1. Working group name:

*Production / Manufacturing / Law Enforcement/ Consumer Safety/Education/Health Working Groups*

1. Individual sponsor(s):

*Jennifer Lazovich, Kaempfer Crowell*

*Meg Collins, Good Chemistry*

*Anna Thornley, Department of Taxation*

*Andrea Zeller, Churchill Community Coalition*

*Jake Ward, Pure Tonic Concentrates*

*Dr. Joseph Iser, Southern Nevada Health District*

*Mona Lisa Samuelson, Marijuana Advocate*

*Jen Solas, Wellness Education Cannabis Advocates of Nevada*

*Shane Johnson, SJ3D Holdings, Inc.*

 *Chuck Calloway, Metro*

 *Brian Hyun, The Grove*

1. Describe the recommendation:

*Proposal for production and packaging requirements of recreational edible marijuana products and recreational marijuana infused products.  The suggested changes are a reflection of existing packaging requirements in the Nevada medical marijuana regulations; elements of the Colorado recreational regulations; and certain language that is proposed in SB 344. The proposal also requires that the state set all requirements for production, label and packaging.  Local governments will follow state regulations for production, label and packaging requirements.*

1. Which guiding principle(s) does this recommendation support?

*Guiding Principle 1 – Promotes the health, safety and well-being of Nevada’s communities.*

*Guiding Principle 3- Ensure that youth are protected from the risks associated with marijuana, including preventing the diversion of marijuana to anyone under the age of 21.*

*Guiding Principle 4 – Propose efficient and effective regulation that is clear and reasonable and not unduly burdensome.*

*Guiding Principle 6 – Establish regulations that are clear and practical, so that interactions between law enforcement (at the local, state and federal levels), and licensees are predictable and understandable.*

1. What provision(s) of Question 2 does this recommendation apply to?

*Provide regulation for packaging requirements to address public health and public safety.*

1. What issue(s) does the recommendation resolve?

*The recommendation provides clear guidance to state regulators, producers and manufacturers of the packaging requirements that are specific to the recreational market. Imposes packaging and manufacturing requirements that are practicable and reasonable to ensure the safety of recreational users and protects children from accidental ingestion of marijuana products.*

1. Was there dissent in the group regarding this recommendation? If yes, please provide a summary of the dissenting opinion regarding the recommendation.

*No dissent.*

1. What action(s) will be necessary to adopt the recommendation? Will statute, policy, regulations, etc. need to be addressed?

*Recommendation is to revise existing NAC provisions relating to Packaging and Labeling of marijuana and related products and adopt new regulation as set forth below.*

***Suggested Changes to Existing NAC Provisions***

 ***Packaging and Labeling of Marijuana and Related Products***

 ***NAC 453A.500  Packaging: Generally. (***[*NRS 453A.370*](https://www.leg.state.nv.us/NRS/NRS-453A.html#NRS453ASec370)***)***

*1.* ~~1.  Any product containing marijuana must be packaged in child-resistant packaging in accordance with 16 C.F.R. § 1700 or the standards specified in subsection 2 or 3~~. *Any product containing marijuana must be designed or constructed to be significantly difficult for children under five years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 (1995). Note that this rule does not include any later amendments or editions to the Code of Federal Regulations. The Department will maintain a copy of the applicable federal regulation, which is available to the public.*

~~2.  Except as otherwise provided in subsection 3, marijuana-infused products in solid or liquid form~~

~~must be packaged in plastic which is 4 millimeters or more in thickness and must be heat-sealed without~~

~~an easy-open tab, dimple, corner or flap so that it is difficult for a child to open and as a tamperproof~~

~~measure.~~

~~3.  Marijuana-infused products in liquid form may be sealed using a metal crown cork-style bottle cap.~~

 *2.* *Opaque packaging is required for edible products. If practicable, each single serving edible shall be placed in opaque packaging. If not practicable for each single serving edible, then the multiple serving edible products must be placed in a child resistant package as set forth in subsection 1.*

*~~4~~3.  Any container or packaging containing usable marijuana, edible marijuana products or marijuana-infused products must protect the contents from contamination and must not impart any toxic or deleterious substance to the usable marijuana or marijuana product.*

*(Added to NAC by Div. of Pub. & Behavioral Health by R004-14, 3-28-2014, eff. 4-1-2014)*

***NAC 453A.502  Labeling: Generally. (***[*NRS 453A.370*](https://www.leg.state.nv.us/NRS/NRS-453A.html#NRS453ASec370)***)****Each cultivation facility, facility for the production of edible marijuana products or marijuana-infused products and ~~medic~~al marijuana dispensary shall:*

*1.  Use for labeling all marijuana, edible marijuana products and marijuana-infused products the standard label described in* [*NAC 453A.506*](https://www.leg.state.nv.us/NAC/NAC-453A.html#NAC453ASec506) *to* [*453A.512*](https://www.leg.state.nv.us/NAC/NAC-453A.html#NAC453ASec512)*, inclusive;*

*2.  Exercise strict control over labeling materials issued for use in labeling operations for marijuana, edible marijuana products and marijuana-infused products;*

*3.  Carefully examine labeling materials issued for a batch for identity and conformity to the labeling specified in the applicable production or control records; and*

*4.  Have and follow written procedures describing in sufficient detail the control procedures employed for the issuance of labeling.*

*(Added to NAC by Div. of Pub. & Behavioral Health by R004-14, 3-28-2014, eff. 4-1-2014)*

***NAC 453A.504  Labeling as “organic.” (***[*NRS 453A.370*](https://www.leg.state.nv.us/NRS/NRS-453A.html#NRS453ASec370)***)****A cultivation facility or facility for the production of edible marijuana products or marijuana-infused products shall not label usable marijuana, edible marijuana products or marijuana-infused products as “organic” unless the marijuana plants used* *are produced, processed and certified in a manner that is consistent with the national organic standards established by the United States Department of Agriculture in accordance with the Organic Foods Production Act of 1990.*

*(Added to NAC by Div. of Pub. & Behavioral Health by R004-14, 3-28-2014, eff. 4-1-2014)*

***NAC 453A.506  Maximum unit size; minimum requirements for font ~~and size~~ of label. (***[*NRS 453A.370*](https://www.leg.state.nv.us/NRS/NRS-453A.html#NRS453ASec370)***)***

*1.  Any ~~medical~~ marijuana establishment that packages marijuana, edible marijuana products or marijuana-infused products must individually package, label and seal the marijuana or marijuana products in unit sizes ~~such that no single unit contains more than a 2 ½ ounce supply of marijuana~~ and in accordance with State law.*

*2.  For marijuana, edible marijuana products or marijuana-infused products that are intended to be dispensed ~~or sold to a holder of a valid registry identification card or his or her designated primary caregiver~~:*

*(a) The text used on all labeling must be printed in at least ~~10~~ 8-point font and may not be in italics; and*

*(b) Each label must be affixed and include information about THC content, serving size, and the statement “THC accurate within 15% +/-.”~~at least 2 ¾ inches high by 4 inches wide.~~*

*(Added to NAC by Div. of Pub. & Behavioral Health by R004-14, 3-28-2014, eff. 4-1-2014)*

***NAC 453A.508  Labeling requirements for marijuana and related products for sale to medical marijuana dispensary. (***[*NRS 453A.370*](https://www.leg.state.nv.us/NRS/NRS-453A.html#NRS453ASec370)***)***

*1.  A cultivation facility or facility for the production of edible marijuana products or marijuana-infused products shall label all marijuana, edible marijuana products and marijuana-infused products before it sells the marijuana or marijuana products to a medical marijuana dispensary and shall securely affix to the package a label that includes, without limitation, in legible English:*

*(a) The name of the marijuana establishment and its ~~medical~~ marijuana establishment registration certificate number;*

*(b) The ~~lot~~ production run number;*

*(c) The date of harvest;*

*(d) The date of final testing;*

*(e) The date on which the product was packaged;*

*(f) The cannabinoid profile and potency levels and terpinoid profile as determined by the independent testing laboratory;*

*(g) If the product is perishable, the expiration date; and*

*(h) The quantity of marijuana being sold.*

*2.  The label required by subsection 1 for a container or package containing usable marijuana, edible marijuana products or marijuana-infused products sold by a cultivation facility or facility for the production of edible marijuana products or marijuana-infused products must be in substantially the following form:*

|  |
| --- |
| ***JT’S NURSERY******Certificate Number:****123 456 789 001 0001****~~Lot Number~~ Production Run:****1234**~~Harvested on:~~**~~O1/01/2013~~****Final Testing Date:****01/15/2013****Packaged on:****01/17/2013****Best if used by:****March 17, 2013**16.7% THC   1.5% CBD   0.3% CBN**Myrcene 5.6 mg/g   Limonene 5.1 mg/g   Valencene 3.5 mg/g****Net Weight:****2 lbs.* |

*(Added to NAC by Div. of Pub. & Behavioral Health by R004-14, 3-28-2014, eff. 4-1-2014)*

***NAC 453A.510  Labeling requirements for usable marijuana sold at retail; accompanying materials. (***[*NRS 453A.370*](https://www.leg.state.nv.us/NRS/NRS-453A.html#NRS453ASec370)***)***

*1. ~~A~~ If not already provided on another label or package, the ~~medical~~ marijuana dispensary must affix to each container or package containing usable marijuana sold at retail a label which must include, without limitation:*

*(a) The business or trade name and the medical marijuana establishment registration certificate number of the cultivation facility that cultivated and sold the usable marijuana.*

*(b) The lot number.*

*(c) The date and quantity dispensed, including the net weight measured in ounces and grams or by volume, as appropriate.*

 *~~(d) The name and registry identification card number of the patient and, if applicable, the name of his or her designated primary caregiver.~~*

*(~~ed~~) The name and address of the medical marijuana dispensary.*

*(~~fe~~) The cannabinoid profile and potency levels and terpinoid profile as determined by the independent testing laboratory.*

*(~~gf~~) A warning that states: “This product may have intoxicating effects and may be habit forming.”*

*(~~h~~g) The statement: “This product may be unlawful outside of the State of Nevada.”*

 *~~(i) The date on which the marijuana was harvested.~~*

*2.  The label required by subsection 1 for a container or package containing usable marijuana sold at retail must be in substantially the following form:*

|  |
| --- |
| *Joe’s Plant Emporium                         Cert.#: 123 456 789 001 0001**Lot#: 1234**~~Harvested: 01/01/2013~~****Dispensed to:*** *~~John J. Smith #1234987 on 11/27/2013~~**by**We Care Dispensary**123 Main Street, Carson City, NV 89701****WARNING:****This product may have intoxicating effects* *and may be habit forming.**16.7% THC   1.5% CBD   0.3% CBN**Myrcene 5.6 mg/g   Limonene 5.1 mg/g   Valencene 3.5 mg/g**Net Weight: .25 ounces (7 grams)****This product may be unlawful outside the State of Nevada*.** |

     *3.  A ~~medical~~ marijuana dispensary must provide with all usable marijuana sold at retail accompanying material that discloses any pesticides applied to the marijuana plants and growing medium during production and processing and contains the following warnings:*

*(a) “Warning: This product may have intoxicating effects and may be habit forming. Smoking is hazardous to your health.”*

*(b) “There may be health risks associated with consumption of this product.”*

*(c) “Should not be used by women who are pregnant or breast feeding.”*

*(d) “For use only by the person named on the label of the dispensed product. Keep out of the reach of children.”*

*(e) “Marijuana can impair concentration, coordination and judgment. Do not operate a vehicle or machinery under the influence of this drug.”*

*4.  The text used on all accompanying material must be printed in at least 12-point font and may not be in italics.*

*(Added to NAC by Div. of Pub. & Behavioral Health by R004-14, 3-28-2014, eff. 4-1-2014)*

***NAC 453A.512  Labeling requirements for edible marijuana products or marijuana-infused products sold at retail; accompanying materials. (***[*NRS 453A.370*](https://www.leg.state.nv.us/NRS/NRS-453A.html#NRS453ASec370)***)***

*1.  A medical marijuana dispensary must ~~affix to~~ make available with each container or package containing edible marijuana products or marijuana-infused products sold at retail a label which must include, without limitation:*

*(a) The business or trade name and the ~~medical~~ marijuana establishment registration certificate number of the facility for the production of edible marijuana products or marijuana-infused products that manufactured and sold the product.*

*~~(b) The lot numbers of all marijuana used to create the product.~~*

*(~~c~~b) The ~~batch~~ production run number of the product.*

*(~~d~~c) The date and quantity dispensed, including the net weight in ounces and grams or by volume, as appropriate.*

 *~~(3) The name and registry identification card number of the patient and, if applicable, the name of his or her designated caregiver.~~*

*(~~f~~d) The name and address of the ~~medical~~  marijuana dispensary.*

*(~~g~~e) The date on which the product was manufactured.*

*(f~~h~~) If the product is perishable, a suggested use-by date.*

*~~(i~~g) The total milligrams of active cannabinoids and terpinoids in the product, as provided by the independent testing laboratory that tested the product.*

*~~(j~~h) A list of all ingredients and all major food allergens as identified in 21 U.S.C. §§ 343.*

*(~~k~~i) A warning that states: “Caution: When eaten or swallowed, the intoxicating effects of this drug may be delayed by 2 or more hours.”*

*(~~lj~~) If a marijuana extract was added to the product, a disclosure of the type of extraction process and any solvent, gas or other chemical used in the extraction process, or any other compound added to the extract.*

*(~~m~~k) A warning that states: “This product may have intoxicating effects and may be habit forming.”*

*(~~nl~~) A statement that: “This product may be unlawful outside of the State of Nevada.”*

*2.  The front and back of the label required by subsection 1 for a container or package containing edible marijuana products or marijuana-infused products sold at retail must be in substantially the following form:*

|  |
| --- |
| *We Care Dispensary, 123 Main Street, Carson City, NV 89701****Date Dispensed:****3/27/2014****To:****~~John J. Smith #1234987~~**Cookie****Net Weight:****6oz (168 Grams)****Serving Size:****10mg of THC****Contains 10 servings and a total of 100 MG of THC******Use by:****6/3/2014**Myrcene 5.6 mg/g   Limonene 5.1 mg/g   Valencene 3.5 mg/g****CAUTION:****When eaten or swallowed the intoxicating effects of this product can be delayed 2 or more hours.****This product may be unlawful outside the State of Nevada*.** |

|  |
| --- |
| ***Manufactured at:****Joe’s Kitchen        Cert.#: 321654987101 0401**123 Main Street, Las Vegas, NV on 2/1/14**Lot#: 1234 Batch #5463****INGREDIENTS:****Flour, Butter, Canola Oil,* *Sugar, Chocolate, Marijuana, Strawberries****CONTAINS ALLERGENS:****Milk, Wheat****Contains marijuana extract processed with butane.******WARNING:****This product may have intoxicating effects* *and may be habit forming.* |

*3.  A ~~medical~~ marijuana dispensary must provide with all edible marijuana products and marijuana-infused products sold at retail accompanying material that discloses any pesticides applied to the marijuana plants and growing medium during production of the marijuana used to create the extract added to the edible marijuana products or marijuana-infused products and the type of extraction method used, including, without limitation, any solvents, gases or other chemicals or compounds used to produce or that are added to the extract, and contains the following warnings:*

*(a) “There may be health risks associated with consumption of this product.”*

*(b) “This product contains or is infused with marijuana or active compounds of marijuana.”*

*(c) “Should not be used by women who are pregnant or breast feeding.”*

*(d) “For use only by the person named on the label of the dispensed product. Keep out of the reach of children.”*

*(e) “Products containing marijuana can impair concentration, coordination and judgment. Do not operate a vehicle or machinery under the influence of this drug.”*

*(f) “Caution: When eaten or swallowed, the intoxicating effects of this drug may be delayed by 2 or more hours.”*

*4.  The text used on all accompanying material must be printed in at least 12-point font and may not be in italics.*

*(Added to NAC by Div. of Pub. & Behavioral Health by R004-14, 3-28-2014, eff. 4-1-2014)*

***NAC 453A.514  Required examinations of packaged and labeled products. (***[*NRS 453A.370*](https://www.leg.state.nv.us/NRS/NRS-453A.html#NRS453ASec370)***)****Each cultivation facility, facility for the production of edible marijuana products or marijuana-infused products and medical marijuana dispensary shall:*

*1.  Examine packaged and labeled products during finishing operations to provide assurance that the containers and packages have the correct labels;*

*2.  Collect a representative sample of units at the completion of finishing operations and ensure that the samples are visually examined for correct labeling; and*

*3.  Record the results of the examinations performed pursuant to subsections 1 and 2 in the applicable production or control records.*

*(Added to NAC by Div. of Pub. & Behavioral Health by R004-14, 3-28-2014, eff. 4-1-2014)*

***Adopt New Regulations***

***Edible Products***

*Edible products shall be defined as those that contain a common food ingredient, such as sugar or flour, as a principal ingredient, but do not include lozenges, capsules, tinctures, suppositories, concentrates, or other products that may be ingested orally. Any dispute regarding whether a product is defined as an edible shall be subject to final determination by the Department.*

*Each facility for the production of edible marijuana products or marijuana infused products shall ensure that all edible marijuana products and marijuana infused products offered for sale:*

*(1) Are not made to appear like cartoon characters, animals, mascots, action figures, balloons, fruit or toys or as otherwise determined by the Department to specifically appeal to children;

(2) Are not modeled after popular name-brand non-cannabis products primarily consumed and marketed to children; and

(3) Are not made by applying cannabinoid concentrates or extracts to popular name-brand commercially available candy or snack food items.*

*(4) Edible marijuana products or marijuana infused products that are dried fruit or geometric shapes and simply fruit flavored are not considered fruit and are permissible.*

*(5) Edible marijuana products or marijuana infused products that are manufactured in the shape of a marijuana leaf are permissible.*

 ***Packaging***

 *A facility for the production of edible marijuana products or marijuana infused products to be sold to a retail consumer shall not create or use packaging that:*

1. *Is made to appear like cartoon characters, animals, mascots, action figures, balloons, fruit or toys or as otherwise determined by the Department to specifically appeal to children; and*
2. *Is modeled after popular name-brand non-cannabis products primarily consumed and marketed to children.*
3. *The Department shall have the authority to approve all logos for edible marijuana products or marijuana infused products.*

*Each retail marijuana dispensary and facility for the production of edible marijuana products or marijuana infused products shall ensure that packaging for all edible marijuana products and marijuana infused products offered for sale:*

1. *Are labeled clearly and unambiguously as marijuana; and*

*(2) Are regulated and sold based upon the serving size and number of servings for edible marijuana products and by concentration of THC for marijuana infused products;*

***Stamping or Molding***

 *Single serving edible products must be stamped or molded with a symbol indicating marijuana.*

*If the single serving edible product cannot be marked, stamped, made with a mold or otherwise imprinted indicating marijuana then each single serving edible product must be placed in an individual opaque wrapping which includes a symbol indicating marijuana. Multiple servings of edible products which are individually wrapped and marked must be placed in a child resistant package.*

*Alternatively, a single serving edible product does not need to be stamped if each single serving edible product is contained within a child resistant package.*

*We recommend the state adopt the same symbol indicating marijuana as used in Colorado.*

***Local Government Defer to State***

*We also recommend the Department adopt a regulation that requires local governments and political subdivisions to follow the regulations for edibles and packaging adopted by the state.*

***Duplication of Packaging Requirements***

*We recommend that edible products or marijuana infused products must be placed in a child resistant container when sold to a consumer. In order to eliminate duplicative packaging requirements, we would recommend the following:*

*A retail dispensary must ensure that all marijuana is placed within a child resistant package or container prior to the sale to a consumer. If the package or container containing the marijuana, edible marijuana or marijuana infused products is not already placed inside a child resistant package then the dispensary must place the marijuana, edible marijuana or marijuana infused products into an exit package that is child resistant.*

1. Additional information (cost of implementation, priority according to the recommendations, etc.).

*None*

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