

January 8, 2014

INDUSTRY-WIDE BULLETIN: 14-10

RE: RETAIL MARIJUANA PRODUCT MANUFACTURING, PACKAGING, AND LABELING COMPLIANCE GUIDANCE

Dear Retail Marijuana Establishment Licensee:

Please review all of the information contained within this Industry-Wide Bulletin and ensure that your business is compliant with all laws and rules. This Industry-Wide Bulletin is intended to provide licensees with general guidance about certain rules and upcoming changes, and does not replace each licensee's responsibility to read and comply with all applicable laws and rules. A complete set of the medical rules and the retail rules can be found under the "Regulations" section on the Division website at: <https://www.colorado.gov/pacific/enforcement/laws-constitution-statutes-and-regulations-marijuana-enforcement>

Pursuant to MED rules R 604, R 1004/1004.5, and R 1006/1006.5 that became permanently effective on October 30, 2014, Retail Marijuana Product Manufacturing Facilities and Retail Marijuana Stores must be in compliance with the new product and packaging/labeling requirements starting February 1, 2015.

Rule R 604 applies to any manufacturer of Edible Retail Marijuana Products, and has specific requirements for each Edible Retail Marijuana Product it manufactures. Rule R 1004.5 contains specific packaging/labeling requirements for manufacturers of Retail Marijuana Products. Rule R 1006.5 contains specific packaging/labeling requirements for Retail Marijuana Stores, including a provision that stores shall not purchase, take possession of, or sell Edible Retail Marijuana Product that does not comply with rule R 1004.5 starting February 1.

Included with this Industry Bulletin are a number of documents that provide general information for compliance with the new edible product requirements, as well as the new packaging/labeling requirements for both manufacturers and stores. A list of the documents is included below:

1. Diagram of a manufacturer's packaging/labeling requirements for Edible Retail Marijuana Products
2. Diagram of a store's packaging/labeling requirements
3. Checklist of a manufacturer's labeling requirements for Edible Retail Marijuana Products
4. Checklist of a manufacturer's labeling requirements for non-edible Retail Marijuana Products
5. Checklist of a store's labeling requirements for Retail Marijuana Products

Please be aware that the information contained in these documents is not advice, and should not be treated as such. You must not rely on the information in these documents as an alternative to legal advice from your attorney or other professional legal services provider. If you have any specific questions about any legal matter you should consult your attorney or other professional legal services provider. Nothing in these documents or this legal disclaimer replaces a licensee's responsibility to read, understand, and maintain full compliance with all relevant rules and laws.

Thank you,



Lewis Koski

Director

Marijuana Enforcement Division

Manufacturer: Edible Retail Marijuana Product Packaging and Labeling Requirements

Single-Serving Edible Retail Marijuana Product

- Single unit for sale
- Containing 10mg or less active THC
- Ex. One, 10mg or less cookie, truffle, or gummie, etc.
- Ex. Two, 5mg cookies, truffles, or gummies, etc.
- Ex. Pouch of granola, popcorn, etc.

Packaging

- General Requirements of rule R 1001
- Child-Resistant for one opening
- Opaque

Labeling

- General Requirements of rule R 1001
- Specific Labels per rule R 1004.5 must be affixed to the compliant packaging
- See Manufacturer Labeling Requirements Spreadsheet

Bundled Single-Serving Edible Retail Marijuana Products

- More than one, packaging- and labeling-compliant Single-Serving Edible Retail Marijuana Product (SSERMP), placed in external packaging, as the unit for sale to the consumer
- Total amount of active THC in unit for sale cannot exceed 100mg
- Ex. Blister pack of 10mg or less pills, lozenges, gummies, etc. where each blister is Child-Resistant
- Ex. Cardboard box or cellophane bag of compliant SSERMPs

- General Requirements of rule R 1001
- Child-Resistant packaging immediately surrounds each individual edible
- External packaging: cellophane bag, cardboard box, etc. that does not have to be Child-Resistant, Opaque, or Resealable

- General Requirements of rule R 1001
- Serving Size and Total Active THC Statement per rule R 1004.5(C)(2)(c) must be affixed to external packaging

Multiple-Serving Edible Retail Marijuana Product

- Single unit for sale
- Containing more than 10mg active THC but no more than 100mg
- The product is not a bundle of individually packaged and compliant SSERMPs, but product has demarcations that allow it to be easily separated at each single serving of active THC.
- Ex. One, more than 10mg chocolate bar
- Ex. One, more than 10mg soft drink
- Ex. Child-Resistant Bottle of ten, 10mg or less pills/lozenges, Child-Resistant Bag of ten, 10mg or less gummies or cookies, etc. not individually packaged
- Ex. Five, 20mg cookies, where each cookie is demarked down middle and each half is 10mg active THC

- General Requirements of rule R 1001
- Child-Resistant for multiple openings
- Opaque
- Resealable
- If liquid, demarcations on packaging, or measuring device

- General Requirements of rule R 1001
- Specific Labels per rule R 1004.5 must be affixed to the compliant packaging
- See Manufacturer Labeling Requirements Spreadsheet

Retail Marijuana Store

Packaging/Labeling Requirements

Exit Package Required	Product	Packaging	Labeling
None	Retail Marijuana in a Child-Resistant Container ◦ Rule R 1005	◦ The Child-Resistant Container the product is packaged in for sale to the consumer	◦ On the CR Container ◦ Rule R 1001 ◦ Rule R 1005(B)(1-4)
	Non-Edible Retail Marijuana Product in a Child-Resistant Container ◦ Rule R 1006.5	◦ The Child-Resistant Container the product is packaged in for sale to the consumer	◦ On the CR Container ◦ Rule R 1001 ◦ Rule R 1006.5(C)(1)(a-f)
	Retail Marijuana Concentrate in a Child Resistant Container ◦ Rule R 1007	◦ The Child-Resistant Container the product is packaged in for sale to the consumer	◦ On the CR Container ◦ Rule R 1001 ◦ Rule R 1007(B)(1-5)
◦ Child Resistant Exit Package ◦ Resealable if multi-use product	Retail Marijuana in a non-Child-Resistant Container ◦ Rule R 1005	◦ The Container the product is packaged in for sale to the consumer	◦ On the Container ◦ Rule R 1001 ◦ Rule R 1005(B)(1-4)
	Non-Edible Retail Marijuana Product in a non-Child-Resistant Container ◦ Rule R 1006.5	◦ The Container the product is packaged in for sale to the consumer	◦ On the Container or CR Exit Package as appropriate ◦ Rule R 1001 ◦ Rule R 1006.5(C)(1)(a-f)
	Retail Marijuana Concentrate in a non-Child-Resistant Container ◦ Rule R 1007	◦ The Container the product is packaged in for sale to the consumer	◦ On the Container ◦ Rule R 1001 ◦ Rule R 1007(B)(1-5)
Opaque Exit Package	Edible Retail Marijuana Product (per Rule R 1006.5(B)(1), all edible products must be R 1004.5 compliant) ◦ Rule R 1006.5	◦ Placed in an Opaque Exit Package	◦ On the Opaque Exit Package ◦ Rule R 1001 ◦ Rule R 1006.5(C)(1)(a-f)

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Edible Retail Marijuana Product
Manufacturer Labeling Requirements Checklist- Rule R 1004.5

General Requirements	Rule Citation	✓	Notes/Comments
Packaging May Not Be Designed to Appeal to Children. A Retail Marijuana Establishment shall not place any content on a Container holding Retail Marijuana, Retail Marijuana concentrates, or a Retail Marijuana Product in a manner that specifically targets individuals under the age of 21, including but not limited to, cartoon characters or similar images.	R 1001(C)		
Health and Benefit Claims. Labeling text on a Container may not make any false or misleading statements regarding health or physical benefits to the consumer.	R 1001(D)		
Font Size. Labeling text on a Container must be no smaller than 1/16 of an inch.	R 1001(E)		
Use of English Language. Labeling text on a Container must be clearly written or printed and in the English language.	R 1001(F)		
Unobstructed and Conspicuous. Labeling text on a Container must be unobstructed and conspicuous. A Licensee may affix multiple labels to a Container, provided that none of the information required by these rules is completely obstructed.	R 1001(G)		

Required Label - Must be affixed to the Container	Rule Citation	✓	Notes/Comments
The license number of the Retail Marijuana Cultivation Facility(-ies) where the Retail Marijuana used to produce the Retail Marijuana Product was grown	R 1004.5(C)(1)(a)		
The Production Batch Number(s) of Retail Marijuana concentrate(s) used in the production of the Retail Marijuana Product.	R 1004.5(C)(1)(b)		

Edible Retail Marijuana Product
Manufacturer Labeling Requirements Checklist- Rule R 1004.5

Required Label - Must be affixed to the Container	Rule Citation	✓	Notes/Comments
The license number of the Retail Marijuana Products Manufacturing Facility that produced the Retail Marijuana Product.	R 1004.5(C)(1)(c)		
A net weight statement.	R 1004.5(C)(1)(d)		
The Production Batch Number(s) assigned to the Retail Marijuana Product.	R 1004.5(C)(1)(e)		
A statement about whether the Container is Child-Resistant.	R 1004.5(C)(1)(f)		
The Identity Statement and Standardized Graphic Symbol of the Retail Marijuana Products Manufacturing Facility that manufactured the Retail Marijuana Product. A Licensee may elect to have its Identity Statement also serve as its Standardized Graphic Symbol for purposes of complying with this rule. The Licensee shall maintain a record of its Identity Statement and Standardized Graphic Symbol and make such information available to the State Licensing Authority upon request;	R 1004.5(C)(1)(h)		
The Universal Symbol, indicating that the Container holds marijuana, which must be no smaller than ¼ of an inch by ¼ of an inch	R 1004.5(C)(1)(i)		
“There may be health risks associated with the consumption of this product.”	R 1004.5(C)(1)(j)(i)		
“This product is infused with marijuana.”	R 1004.5(C)(1)(j)(ii)		

Edible Retail Marijuana Product
Manufacturer Labeling Requirements Checklist- Rule R 1004.5

Required Label - Must be affixed to the Container	Rule Citation	✓	Notes/Comments
"This product was produced without regulatory oversight for health, safety, or efficacy."	R 1004.5(C)(1)(j)(iii)		
"The intoxicating effects of this product may be delayed by two or more hours."	R 1004.5(C)(1)(j)(iv)		
"There may be additional health risks associated with the consumption of this product for women who are pregnant, breastfeeding, or planning on becoming pregnant."	R 1004.5(C)(1)(j)(v)		
"Do not drive a motor vehicle or operate heavy machinery while using marijuana."	R 1004.5(C)(1)(j)(vi)		
A complete list of all nonorganic pesticides, fungicides, and herbicides used during the cultivation of the Retail Marijuana used to produce the Retail Marijuana Product.	R 1004.5(C)(1)(j)		
A complete list of solvents and chemicals used in the creation of any Retail Marijuana concentrate that was used to produce the Retail Marijuana Product.	R 1004.5(C)(1)(k)		
Ingredient List. A list of all ingredients used to manufacture the Edible Retail Marijuana Product; which shall include a list of any potential allergens contained within.	R 1004.5(C)(2)(a)		
Statement Regarding Refrigeration. If the Retail Marijuana Product is perishable, a statement that the Retail Marijuana Product must be refrigerated.	R 1004.5(C)(2)(b)		

**Edible Retail Marijuana Product
Manufacturer Labeling Requirements Checklist- Rule R 1004.5**

Required Label - Must be affixed to the Container	Rule Citation	✓	Notes/Comments
Serving Size and Total Active THC Statement. Information regarding: the size of Standardized Serving Of Marijuana for the product by milligrams, the total number of Standardized Servings of Marijuana in the product, and the total amount of active THC in the product by milligrams. For example: “The serving size of active THC in this product is X mg, this product contains X servings of marijuana, and the total amount of active THC in this product is X mg.”	R 1004.5(C)(2)(c)		
Statement of Production Date. The date on which the Edible Retail Marijuana Product was produced.	R 1004.5(C)(2)(d)		
Statement of Expiration Date. A product expiration date, for perishable Retail Marijuana Product, upon which the product will no longer be fit for consumption, or a use-by-date, upon which the product will no longer be optimally fresh. Once a label with a use-by or expiration date has been affixed to a Container holding a Retail Marijuana Product, a Licensee shall not alter that date or affix a new label with a later use-by or expiration date.	R 1004.5(C)(2)(e)		
A nutritional fact panel that must be based on the number of THC servings within the Container.	R 1004.5(C)(2)(f)		
Required Statement When Contaminant Tests are Performed. Every Retail Marijuana Products Manufacturing Facility must ensure that a label is affixed to each Container holding a Retail Marijuana Product with a statement asserting that the Retail Marijuana Product was tested for contaminants and the results of those tests, if: a. A Retail Marijuana Testing Facility(ies) tested every Harvest Batch used to produce the Retail Marijuana Product for contaminants required to be tested per rule R 1501; b. A Retail Marijuana Testing Facility tested every Production Batch of Retail Marijuana concentrate used to produce the Retail Marijuana Product for contaminants required to be tested per rule R 1501; and c. A Retail Marijuana Testing Facility(ies) tested the Production Batch of the Retail Marijuana Product for contaminants required to be tested per rule R 1501.	R 1004.5(C)(4) OR (6)		

**Edible Retail Marijuana Product
Manufacturer Labeling Requirements Checklist- Rule R 1004.5**

Required Label - Must be affixed to the Container	Rule Citation	✓	Notes/Comments
Required Statement When No Contaminant Testing is Completed. Every Retail Marijuana Products Manufacturing Facility must ensure that a label is affixed to each Container that holds a Retail Marijuana Product with the statement: “The marijuana product contained within this package has not been tested for contaminants.” unless: a. A Retail Marijuana Testing Facility(ies) tested every Harvest Batch used to produce the Retail Marijuana Product for contaminants required to be tested per rule R 1501; b. A Retail Marijuana Testing Facility tested every Production Batch of Retail Marijuana concentrate used to produce the Retail Marijuana Product for contaminants required to be tested per rule R 1501; and c. A Retail Marijuana Testing Facility(ies) tested the Production Batch of the Retail Marijuana Product for contaminants required to be tested per rule R 1501.	R 1004.5(C)(4) OR (6)		
Required Statement When Cannabinoid Potency is Tested. Every Retail Marijuana Products Manufacturing Facility must ensure that a label is affixed to the Container with a potency profile expressed in milligrams pursuant to rule R 1503 and the number of THC servings within the Container.	R 1004.5(C)(5)		

Permissive Label	Citation
The Retail Marijuana Product’s compatibility with dietary restrictions.	R 1004.5(C)(3)

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**Non-Edible Retail Marijuana Product
Manufacturer Labeling Requirements Checklist- Rule R 1004/1004.5**

General Requirements	Rule Citation	✓	Notes/Comments
Packaging May Not Be Designed to Appeal to Children. A Retail Marijuana Establishment shall not place any content on a Container holding Retail Marijuana, Retail Marijuana concentrates, or a Retail Marijuana Product in a manner that specifically targets individuals under the age of 21, including but not limited to, cartoon characters or similar images.	R 1001(C)		
Health and Benefit Claims. Labeling text on a Container may not make any false or misleading statements regarding health or physical benefits to the consumer.	R 1001(D)		
Font Size. Labeling text on a Container must be no smaller than 1/16 of an inch.	R 1001(E)		
Use of English Language. Labeling text on a Container must be clearly written or printed and in the English language.	R 1001(F)		
Unobstructed and Conspicuous. Labeling text on a Container must be unobstructed and conspicuous. A Licensee may affix multiple labels to a Container, provided that none of the information required by these rules is completely obstructed.	R 1001(G)		

Required Label - Must be affixed to the Container	Rule Citation	✓	Notes/Comments
The license number of the Retail Marijuana Cultivation Facility(-ies) where the Retail Marijuana used to produce the Retail Marijuana Product was grown	R 1004.5(C)(1)(a)		
The Production Batch Number(s) of Retail Marijuana concentrate(s) used in the production of the Retail Marijuana Product.	R 1004.5(C)(1)(b)		
The license number of the Retail Marijuana Products Manufacturing Facility that produced the Retail Marijuana Product.	R 1004.5(C)(1)(c)		

**Non-Edible Retail Marijuana Product
Manufacturer Labeling Requirements Checklist- Rule R 1004/1004.5**

Required Label - Must be affixed to the Container	Rule Citation	✓	Notes/Comments
A net weight statement.	R 1004.5(C)(1)(d)		
The Production Batch Number(s) assigned to the Retail Marijuana Product.	R 1004.5(C)(1)(e)		
A statement about whether the Container is Child-Resistant.	R 1004.5(C)(1)(f)		
A clear set of usage instructions for non-Edible Retail Marijuana Product.	R 1004.5(C)(1)(g)		
The Identity Statement and Standardized Graphic Symbol of the Retail Marijuana Products Manufacturing Facility that manufactured the Retail Marijuana Product. A Licensee may elect to have its Identity Statement also serve as its Standardized Graphic Symbol for purposes of complying with this rule. The Licensee shall maintain a record of its Identity Statement and Standardized Graphic Symbol and make such information available to the State Licensing Authority upon request;	R 1004.5(C)(1)(h)		
The Universal Symbol, indicating that the Container holds marijuana, which must be no smaller than ¼ of an inch by ¼ of an inch	R 1004.5(C)(1)(i)		
"There may be health risks associated with the consumption of this product."	R 1004.5(C)(1)(j)(i)		
"This product is infused with marijuana."	R 1004.5(C)(1)(j)(ii)		
"This product was produced without regulatory oversight for health, safety, or efficacy."	R 1004.5(C)(1)(j)(iii)		

**Non-Edible Retail Marijuana Product
Manufacturer Labeling Requirements Checklist- Rule R 1004/1004.5**

Required Label - Must be affixed to the Container	Rule Citation	✓	Notes/Comments
"The intoxicating effects of this product may be delayed by two or more hours."	R 1004.5(C)(1)(j)(iv)		
"There may be additional health risks associated with the consumption of this product for women who are pregnant, breastfeeding, or planning on becoming pregnant."	R 1004.5(C)(1)(j)(v)		
"Do not drive a motor vehicle or operate heavy machinery while using marijuana."	R 1004.5(C)(1)(j)(vi)		
A complete list of all nonorganic pesticides, fungicides, and herbicides used during the cultivation of the Retail Marijuana used to produce the Retail Marijuana Product.	R 1004.5(C)(1)(j)		
A complete list of solvents and chemicals used in the creation of any Retail Marijuana concentrate that was used to produce the Retail Marijuana Product.	R 1004.5(C)(1)(k)		
<p>Required Statement When Contaminant Tests are Performed. Every Retail Marijuana Products Manufacturing Facility must ensure that a label is affixed to each Container holding a Retail Marijuana Product with a statement asserting that the Retail Marijuana Product was tested for contaminants and the results of those tests, if:</p> <p>a. A Retail Marijuana Testing Facility(ies) tested every Harvest Batch used to produce the Retail Marijuana Product for contaminants required to be tested per rule R 1501;</p> <p>b. A Retail Marijuana Testing Facility tested every Production Batch of Retail Marijuana concentrate used to produce the Retail Marijuana Product for contaminants required to be tested per rule R 1501; and</p> <p>c. A Retail Marijuana Testing Facility(ies) tested the Production Batch of the Retail Marijuana Product for contaminants required to be tested per rule R 1501.</p>	R 1004.5(C)(4) OR (6)		

**Non-Edible Retail Marijuana Product
Manufacturer Labeling Requirements Checklist- Rule R 1004/1004.5**

Required Label - Must be affixed to the Container	Rule Citation	✓	Notes/Comments
<p>Required Statement When No Contaminant Testing is Completed. Every Retail Marijuana Products Manufacturing Facility must ensure that a label is affixed to each Container that holds a Retail Marijuana Product with the statement: "The marijuana product contained within this package has not been tested for contaminants." unless:</p> <p>a. A Retail Marijuana Testing Facility(ies) tested every Harvest Batch used to produce the Retail Marijuana Product for contaminants required to be tested per rule R 1501;</p> <p>b. A Retail Marijuana Testing Facility tested every Production Batch of Retail Marijuana concentrate used to produce the Retail Marijuana Product for contaminants required to be tested per rule R 1501; and</p> <p>c. A Retail Marijuana Testing Facility(ies) tested the Production Batch of the Retail Marijuana Product for contaminants required to be tested per rule R 1501.</p>	R 1004.5(C)(4) OR (6)		
<p>Required Statement When Cannabinoid Potency is Tested. Every Retail Marijuana Products Manufacturing Facility must ensure that a label is affixed to the Container with a potency profile expressed in milligrams pursuant to rule R 1503 and the number of THC servings within the Container.</p>	R 1004.5(C)(5)		

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Retail Marijuana Product
Store Labeling Requirements Checklist - Rule R 1006.5

General Requirements	Rule Citation	✓	Notes/Comments
Packaging May Not Be Designed to Appeal to Children. A Retail Marijuana Establishment shall not place any content on a Container holding Retail Marijuana, Retail Marijuana concentrates, or a Retail Marijuana Product in a manner that specifically targets individuals under the age of 21, including but not limited to, cartoon characters or similar images.	R 1001(C)		
Health and Benefit Claims. Labeling text on a Container may not make any false or misleading statements regarding health or physical benefits to the consumer.	R 1001(D)		
Font Size. Labeling text on a Container must be no smaller than 1/16 of an inch.	R 1001(E)		
Use of English Language. Labeling text on a Container must be clearly written or printed and in the English language.	R 1001(F)		
Unobstructed and Conspicuous. Labeling text on a Container must be unobstructed and conspicuous. A Licensee may affix multiple labels to a Container, provided that none of the information required by these rules is completely obstructed.	R 1001(G)		

Required Label - Must be affixed to the Container or Exit Package as appropriate	Rule Citation	✓	Notes/Comments
The license number of the Retail Marijuana Store that sold the Retail Marijuana Product to the consumer	R 1006.5(C)(1)(a)		
A statement about whether the Container is Child-Resistant.	R 1006.5(C)(1)(b)		
The Identity Statement and Standardized Graphic Symbol of the Retail Marijuana Store that sold the Retail Marijuana Product to the consumer. A Licensee may elect to have its Identity Statement also serve as its Standardized Graphic Symbol for purposes of complying with this rule. The Licensee shall maintain a record of its Identity Statement and Standardized Graphic Symbol and make such information available to the State Licensing Authority upon request;	R 1006.5(C)(1)(c)		
The date of sale to the consumer	R 1006.5(C)(1)(d)		

Retail Marijuana Product
Store Labeling Requirements Checklist - Rule R 1006.5

Required Label - Must be affixed to the Container or Exit Package as appropriate	Rule Citation	✓	Notes/Comments
"There may be health risks associated with the consumption of this product."	R 1004.5(C)(1)(e)(i)		
"This product is intended for use by adults 21 years and older. Keep out of the reach of children."	R 1004.5(C)(1)(e)(ii)		
"This product is unlawful outside the State of Colorado"	R 1004.5(C)(1)(e)(iii)		
"This product is infused with marijuana."	R 1004.5(C)(1)(e)(iv)		
"This product was produced without regulatory oversight for health, safety, or efficacy."	R 1004.5(C)(1)(e)(v)		
"The intoxicating effects of this product may be delayed by two or more hours."	R 1004.5(C)(1)(e)(vi)		
"There may be additional health risks associated with the consumption of this product for women who are pregnant, breastfeeding, or planning on becoming pregnant."	R 1004.5(C)(1)(e)(vii)		
"Do not drive a motor vehicle or operate heavy machinery while using marijuana."	R 1004.5(C)(1)(e)(viii)		
The Universal Symbol, indicating that the Container holds marijuana, which must be no smaller than ¼ of an inch by ¼ of an inch	R 1006.5(C)(1)(f)		

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