

§2429-A. Packaging and labeling requirements

1. Packaging requirements. As applicable based on the form of the item sold, harvested cannabis sold in a retail transaction under this chapter must be:

- A. Prepackaged in child-resistant and tamper-evident packaging or placed in child-resistant and tamper-evident packaging with a signifier that the package contains harvested cannabis at the final point of sale to a qualifying patient; [PL 2017, c. 452, §18 (NEW); PL 2021, c. 669, §5 (REV).]
- B. Prepackaged in opaque packaging or an opaque container or placed in opaque packaging or an opaque container with a signifier that the package contains harvested cannabis at the final point of sale to a qualifying patient; [PL 2017, c. 452, §18 (NEW); PL 2021, c. 669, §5 (REV).]
- C. Packaged in a container with an integral measurement component and child-resistant cap if the cannabis product is a multiserving liquid; and [PL 2017, c. 452, §18 (NEW); PL 2021, c. 669, §5 (REV).]
- D. In conformity with all other applicable requirements and restrictions imposed by rule by the department. [PL 2017, c. 452, §18 (NEW).]

Any package required under this subsection that contains edible cannabis products must include a signifier that the package contains harvested cannabis.

[PL 2017, c. 452, §18 (NEW); PL 2021, c. 669, §5 (REV).]

2. Packaging prohibitions. Harvested cannabis sold in a retail transaction under this chapter may not be:

- A. Labeled or packaged in violation of a federal trademark law or regulation or in a manner that would cause a reasonable consumer confusion as to whether the harvested cannabis was a trademarked product; [PL 2017, c. 452, §18 (NEW); PL 2021, c. 669, §5 (REV).]
- B. Labeled or packaged in a manner that is specifically designed to appeal particularly to a person under 21 years of age; [PL 2017, c. 452, §18 (NEW).]
- C. Labeled or packaged in a manner that obscures identifying information on the label or uses a false or deceptive label; [PL 2017, c. 452, §18 (NEW).]
- D. Sold or offered for sale using a label or packaging that depicts a human, animal or fruit; or [PL 2017, c. 452, §18 (NEW).]
- E. Labeled or packaged in violation of any other labeling or packaging requirement or restriction imposed by rule by the department. [PL 2017, c. 452, §18 (NEW).]

[PL 2017, c. 452, §18 (NEW); PL 2021, c. 669, §5 (REV).]

3. Labels. If a registered caregiver, dispensary or manufacturing facility affixes a label on the packaging of any harvested cannabis provided to a qualifying patient and that label includes information about contaminants, the cannabinoid profile or potency of the harvested cannabis, the label must be verified by a cannabis testing facility. This subsection does not apply if there is no cannabis testing facility operating in accordance with section 2423-A, subsection 10.

[PL 2017, c. 452, §18 (NEW); PL 2021, c. 669, §5 (REV).]

4. Educational materials. A person that provides harvested cannabis to a qualifying patient shall make educational materials about the use of harvested cannabis available in printed or electronic form to the qualifying patient at the time of the transaction. The department shall develop the minimum content of the educational materials provided under this subsection and make that content available publicly.

[PL 2021, c. 662, §32 (AMD); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 452, §18 (NEW). PL 2019, c. 331, §28 (AMD). PL 2021, c. 662, §32 (AMD). PL 2021, c. 669, §5 (REV).

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