



Marijuana Infused Candy

October 3, 2018



Area of Concern:

Recently concerns have been raised by the Board, stakeholders, and the public regarding infused edible candy.

In response, staff reevaluated all approved marijuana infused candy products to ensure the products align with current and new rules prohibiting products that are especially appealing to children.



Reevaluation Findings:

We found that we have approved some products that would meet the definition of especially appealing to children.

- Candy – hard candy (of any style, shape or size) and tarts.
- Fruit chews, jellies and all gummy type products.



WAC 314-55-077(7):

“A marijuana processor is limited in the types of food or drinks they may infuse with marijuana. Marijuana-infused products that are especially appealing to children are prohibited. Products such as, but not limited to, gummy candies, lollipops, cotton candy, or brightly colored products, are prohibited.”



Public Safety:

These restrictions were intended to address public safety concerns related to increased risk of accidental ingestion of marijuana by children and youth.



Examples of Products Re-evaluated:





Criteria that will be used when evaluating if a candy product is especially appealing to children:

- Appearance
- Similarity to commercially available products that are marketed towards and are especially appealing to children
- Color



Allowable infused products:

- Beverages
- Baked Goods
- Capsules
- Chips and Crackers
- Sauces and Spices
- Tinctures



Allowable infused products with limitations on appearance:

- Chocolate
- Cookies
- Caramels
- Mints



Examples of limitations:

- Chocolate in its original color and not coated, dipped, sprayed or painted with any type of color.
- Chocolate in the shape of a bar or ball. No shape or design that is especially appealing to children.
- Caramel and fruit caramels. No color, shape or design that is especially appealing to children.
- Cookies that do not contain sprinkles or frosting.
- Mints that have no color (white or white with small color fleck to represent the flavor only).



Market Share:

Infused edibles are approximately 9% of the marijuana sold in Washington State.

Although we will eliminate infused edibles that are especially appealing to children, multiple infused products will remain available to the public.



What happens to existing products?

- All production of hard candy (of any style, shape or size), tarts, fruit chews, colorful chocolates, jellies and any gummy type products should cease as they will not qualify.
- Licensees are permitted to sell through their product(s) until existing inventory is depleted or until April 3, 2019; whichever comes first.



How will processors know if products no longer qualify?

- All labels and products must be resubmitted to the WSLCB to meet the rule change that goes into effect January 1, 2019.
- During this product evaluation licensees will be notified in writing if the product does not meet the requirements. The notification will include information about their appeal rights.



What if a processor already has labels and products approved under the new rules?

The WSLCB will notify licensees in writing if their product approval is being rescinded. The notification will include information about their appeal rights.



What if all products are not sold before April 3, 2019?

Processors and Retailers must follow the marijuana waste requirements in WAC 314-55-097.



Q&A Webinar:

The Liquor and Cannabis Board will host a webinar on October 16, 2018 to answer any questions regarding marijuana infused edibles. A link to register for the webinar will be available on our website at lcb.wa.gov.