

CHAPTER 453D – ADULT USE OF MARIJUANA

Production Forms, Packaging and Labeling of Marijuana and Marijuana Products

Sec. () Production Forms: Generally. (NRS 453D.())

1. *Not produce marijuana products in any form that:*

(a) *Is or appears to be a lollipop or ice cream;*

(b) *Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering;*

(c) *Is modeled after a brand of products primarily consumed by or marketed to children.*

(d) *Is made by applying concentrated marijuana to a commercially available candy or snack food item other than dried fruit, nuts or granola*

Sec. () Packaging: Generally. (NRS 453D.())

All marijuana and marijuana products, must be

1. *Clearly and unambiguously packaged as marijuana with the words “THIS IS A MARIJUANA PRODUCT” in bold type that clearly identifies that the product contains marijuana;*

2. *Packaged in a manner which is not modeled after a brand of products primarily consumed by or marketed to children.*

3. *When sold at a retail marijuana store, 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, and maintains its child-resistant effectiveness for multiple openings prior to leaving the retail marijuana establishment in the hands of the consumer.*

4. *Except as otherwise provided in subsection 3, marijuana products in solid or liquid form must be packaged in plastic which is 4 mils or more in thickness. Any container or packaging containing usable marijuana and/or marijuana products must protect the contents from contamination and must not impart any toxic or deleterious substance to the usable marijuana or marijuana product.*
5. *Marijuana products in liquid form shall be sealed using a metal crown cork-style bottle cap. The container shall clearly demark each serving of marijuana in a way that enables a reasonable person to intuitively determine how much of the product constitutes a single serving of active THC.*
 - (a) *The portion of the container that clearly demarks each serving of marijuana need not be opaque; or*
 - (b) *The container shall include a device that allows a reasonable person to intuitively measure and serve a single serving of active THC.*
6. *Seal any edible marijuana products, including cookies or brownies, in a bag or other container which is not transparent;*
7. *Opaque packaging is required for edible products. If reasonable without breaking apart the edible product, each single serving edible shall be individually wrapped. The multiple serving edible products must be placed in a child resistant package as set forth in subsection 1.*
8. *If the package or container containing the usable marijuana or marijuana products is not already placed inside a child resistant package then the marijuana retail store must place the marijuana and/or marijuana products into an exit package that is child resistant.*

Sec. () Labeling: Generally. (NRS 453D.())

Each marijuana cultivation facility, marijuana product manufacturing facility and retail marijuana store shall, in consultation with the Department, cooperate to ensure that all marijuana and marijuana products offered for sale:

- 1. Are clearly labeled as marijuana with the words “THIS IS MARIJUANA PRODUCT” in bold type that identifies that the product contains marijuana unless already included on the packaging.*
- 2. Use for labeling all marijuana and marijuana products the standard label described in NAC 453D.() to 453D.(), inclusive, and section () of this regulation.*
- 3. Exercise strict control over labeling materials issued for use in labeling operations for marijuana and marijuana products;*
- 4. Carefully examine labeling materials issued for a batch for identity and conformity to the labeling specified in the applicable production or control records; and*
- 5. Have and follow written procedures describing in sufficient detail the control procedures employed for the issuance of labeling.*

Sec. () Labeling as “organic.” (NRS 453D.())

A marijuana cultivation facility or marijuana product manufacturing facility shall not label usable marijuana and marijuana products as “organic” unless the marijuana plants and all ingredients 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.

Sec. () Maximum unit size; minimum requirements for font and size of label. (NRS 453D.())

1. *Any marijuana establishment that packages marijuana and marijuana products must individually package, label and seal the marijuana or marijuana products in unit sizes such that no single unit contains more than an one ounce of usable marijuana;*
2. *An edible marijuana product labeled in a manner which indicates the number of servings of THC in the product, measured in servings of a maximum of 10 milligrams per serving and its potency was tested with an allowable variance of plus or minus 15%.*
3. *An edible marijuana product must be sold in a single package. A single package must not contain more than 100 milligrams of THC, and includes a statement that the product contains marijuana and its potency was tested with an allowable variance of plus or minus 15%.*
4. *For marijuana and marijuana products that are intended to be sold to a consumer the text used on all labeling must be printed in at least 8-point font and may not be in italics.*

Sec. () Labeling requirements for marijuana and marijuana products for sale to retail marijuana stores from marijuana cultivation facilities. (NRS 453D.())

1. *A marijuana cultivation facility shall label all marijuana before it sells the marijuana to a retail marijuana store 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 marijuana establishment license number;*
 - (b) *The batch number;*
 - (c) *The lot number;*

- (d) *The final date of harvest;*
 - (e) *The date of final testing;*
 - (f) *The date on which the product was packaged;*
 - (g) *The cannabinoid profile and potency levels and terpenoid profile as determined by the marijuana testing facility, which may include the potential total THC but shall not include any other calculated level of THC;*
 - (h) *If the product is perishable, the expiration date; and*
 - (i) *The quantity of marijuana being sold.*
2. *The label required by subsection 1 for a container or package containing usable marijuana sold by a marijuana cultivation facility must be in substantially the following form:*

SG'S NURSERY
Certificate Number: 123 456 789 001 0001

THIS IS A MARIJUANA PRODUCT

Batch Number:
1234
Lot Number:
1234

Final Harvested date:
01/01/2017

Testing Date: 01/15/2017
Packaged on: 01/17/2017
Best if used by: 3/17/2017

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.

Sec. () Labeling requirements for marijuana and marijuana products for marijuana product manufacturing facilities. (NRS 453D.() A marijuana product manufacturing facility shall:

1. Before it sells the products to a retail marijuana store, if not already included on the packaging, affix a label to each marijuana product intended for human consumption by oral ingestion which includes, without limitation, in a manner which must not mislead consumers, in legible English, the following information:

- (a) The name of the marijuana establishment and its marijuana establishment license number;*
- (b) The production run number;*
- (c) The words “Keep out of reach of children;”*
- (d) The date of production;*
- (e) The date of testing;*
- (f) The date on which the product was packaged;*
- (g) The cannabinoid profile and potency levels and terpenoid profile as determined by the marijuana testing facility, which may include the potential total THC but shall not include any other calculated level of THC;*
- (h) If the product is perishable, the expiration date;*
- (i) The total THC concentration measured in milligrams;*
- (j) Total THC per serving for edibles;*
- (k) A list of all ingredients and all major food allergens as identified in 21 U.S.C. § 343;*
- (l) The net weight of the product; and*

(m) If concentrated marijuana was added to the product or if the product consists solely of concentrated marijuana, a disclosure of the type of extraction process used and any solvent, gas or other chemical used in the extraction process or any other compound added to the concentrated marijuana.

2. *The label required by subsection 1 for a container or package containing concentrated marijuana or marijuana products sold by a marijuana product manufacturing facility must be in substantially the following form:*

DC's Infused Cannabis
License Number: 123 456 789 001 0001
Production Run Number: 1234

THIS IS A MARIJUANA PRODUCT

Keep out of reach of children

Produced on: 01/01/2017
Final Testing Date: 01/15/2017
Packaged on: 01/17/2017
Best if used by: 3/17/2017
Cannabinoid profile:
Terpenoid profile:

Total THC concentration:
THC concentration per serving:
This product contains concentrated cannabis produced
with butane.

Ingredients: Wheat, Sugar, Milk Chocolate
Allergy Warning: Peanuts, Tree Nuts, Eggs, Wheat,
Soy
Net weight: 100mg

Sec. () Labeling requirements for usable marijuana sold at retail. (NRS 453D.())

1. *A retail marijuana store must affix or include with 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 marijuana establishment license number of the marijuana cultivation facility that cultivated and sold the usable marijuana.*
 - (b) *The batch number;*
 - (c) *The lot number.*
 - (d) *The date and quantity sold, including the net weight measured in ounces and grams or by volume, as appropriate. €*
 - (e) *The name and address of the retail marijuana store.*
 - (f) *The cannabinoid profile and potency levels and terpenoid profile as determined by the marijuana testing facility, which may include the potential total THC but shall not include any other calculated level of THC.*
 - (g) *A warning that states: “This product may have intoxicating effects and may be habit forming.”*
 - (h) *The statement: “This product may be unlawful outside of the State of Nevada.”*
 - (i) *The final 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:*

JP's Plant Emporium

Lic. #: 123 456 789 001 0001

THIS IS A MARIJUANA PRODUCT

Batch #: 1234

Lot#: 1234

Final harvest: 01/01/2017

by

We Care Retail Marijuana Store
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.

Sec. () Labeling requirements for marijuana products sold at retail. (NRS 453D.())

1. A retail marijuana store must affix or include with each container or package containing marijuana products sold at retail a label which must include, without limitation:

(a) The business or trade name and the marijuana establishment license number of the marijuana product manufacturing facility that extracted and sold the concentrated marijuana or manufactured and sold the product.

(b) The production run number that accounts for all lot numbers of all marijuana used to extract the concentrated marijuana or create the product, as recorded in the inventory control system of the marijuana product manufacturing facility that sold the marijuana product.

- (c) *The name and address of the retail marijuana store.*
- (d) *The date on which the concentrated marijuana was extracted or the product was manufactured.*
- (e) *The date on which the concentrated marijuana or product was packaged.*
- (f) *If the product is perishable, a suggested use-by date.*
- (g) *The cannabinoid profile and terpenoid profile of the product, as determined by the marijuana testing facility that tested the product, which may include the potential total THC but shall not include any other calculated level of THC.*
- (h) *Edible marijuana should be labeled using only the Delta-9-tetrahydrocannabinol milligrams;*
- (i) *THC concentration per serving;*
- (j) *A list of all ingredients and all major food allergens as identified in 21 U.S.C. §§ 343.*
- (k) *The net weight of the concentrated marijuana or marijuana product.*
- (l) *A warning that states: "Caution: When eaten or swallowed, the intoxicating effects of this drug may be delayed by 2 or more hours."*
- (m) *If concentrated marijuana or 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.*
- (n) *A warning that states: "This product may have intoxicating effects and may be habit forming."*
- (o) *A statement that: "This product may be unlawful outside of the State of Nevada."*

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

<p>We Care Retail Marijuana Store 123 Main Street, Carson City, NV 89701</p> <p>THIS IS A MARIJUANA PRODUCT</p> <p>Date Sold : 3/27/2017</p> <p>Cookie</p> <p>Net Weight: 2oz. (56 grams)</p> <p>Produced on: 1/1/2017</p> <p>Final Testing Date: 1/15/2017</p> <p>Packaged on: 1/17/2017</p> <p>Best if used by: 6/3/2017</p> <p>Cannabinoid profile:</p> <p>Terpenoid profile:</p> <p>Total THC concentration:</p> <p>THC concentration per serving:</p> <p>CAUTION: When eaten or swallowed the intoxicating effects of this product can be delayed <u>2 or more</u> hours.</p> <p><u>This product may be unlawful outside the State of Nevada.</u></p> <p>Manufactured at: KC's Kitchen Lic. #: 321654987101 0401</p> <p>Production Run #5463</p> <p>INGREDIENTS: Flour, Butter, Canola Oil, Sugar, Chocolate, Marijuana, Strawberries</p> <p>CONTAINS ALLERGENS: Milk, Wheat</p> <p>Contains marijuana extract processed with butane. Contains concentrated marijuana produced with CO2.</p> <p>WARNING: This product may have intoxicating effects and may be habit forming.</p>
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Sec. () Requirements for marijuana sold at retail; written notification. (NRS 453D.(
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A retail marijuana store:

1. *Must provide with all usable marijuana sold at retail written notification that discloses any pesticides applied to the marijuana plants and growing medium during production and processing;*
2. *Shall include a written notification with each sale of marijuana or marijuana products which advises the purchaser:*
 - (a) *To keep marijuana and marijuana products out of the reach of children;*
 - (b) *That marijuana and marijuana products can cause severe illness in children;*
 - (c) *That allowing children to ingest marijuana or marijuana products, or storing marijuana or marijuana products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;*
 - (d) *Capitalized in bold type:*

**THAT THE INTOXICATING EFFECTS OF MARIJUANA MAY BE DELAYED
BY 2 HOURS OR MORE AND USERS OF MARIJUANA PRODUCTS
SHOULD INITIALLY INGEST A SMALL AMOUNT OF THE PRODUCT
CONTAINING NO MORE THAN 10 MILLIGRAMS OF THC, THEN WAIT
AT LEAST 2 HOURS BEFORE INGESTING ANY ADDITIONAL AMOUNT
OF THE PRODUCT;**

3. *Shall include the following warnings:*

- (a) *“This product may have intoxicating effects and may be habit forming.
Smoking is hazardous to your health;”*
 - (b) *“Ingesting marijuana or marijuana products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;”*
 - (c) *“There may be health risks associated with consumption of this product;”*
 - (d) *“Pregnant women should consult with a physician before ingesting marijuana or marijuana products;”*
 - (e) *“Marijuana or marijuana products can impair concentration, coordination and judgment. Do not operate a vehicle or machinery under the influence of this marijuana or marijuana products;” and*
 - (f) *“Ingestion of any amount of marijuana or marijuana products before driving may result in criminal prosecution for driving under the influence.”*
4. *The text used on all accompanying material must be printed in at least 12-point font and may not be in italics.*

Sec. () Required examinations of packaged and labeled products. (NRS 453D.())

Each marijuana cultivation facility, marijuana product manufacturing facility and retail marijuana store 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.*

Sec. () Stamping or molding of edible marijuana products (NRS 453D.())

By January 1, 2019, single serving edible products must be stamped or molded with a universal symbol developed by the Department indicating marijuana.

- 1. Every single standardized serving (a serving consists of 10 mg of THC) of an edible retail marijuana product must be individually marked, stamped or imprinted with the new universal symbol.*
- 2. When impractical to mark an edible retail marijuana product with the universal symbol, as in the case of bulk goods and powders, these products must be packaged in a single serving, child-resistant container.*
- 3. In an edible retail marijuana product that contains multiple servings, each single standardized serving must be marked, stamped or imprinted with the universal symbol.*

**Advertising, Name, Logo, Sign, Advertisement and Packaging –
Guidelines and Approval Process**

Sec. () Advertising guidelines and campaigns (NRS 453D.())

A marijuana establishment:

1. *Shall not engage in advertising which contains any statement or illustration that:*
 - (a) *Is false or misleading;*
 - (b) *Promotes overconsumption of marijuana or marijuana products;*
 - (c) *Depicts the actual consumption of marijuana or marijuana products; or*
 - (d) *Depicts a child or other person who is less than 21 years of age consuming marijuana or marijuana products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of marijuana or marijuana products by a person who is less than 21 years of age.*
2. *Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age and any sponsorship of youth sports and entertainment events, including advertising on team uniforms.*
3. *Shall not place an advertisement:*
 - (a) *Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;*

(b) On or inside of a motor vehicle used for public transportation or any shelter for public transportation;

(c) At a sports or entertainment event to which persons who are less than 21 years of age are allowed entry;

(d) Where prohibited by ordinance of the locality.

4. Shall not advertise or offer any marijuana or marijuana product as "free" or "donated" without a purchase.

5. Shall ensure that all advertising by the marijuana establishment contains such warnings as may be prescribed by the Department, which must include, without limitation, the following words:

(a) "Keep out of reach of children"; and

(b) "For use only by adults 21 years of age and older."

6. Signage in marijuana retail stores should include activities that are strictly prohibited and punishable by law, including but not limited to the following messages:

(a) "No minors permitted on the premises unless accompanied by a caregiver;"

(b) "No on-site consumption of any marijuana products;"

(c) "Distribution to persons under the age of 21 is prohibited;"

(d) "Possession over 1 ounce is prohibited;"

(e) "Transportation across state lines is prohibited."

Sec. () Approval required before use of name, logo, sign, advertisement and packaging.

(NRS 453D.())

A marijuana establishment shall not use:

1. A name or logo unless the name or logo has been approved by the Department;

2. *Any sign or advertisement unless the sign or advertisement has been approved by the Department; or*
3. *Packaging unless the packaging has been approved by the Department.*

Sec. () Approval process. (NRS 453D.())

Approval is required of the Department of any marijuana establishment name, logo, sign, advertisement or package before it is used by the marijuana establishment. The Department may require up to 30 days for approval.

1. *Marijuana establishment owners with conditional licenses must submit electronic files of proposed names, logos, signs, website, social media, radio and television ads, advertisements or packaging on a form prescribed by the Department to be considered as part of their pre-opening inspection findings, and/or whenever new designs are created.*
2. *The submitted artwork will be reviewed by the Department to evaluate compliance with the advertising guidelines. The Department will supply a form to the establishment indicating its recommendation to approve or deny the proposed artwork.*
3. *If the proposed artwork is not recommended, the reason for the recommended denial of any portion of the submission will be indicated on the form, including feedback and reasons for the decision.*
4. *The Department has final say on approvals and denials for the names, logos, signs, website, social media, radio and television ads, advertisements and packaging. Appeals of the Department's final decision are not permitted.*
5. *The following guidelines will be used to evaluate marijuana establishment names, logos, signs, advertisements and packaging;*

- (a) Are not presented in packaging that contains an image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the marijuana product manufacturing facility which produced the product.*
- (b) Are not packaged in a manner which is modeled after a brand of products primarily consumed by or marketed to children.*
- (c) Does not appear to be a lollipop or ice cream.*
- (d) Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering.*
- (e) Overall design of any submission should be tasteful and respectful. The look should contain no reference to or perception of being high in nature.*
- (f) Typography selections shall include using clean fonts (sans serif), and avoiding script, decorative or gimmicky fonts. It is preferred that a maximum of two fonts and three colors are used in the design.*
- (g) Acceptable words or references include, but are not limited to: green; wellness; compassion; health; patient; therapy; care; garden; nature; marijuana; and cannabis.*
- (h) Designers shall avoid making unfounded claims or promises or using the word “cure.”*
- (i) Designers shall avoid using marijuana slang such as high, bud, pot, weed, grass, joint, doobie, 420.*
- (j) All logos submitted for approval must also be used on business cards, letterhead, and any other types of stationery used by the marijuana establishment, as well as any*

advertisements purchased by the marijuana establishment. Different logos, other than those approved by the Department, will not be permitted.