

**House Bill 14-1366 Work Group
Legislative Report Recommendation Form**

1. Work Group Sponsor (s):

Colorado Department of Public Health and Environment (CDPHE)

2. Describe the Recommendation:

For the reasons that: labeling alone is insufficient to prevent unintentional poisoning, and young children often do not recognize products as dangerous from the packaging alone; education on safe storage and preventing injuries can be an effective strategy to increase compliance with safely storing dangerous products in the home, and recognition that control of product at the point of entry is the best prevention strategy, CDPHE recommends:

Regulations that require:

- Method to identify the product outside of packaging;
- Child-resistant packaging;
- The ability of the edible to be consistently produced, stored and transported in a manner that maintains the products integrity and free of harmful “food-borne pathogens.”

Coordination with CDPHE in the development of an education campaign that:

- Provides information for parents, guardians, and children to readily identify marijuana infused products using the symbols decided upon by the 1366 workgroup;
- Educates on the importance of safe storage at home. Safe storage options should be out of sight, out of reach and locked from access by anyone underage, and;
- Develops and disseminates additional marijuana educational resources for parents.

Coordination with CDPHE to create an edibles symbol that is universally recognized by the public. This “marker” should be created using evidence-based data and research, including focus groups, to ensure it is not unintentionally attractive to children.

Other Recommendations

The Department would like to put forth several other recommendations that are outside the scope of HB 1366 but warrant future discussion.

Marijuana Product Advisory Commission

The department remains concerned that there are products on the market that so closely resemble children’s candy that it can entice children to experiment with marijuana.

Marijuana should not seem “fun” for kids.

The department recommends creating a Commission that would grant pre-market approval for all edible products. The Commission would represent a wide range of experts that would review the product, its appeal to children, and the appropriateness of labeling and packaging. This Commission would provide policies and guidance for packaging along with a list of approved products.

The department also recommends a review of the current labeling requirements and allowances for retail edible products to ensure intent and appropriateness are met. For example the inclusion of nutritional fact panels on edible products may create consumer confusion in that the edible closely resembles traditional food.

3. Which portion or portions of House Bill 14-1366 does this recommendation address (underline all those that apply)?

- a. Protect people from the unintentional ingestion of edible retail marijuana products.
- b. Ensure that edible retail marijuana products are readily identifiable by the general public.
- c. Makes it clear that the product is not for consumption by children.
- d. Makes it clear that the product is safe for consumers.
- e. Utilize a universal symbol.

4. Please summarize the rationale for the recommendation – why is it important?

Strong packaging and labeling requirements for marijuana products are intended to limit the instances of misuse of the products by adult consumers and access to the products by youth. Further, a public education campaign will enhance the effectiveness of the regulations by providing information regarding products that are on the market and how to identify and store those products in a secure fashion to keep them out of the hands of children.

5. Describe how your recommendation addresses the rulemaking guiding principles of being transparent, operable, defensible and systematic for the licensees as well as the Marijuana Enforcement Division.

Consistent and standardized regulations regarding labeling, marking, and packaging of edible products create a reliable system for licensees, MED and purchasers.

6. What stakeholders, other than licensees and the Marijuana Enforcement Division, would be positively or negatively impacted by this recommendation? Please explain the impact.

The general public would be positively impacted because the confusion around recreational edibles and the ability/need to readily identify them is improved. Consistency in product labeling, packaging and identification is improved based on pre market approval.

7. What issue or issues does your recommendation resolve? (Please identify the issues)

- A. The intent to prevent (limit) unintentional ingestion of recreational edible products by children.
- B. The need to universally identify edible products.
- C. The marketing of marijuana products to children.

8. Is there a dissenting voice on the working group concerning this recommendation? If yes, please provide a summary of the minority opinion about this recommendation.

Unknown.

9. Are you aware of any statutory authority or regulation that supports the basis of this recommendation? If yes, please include it here.

- The legislative declaration and requirements of HB 1366.

- Article XVII, section 16 of the Colorado Constitution.

10. Is the implementation of your recommendation dependent on another decision or action? If yes, specifically what actions or decisions are required before this recommendation can be implemented?

Not directly. If the current labeling requirements were modified as suggested, those regulations would need to be modified.

11. Will the recommendation have a cost to implement? If yes, please explain the reason for the cost and provide an estimate.

There would be a cost to requiring food to be appropriately marked.

12. Provide an estimate of how long it would take to implement the recommendation.

Between 3-12 months.