

SB 62

Regulation of Marijuana Businesses

Senate State Affairs Committee

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Senate Judiciary Committee

Prepared by the offices of Senator McGuire and Senator Coghill

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Regulatory Aspects of SB 62

- Marketing and Advertising
 - Packaging of Product
 - Labeling
 - Serving Size and Packaging of Edible Marijuana
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- SB 62
 - Recommendations from the Alaska State Medical Association
 - Recommendations from the Colorado Task Force Report on Implementation of Amendment 64

Marketing and Advertising of Marijuana, Marijuana Products, and Marijuana Accessories



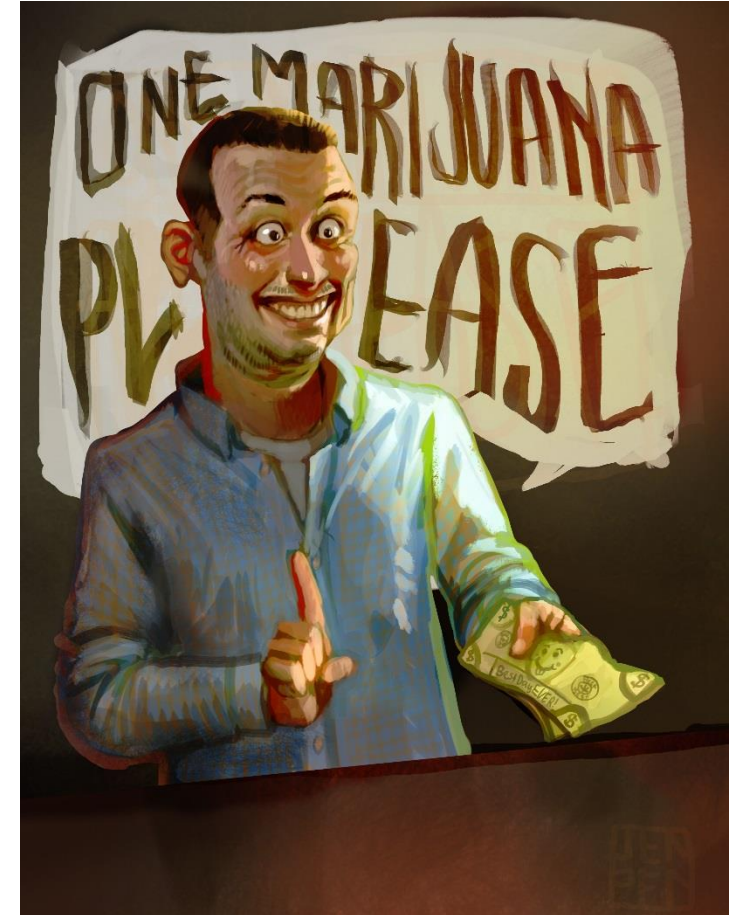
Marketing and Advertising of Marijuana, Marijuana Products, and Marijuana Accessories

- SB 62: Sec 3 17.38.075 (Page 2, Lines 4-6)
 - may not advertise or market in a manner enticing to minors.
- Alaska State Medical Association recommendation:
 - Ensure that products are not advertised directly, or indirectly, to those under the age of 21.
 - This should include: in-store advertising, publically visible advertising, web-based ads, or online ads
- Awaiting a legal opinion on how far the legislature can restrict advertising.



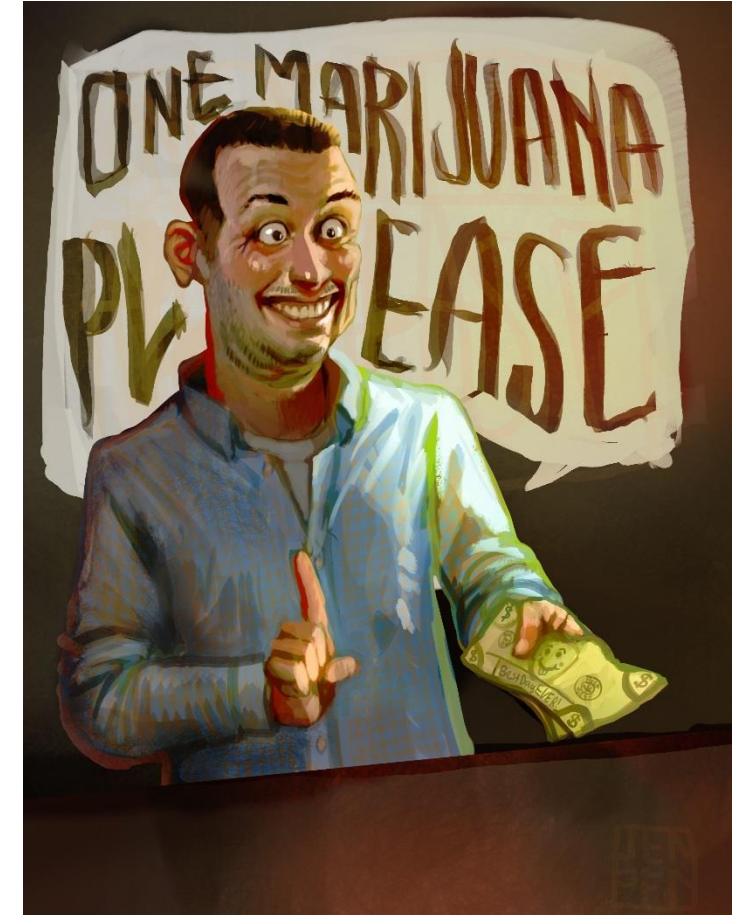
Marketing and Advertising of Marijuana, Marijuana Products, and Marijuana Accessories

- From the Colorado Task Force Report on the Implementation of Amendment 64
- Legislation should provide certain guidelines on the state level, and also allow for further limitations at the local level



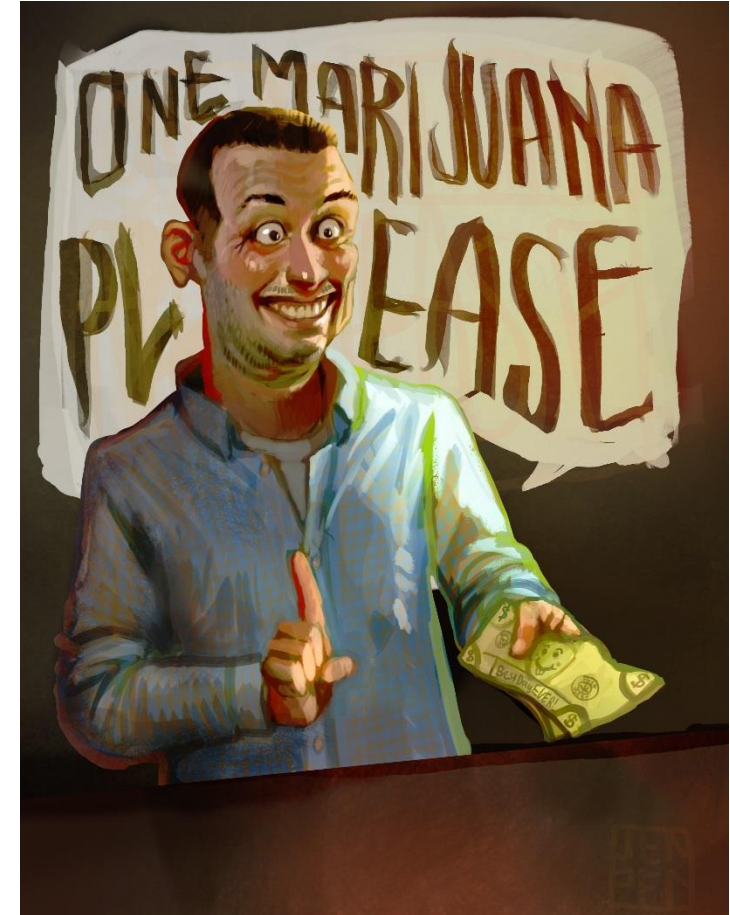
Marketing and Advertising of Marijuana, Marijuana Products, and Marijuana Accessories

- From the Colorado Task Force Report on the Implementation of Amendment 64
- Prohibit mass marketing campaigns that have a high likelihood of reaching minors (television, radio, direct mail etc). Advertising in adult-oriented newspapers would be allowed
- Prohibit health or physical benefit claims in advertising, merchandising, and packaging
- Allow opt-in marketing programs such as email clubs (as long as there is an opt-out feature)



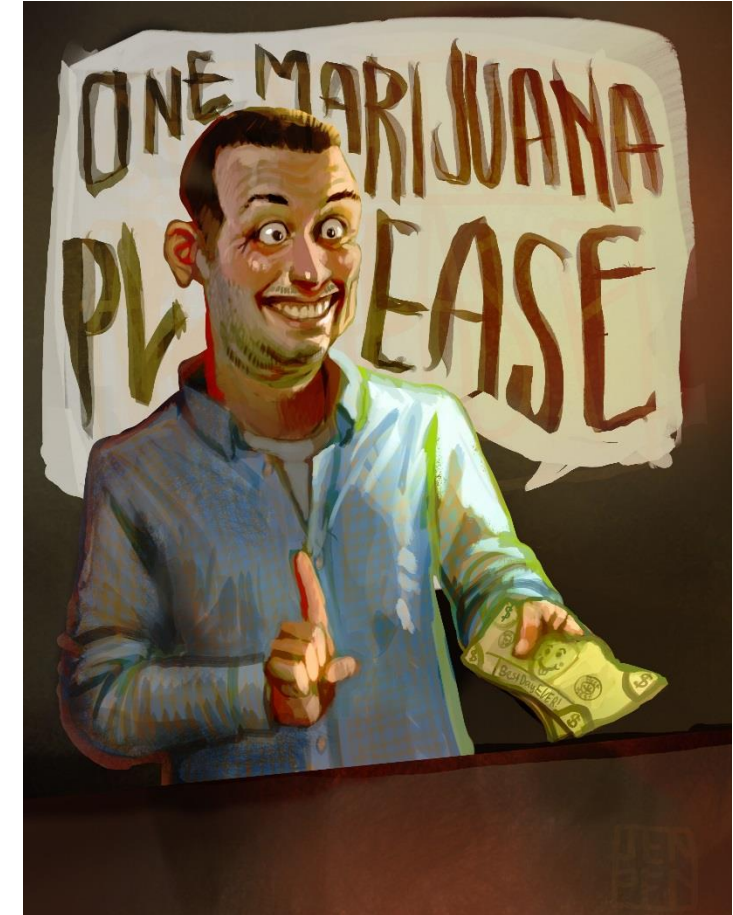
Marketing and Advertising of Marijuana, Marijuana Products, and Marijuana Accessories

- From the Colorado Task Force Report on the Implementation of Amendment 64
- Allow only marijuana products and marijuana-related accessories to be offered in retail marijuana stores.
 - Prohibit the sale of traditional (non-marijuana) food, beverage, personal care items (lotions, limb balms) so there is no confusion that all products sold in a marijuana establishment do include marijuana.



Marketing and Advertising of Marijuana, Marijuana Products, and Marijuana Accessories

- From the Colorado Task Force Report on the Implementation of Amendment 64
- Allow opt-in marketing on the web and location-based devices (mobile) as long as there is an easy and permanent opt-out feature.
- No unsolicited pop-up advertising is allowed.
- Banner ads would only be allowed on adult-oriented sites (not Facebook)
- Marijuana retailers will be allowed to host their own websites.



Packaging Requirements for Marijuana and Marijuana Products



Packaging Requirements for Marijuana and Marijuana Products

- SB 62 17.38.090 (Page 3, Lines 12-17)
 - Board shall adopt regulations regarding the packaging and labeling of marijuana in retail stores.
 - May only exit retail establishments in a child-proof container
- Alaska State Medical Association recommendation:
 - Set guidelines to ensure that marijuana products not be packaged or marketed to entice or attract children.
 - Should be prohibited from packaging that appears like a familiar marijuana-free or child-safe product



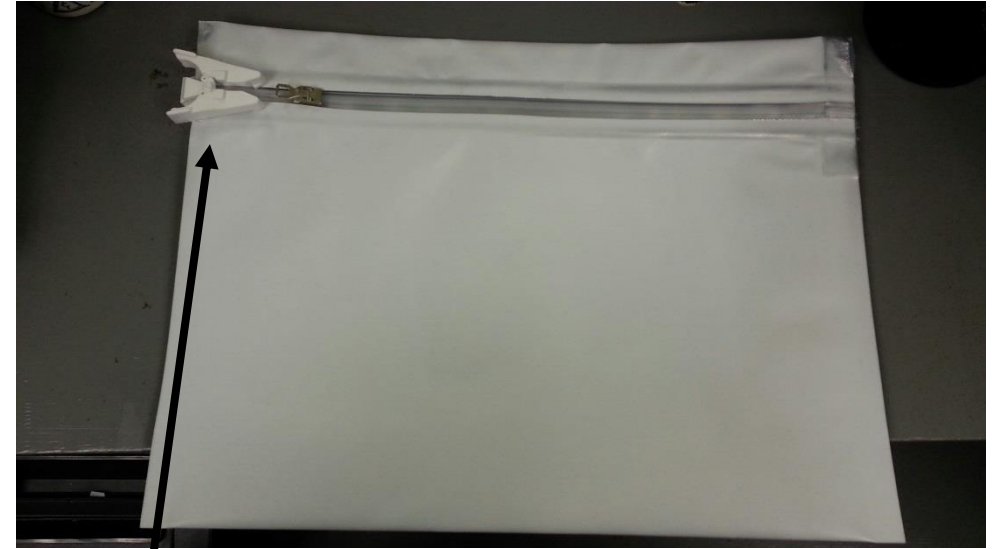
Packaging Requirements for Marijuana and Marijuana Products

- From the Colorado Task Force Report on the Implementation of Amendment 64
- Recommended that 1 of 3 should take place:
 - 1) packaged by the manufacturer in a packaging that meets the Standards (set by the Board)
 - 2) packaged by the operator of the retail establishment prior to the point-of-sale in a package or container that meets the Standards
 - 3) placed in an “exit package/container” that meets the Standards, with compliance and burden placed on the retail establishment



Packaging Requirements for Marijuana and Marijuana Products

- “Exit packages/Containers”
i.e.—“exit bags”
- SB 62 Sec 5 17.38.090 (c) (1)
 - Attempted to delineate “exit bags”
 - Result: confusing language

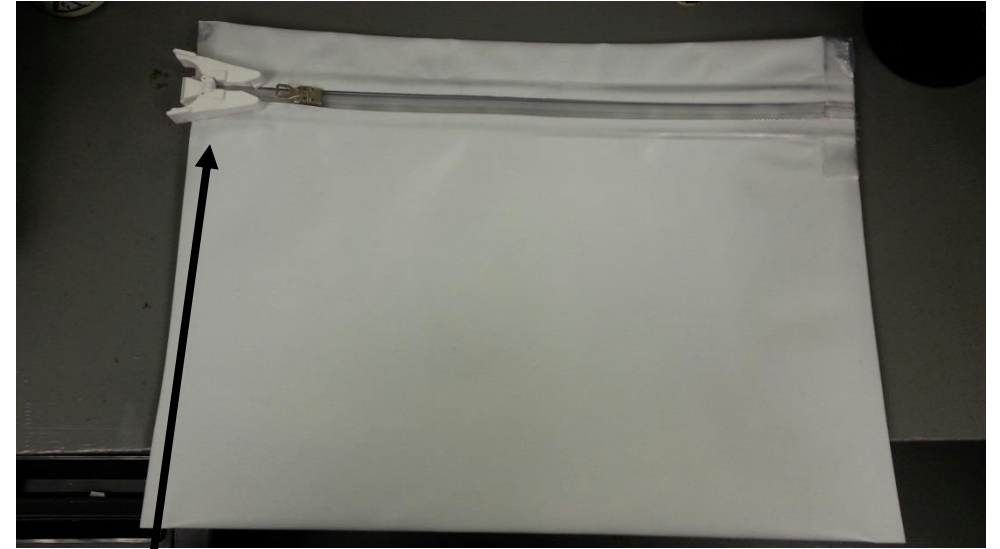


Child resistant



Packaging Requirements for Marijuana and Marijuana Products

- “Exit packages/Containers” i.e.—“exit bags”
- Recommendation:
- all products purchased from retail marijuana establishment may only exit the premises when contained within one or more state approved “exit bags”
- Definition of exit bag: “child resistant packaging that meets all of the requirements of the definition of child-resistant ASTM standards”
- If the package is intended for more than a single use, it must be re-closeable and once reclosed must meet the ASTM standard for ‘child resistant’
- This should not apply to products already packaged by the manufacturer in a sealed, non-transparent, or opaque package, container or other receptacle that meets the Standards
- The board shall require that all exit packaging be opaque so that the product cannot be seen from the outside.



Child resistant



Labeling of Marijuana, Marijuana Products, and Marijuana Accessories



* The intoxicating effects of this product may be delayed by two or more hours.
Learn more at DixieElixirs.com

Ingredients:

Powdered sugar, corn syrup (light corn syrup, high fructose corn syrup), skim milk powder, semisweet chocolate [(chocolate liquor, sugar, cocoa butter), soy lecithin, pure vanilla, vanillin], butter, cocoa (processed with potassium carbonate,) vanilla extract (alcohol, sugar), salt, THC (Tetrahydrocannabinol) CO2 oil

The standardized serving size for this product is 10 milligrams of active THC. This container includes 10 servings.

Nutrition Facts

Serving Size: 0.125 oz (4 grams)
Servings Per Container: 10

Amount Per Serving

Calories: 15 Calories from Fat: 0

% Daily Value*

Total Fat 0g 0%

Saturated Fat 0g 0%

Trans Fat 0g

Cholesterol 0mg 0%

Sodium 5mg 0%

Total Carbohydrate 3g 1%

Dietary Fiber 0g 0%

Sugars 2g

Protein 0g

Vitamin A 0% Vitamin C 0%

Calcium 0% Iron 0%

*Percent Daily Values are based on a 2,000 calorie diet.

This item is perishable. Keep refrigerated. Please recycle.

Warning: There may be health risks associated with the consumption of this product. This product is unlawful outside the State of Colorado. This product is infused with marijuana. This product was produced without regulatory oversight for health, safety or efficacy. There may be additional health risks associated with the consumption of this product for women who are pregnant, breastfeeding, or planning on becoming pregnant. Do not drive a motor vehicle or operate heavy machinery while using marijuana. This product was tested for molds, mildews, fungi, microbes, herbicides, pesticides, fungicides and harmful chemicals. KEEP OUT OF REACH OF CHILDREN. This package is child

Labeling of Marijuana, Marijuana Products, and Marijuana Accessories

- SB 62 17.38.090(c)(2)

(Page 3, Lines 18-20)

- The container or package must be clearly labeled with the contents of the container or package
- A label may not be marked in a manner or include pictures or other representations that might be enticing to minors
- Must be labeled for potency and certification of safety



Labeling Requirements for Marijuana and Marijuana Products

- Alaska State Medical Association recommendation:
 - The legislature should establish guidelines for labeling requirements to include:
 - 1) THC content
 - 2) Number of servings contained in a product
 - 3) Warning that the product contains marijuana and at what potency
 - 4) Same requirements for tobacco regarding usage while pregnant



Labeling Requirements for Marijuana and Marijuana Products

- From the Colorado Task Force Report on the Implementation of Amendment 64
- All products be labeled to indicate:
 - Total THC content as % by weight; or
 - Total mg does for activated THC or TOTAL THC
- Labeling of all products shall include a list of all pesticides, herbicides, fungicides, and solvents that were used in cultivation or processing.
- SB 62 references “certification of safety” shall be done by a registered/licensed testing facility certified by DEC.
 - 17.38.240 (Page 9, Lines 7-12)



Serving Size and Packaging of Edible Marijuana Products



Serving Size and Packaging of Edible Marijuana Products

- SB 62 17.38.090 (C)(d) (Page 3, Lines 23-26)
- Individual doses of edible marijuana contain no more than 10 milligrams of THC
- Each dose wrapped individually
- Board shall allow for retail sales of edible marijuana packages that contain multiple doses



Serving Size and Packaging of Edible Marijuana Products

- Alaska State Medical Association recommendations
- Require that food or edible marijuana products be stamped or shaped in a distinct, easily recognizable way, both inside and outside of the packaging
- Labeled for
 - THC content
 - Number of servings contained in a product
 - Warning that the product contains marijuana



Serving Size and Packaging of Edible Marijuana Products

- From the Colorado Task Force Report on the Implementation of Amendment 64
- The Department shall create regulations on appropriate limitations on the total THC content that can be contained in a single package
- A “serving” or “dose” of edible marijuana product shall have no more than 10mg of THC
- The product labels shall clearly provide the total number of servings in any single package and identify the “serving size” for items packaged together



Serving Size and Packaging of Edible Marijuana Products

- From the Colorado Task Force Report on the Implementation of Amendment 64
- Create labeling guidelines concerning the total content of active THC per package.
- These regulations should only apply to non-medical food-type products that are infused with activated THC that are also packaged in smaller serving sizes and therefore have a reasonable possibility of being over-consumed accidentally.



Questions?