

**Written Testimony of Gillian Schauer, PhD, MPH on L.D. 2147,
with examples of other state policies on this topic**

Chairman Hickman, Representative Supica and members of the committee,

For the record, my name is Gillian Schauer. I have a PhD and Master of Public Health, and more than a decade of experience working at the intersection of cannabis policy and consumer safety. I am the Executive Director of the Cannabis Regulators Association, a nonpartisan government association that convenes cannabis regulators across 45 states and U.S. territories. We are not an advocacy group, but rather an education-based association. My testimony today is my own and not an official position of the Cannabis Regulators Association or any of our member state governments.

I wanted to testify neither for nor against to share with you some of the public health and regulatory rationale for requiring edibles to be stamped or embossed with a universal symbol and to be available to provide details on other state approaches.

While the outer package containing cannabis is required in almost all states to carry a universal symbol, increasingly, many states, including the state of Maine, allow manufactures to have individually packaged servings within that larger package. These servings can be individually packaged in clear plastic wrapping (like Flowrap). Think about a big bag of Lifesavers that contains individual Lifesavers wrapped in clear plastic.

Embossing or stamping the universal symbol on the actual cannabis edible is less about preventing access by small children – who may not understand the symbol – and more about making sure that older children, teenagers, and even adults who might come across these individual cannabis edible servings understand that they contain THC and are not candy. Let me give you a couple hypothetical scenarios:

- A parent takes some individually wrapped servings of a THC gummy out of the package and throws them into their purse or bag. They forget they are in there. Their eleven-year-old asks for a snack and digs through the bag for something and finds those. Without the symbol, the kid would have no idea the wrapped item wasn't a normal gummy or candy. They wouldn't even think to stop and ask.
- Another scenario – a couple heads out on a date night and leaves some individually wrapped THC chocolates in a bowl on a high counter at their house. The babysitter sees them and thinks they are candy and has some. A universal symbol on the chocolate itself might have prevented that.

These examples illustrate some of the reasons why states have required the universal symbol to be on the product itself. As has been mentioned, a number of other states require something similar in their adult use cannabis markets – including states with large and established markets – like Colorado, Nevada, and Massachusetts. I can share more details about the policies in these states if asked.

In an era where many cannabis products contain multiple, individually packaged servings that can be separated from the original packaging that denotes the product is cannabis, having the universal symbol on the product itself can be important communication for older children and adults alike. Thank you for hearing my testimony.

EXAMPLES (NOT EXHAUSTIVE) OF OTHER STATE POLICIES RELATED TO STAMPING OR EMBOSSING A UNIVERSAL SYMBOL ON EDIBLE CANNABIS PRODUCTS

COLORADO: <https://sbg.colorado.gov/sites/sbg/files/documents/231109%20FINAL%20RULE%20REVISIONS.pdf>

– As revised as of 1/8/2024

[Excerpted section] → Pages 58-61, §1 CCR 212-3, 3-335 part D.

Basis and Purpose – 3-335

The statutory authority for this rule includes but is not limited to sections 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(2)(g), 44-10-203(2)(h), 44-10-203(2)(i), 44-10-203(2)(y), 44-10-203(3)(b), 44-10-203(3)(c), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-203(3)(g), and 44-10-1001, C.R.S. The State Licensing Authority has determined the manufacturing of Medical or Retail Marijuana Infused Products involves the application of processes and procedures, materials, chemicals, and additives, which, if improperly applied, may cause harm to employees and consumers. Therefore, the purpose of this Rule is to clarify the minimum and specific health and safety requirements imposed on a Medical or Retail Marijuana Products Manufacturing Facility. This Rule clarifies which Edible Medical or Retail Marijuana Products, due to their specific composition, are *per se* practicable to mark with the Universal Symbol but exempts certain Liquid Products from the Universal Symbol requirements. Additionally, the Rule imposes manufacturing and production requirements (e.g. prohibiting products from being shaped like fruit or humans), identifies the standard THC portion, prohibits licensees from using commercial food products to remanufacture Medical or Retail Marijuana Products, and prohibits the use of toxic additives.

CODE OF COLORADO REGULATIONS
Marijuana Enforcement Division

1 CCR 212-3

D. Product Safety.

1. A Regulated Marijuana Products Manufacturer that manufactures Edible Regulated Marijuana Product shall create and maintain standard production procedures and detailed manufacturing processes for each Edible Medical Marijuana Product or Edible Retail Marijuana Product it manufactures. These procedures and processes must be documented and made available on the Licensed Premises for inspection by the Division, the Colorado Department of Public Health & Environment, and local licensing authorities.
2. Universal Symbol Marking Requirements.
 - a. The following categories of Edible Medical Marijuana Products and Edible Retail Marijuana Products are considered to be *per se* practicable to mark, and shall be marked, stamped, or otherwise imprinted with the Universal Symbol directly on the Regulated Marijuana Product:
 - i. Chocolate;
 - ii. Soft confections;
 - iii. Hard confections or lozenges;
 - iv. Consolidated baked goods (e.g. cookie, brownie, cupcake, granola bar);
 - v. Pressed pills and capsules.
 - b. The Universal Symbol marking shall:
 - i. Be marked, stamped, or otherwise imprinted in its entirety on at least one side of the Edible Medical Marijuana Product or Edible Retail Marijuana Product. The shape of the product shall not be included or take place of any part of the Universal Symbol;
 - ii. Be centered either horizontally or vertically on the Edible Medical Marijuana Product or Edible Retail Marijuana Product;
 - iii. If centered horizontally on the Edible Medical Marijuana Product or Edible Retail Marijuana Product, the height and width of the Universal Symbol shall be of a size that is at least 25% of the product's height, but not less than ¼ inch by ¼ inch.
 - iv. If centered vertically on the Edible Medical Marijuana Product or Edible Retail Marijuana Product, the height and width of the Universal Symbol shall be of a size that is at least 25% of the product's height, but not less than ¼ inch by ¼ inch.
 - c. The following categories of Edible Medical Marijuana Product and Edible Retail Marijuana Product are considered to be *per se* impracticable to mark with the Universal Symbol marking requirements, provided that they comply with labeling and Container requirements of 3-1000 Series Rules.
 - i. Loose bulk goods (e.g. granola, cereals, popcorn);
 - ii. Powders;

- iii. Liquid Edible Medical Marijuana Products;
- iv. Liquid Edible Retail Marijuana Products.
- d. Soft confections such as caramel, taffy, and soft chew Edible Medical Marijuana Products and Edible Retail Marijuana Products that are not able to hold its original shape after production may be printed with the Universal Symbol on the Regulated Marijuana Product's wrapper to satisfy Rule 3-335(D)(2)(a) so long as:
 - i. The wrapper is opaque;
 - ii. Each serving of Edible Medical Marijuana Product or Edible Retail Marijuana Product is individually wrapped and placed in a Child Resistant Container pursuant to Rule 3-1005(C)(1); and
 - iii. The Universal Symbol is fully visible in its entirety and complies with measurement requirements pursuant to this Rule 3-335(D)(2)(b).

NEVADA: https://ccb.nv.gov/wp-content/uploads/2021/05/Reg-12_rev2.pdf

[Excerpted section] → Page 3, section 12.020

12.020 Stamp or mold required for edible cannabis products; exception.

1. Except as otherwise provided in subsection 3, each single-serving edible cannabis product and each individual serving containing not more than 10 milligrams of THC of a multiple-serving edible cannabis product must be stamped or molded with a symbol approved by the Board to indicate that the product contains cannabis.
2. An edible cannabis product that is impractical to stamp or mold with a symbol, including, without limitation, bulk goods or powders, each individual serving must be individually wrapped with the warning symbol on the wrapper exemption from stamping or molding product must be requested on a form prescribed by the Board.
3. An edible cannabis product in liquid form which is packaged as required by NCCR 12.015 need not be stamped or molded as described in this section.

MASSACHUETTS: https://ccb.nv.gov/wp-content/uploads/2021/05/Reg-12_rev2.pdf

[Excerpted section] → Page 77 in §935 CMR 500.105

- MARKETED TO MINORS.
- (c) **Packaging of Multiple Servings.**
1. Packaging for Marijuana Products sold or displayed for Consumers in multiple servings shall include the following statement on the exterior of the package in a printed font that is no smaller than ten-point Times New Roman, Helvetica or Arial, including capitalization: "INCLUDES MULTIPLE SERVINGS".
 2. Packaging for Marijuana Products in solid form sold or displayed for Consumers in multiple servings shall allow a Consumer to easily perform the division into single servings.
 - a. Edibles in a solid form shall be easily and permanently scored to identify individual servings.
 - b. Notwithstanding 935 CMR 500.105(6)(c)2.a., where a product is unable, because of its form, to be easily and permanently scored to identify individual servings, the product shall be packaged in a single serving size. The determination of whether a product can be easily and permanently scored shall be decided by the Commission consistent with sub-regulatory guidelines established by the Commission and provided to Licensees.
 - c. Packaging for Marijuana Product Beverages shall be packages solely in a single serving size. Multiple-serving Beverages are strictly prohibited for sale.
 - (d) Each single serving of an Edibles contained in a multiple-serving package shall be marked, stamped or otherwise imprinted with the symbol issued by the Commission under 935 CMR 500.105(5) that indicates that the single serving is a Marijuana Product.
 - (e) Serving size shall be determined by the processor, but in no instance shall an individual serving size of any Marijuana Product contain more than five milligrams of delta-nine-tetrahydrocannabinol (Δ 9-THC) subject to the testing variance specified in 935 CMR 500.160(12).
 - (f) CMOs shall comply with the packaging requirements in 935 CMR 500.105(6) for adult use sales or 935 CMR 501.105(6) for medical use sales.

[Excerpted section] → Page 128 in §935 CMR 500.150

- (3) **Additional Labeling and Packaging Requirements for Edibles.**
- (a) In addition to the requirements set forth in M.G.L. c. 94G, § 4(a½)(xxiv) and (xxvi), and 935 CMR 500.105(5) and (6), every Marijuana Retailer shall ensure that the following information or statement is Affixed to every container holding an Edible:
1. If the retail Edible is perishable or time and temperature controlled, a statement that the Edible shall be refrigerated.
 2. The date on which the Edible was produced.
 3. A nutritional fact panel that shall be based on the number of THC servings within the container.
 4. Information regarding the size of each serving for the product by milligrams, the total number of servings of Marijuana in the product, and the total amount of active THC in the product by milligrams (mg). For example: "The serving size of active THC in this product is X mg, this product contains Y servings of Marijuana, and the total amount of active THC in this product is (X*Y) mg."
 5. A warning that the impairment effects of Edibles may be delayed by two hours or more.
- (b) Once a label with a use-by date has been Affixed to a container holding an Edible, a Licensee may not alter that date or affix a new label with a later use-by date.
- (c) Each serving of an Edible within a multi-serving package of Edibles shall be easily separable in order to allow an average person 21 years of age or older to physically separate, with minimal effort, individual servings of the product.
- (d) Each single serving of an Edible contained in a multi-serving package of Edibles shall be marked, stamped, or otherwise imprinted with the symbol or easily recognizable mark issued by the Commission that indicates the package contains Marijuana consistent with 935 CMR 500.105(5)(b)15. Alternatively, a Licensee may ensure that each single serving of an Edible is individually wrapped and shall mark, stamp, or otherwise imprint each individual wrapper with the symbol or easily recognizable mark issued by the Commission that indicates the serving contains Marijuana consistent with 935 CMR 500.105(5)(b)15.
- (e) Each single serving of an Edible contained in a packaged unit of multiple Edible may be marked, stamped, or otherwise imprinted with a symbol or easily recognizable mark issued by the Commission that indicates the package contains Marijuana.

RHODE ISLAND: <https://rules.sos.ri.gov/regulations/part/230-80-05-1>

[Excerpted section] → Active Rule: 230-RICR-80-05-1.5.4

1.5.4 Imprinting of the Universal Symbol

- A. As directed by DBR, unless deemed impracticable by DBR, each single standardized serving unit of a medical marijuana infused product shall be marked, stamped or otherwise imprinted with a DBR-selected universal symbol directly on at least one side of the medical marijuana infused product in a manner to cause the universal symbol to be distinguishable and easily recognizable. The universal symbol marking shall:
1. Be centered either horizontally or vertically on each standardized serving of marijuana; and
 2. If only imprinted on one-side, the imprinted side must be the front or most predominantly displayed area of medical marijuana infused product; and
 3. If centered horizontally on a serving, the height and width of the universal symbol shall be of a size that is at least 25% of the serving's width, but not less than ¼ inch by ¼ inch; or
 4. If centered vertically on a serving, the height and width of the universal symbol shall be of a size that is at least twenty-five percent (25%) of the serving's height, but not less than ¼ inch by ¼ inch.
- B. Unless determined by DBR to be impractical, the following categories of marijuana infused product are considered to be per se practicable to mark with the universal symbol:
1. Chocolate;
 2. Soft confections;
 3. Hard confections or lozenges;
 4. Consolidated baked goods (e.g. cookie, brownie, cupcake, granola bar); and
 5. Pressed pills and capsules.