mints, hard “candies,” etc.
- We’re starting with hard objects that do not stick or break easily to see how things go. We will continue discussions on whether additional products may be allowed to be packaged loosely, which is also why we included “case by case basis” option.



Packaging Adjustments – New Rules

- Infused liquid edible products in packages with more than one serving must be resealable, but do not have to be child resistant due to challenges with packaging carbonated liquids.
- Separate measuring device still required for liquid edibles with multiple servings in a package/container.
- Only infused liquid edibles in packages containing a single serving may be packaged with a non-resealable closure, such as a crown-style cap.



Packaging Adjustments – New Rules

- Licensees can still choose to package products as they do now, with the exception of mandatory changes to liquid edibles packaging containing multiple servings.



Additional New Rules

- Enhanced definition providing additional clarity for what is considered “especially appealing to children.”
- Creation of a new definition for the term “cartoon.”
- The WSLCB is working with DOH to explore potential signage requirements for other warning statements not on the label at retail locations separately, similar to requirements for liquor licensees (pregnant/breastfeeding women, etc.).



Other Important Reminders

- Lab testing results must be given to licensees you sell to and to a customer upon request (unchanged).
- Sample labeling requirements have not been changed.



Other Important Reminders

- Provisions still in effect – just moved to other rules in current rulemaking
 - Treating and otherwise adulterating useable marijuana is still **not** allowed – moved to producer and processor WACs
 - Must provide COAs/test results to a licensee purchasing the lot/product
 - All usable marijuana and marijuana-infused products must be stored behind a counter or other barrier to ensure a customer does not have direct access to the product – moved to retailer WAC



Packaging and Labeling Approval



Packaging and Labeling Approval

To improve both efficiency and consistency, the WSLCB is working to update the label approval process for marijuana infused edibles (MIE). We are focusing on streamlining the process to address issues like:

- The approval process
- Communication
- Turnaround time
- Resources and training materials



Cannabis Packaging and Labeling Application

- To ensure label requirements have been met, all MIE labels will require an application to be submitted. There is no cost associated with this application.
- Two application types are available. One for current packaging and labeling rules and one for new packaging and labeling rules effective January 1, 2019.
- Prior to the new rules becoming effective, licensees may use the new or current labeling requirements. However, you must use all of the requirements under either the current or new rule and may not combine elements.



Cannabis Packaging and Labeling Application

The application requires:

- Licensee contact information
- Product, label and package details
- Attachments as applicable:
 - Photos of the product, package, label, and sticker
 - Recipe approval from the Washington State Department of Agriculture
 - MIE Processor License Endorsement from the Washington State Department of Agriculture



Cannabis Packaging and Labeling Process

1. All label submissions are sent to labelapproval@lcb.wa.gov.
2. Label submission will be reviewed for compliance with 14 days business days of receipt.
 - Changes needed – Licensees will receive an email indicating required changes. Label must be resubmitted with required changes.
 - No changes needed – Label will be presented to the label approval team for a decision to be made within seven business days of label review.
3. Decision Notification:
 - Approved labels – Letter will be emailed to the licensee within two business days of approval.
 - Unapproved labels – Letter will be emailed to the licensee outlining why the label was not approved within two business days of decision.
4. If approval process deadlines cannot be met, an email will be sent with a revised turnaround time.



Cannabis Packaging and Labeling Resources

The WSLCB website provides [resources](#) for cannabis packaging and labeling. Currently the website offers links to:

- Packaging and labeling Rules – Current
- New Packaging and Labeling Rules – Effective January 1, 2019
- Cannabis Packaging and Labeling Interim Policy BIP-05-2018 – Effective June 7, 2018
- Universal symbol (with file options in .jpg, .pdf and .eps)

As we move forward with updating the label approval process, new resources will be added to this page.



Staying Informed

- All bills, laws, and rules available on the Legislature's website
 - www.leg.wa.gov
- Visit the Marijuana webpage -- www.lcb.wa.gov
 - Interactive dashboard (maps, relevant data, updated weekly)
 - Factsheets
 - FAQs
 - Timelines
- Marijuana and Rulemaking Listserv
- Rulemaking information and public hearings on rules are posted on website and publicized on the Listserv
 - Rules@lcb.wa.gov



Thank you