

Basis and Purpose – R 1006.5

The statutory authority for this rule is found at subsections 12-43.4-202(2)(b), 12-43.4-202(3)(a)(IV), 12-43.4-202(3)(a)(VII), 12-43.4-402(4), and 25-4-1614(3)(a), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VI). The purpose of this rule is to ensure that the labeling on each Container holding a Retail Marijuana Product includes necessary and relevant information for consumers, does not include health and physical benefit claims, is easily accessible to consumers, and is clear and noticeable. In addition, this rule clarifies basic packaging requirements. Further, the State Licensing Authority believes based on written and oral comments it has received through the rulemaking process that prohibiting labels that are intended to target individuals under the age of 21 and requiring child-resistant packaging is of a state wide concern and would assist in limiting exposure and diversion to minors. The State Licensing Authority wants to ensure the regulated community employs proper packaging and labeling techniques for each Retail Marijuana Product as this is a public health and safety concern.

R 1006.5 – Packaging and Labeling of Retail Marijuana Product by a Retail Marijuana Store

- A. Applicability. This rule shall apply to all Retail Marijuana Stores beginning February 1, 2015.
- B. Packaging Requirements for a Retail Marijuana Store.
 1. Beginning February 1, 2015, a Retail Marijuana Store shall not purchase, take possession of, or sell Edible Retail Marijuana Product that does not comply with rule R 1004.5.
 2. A Retail Marijuana Store must ensure that each Edible Retail Marijuana Product placed within a Container for sale to a consumer pursuant to this rule must also be placed in an Opaque Exit Package at the point of sale to the consumer.
 3. A Retail Marijuana Store must ensure that each Retail Marijuana Product that is not an Edible Retail Marijuana Product is placed within a Container prior to sale to a consumer. If the Container is not Child-Resistant, the Retail Marijuana Store must place the Container within an Exit Package that is Child-Resistant.
- C. Labeling of Retail Marijuana Product by a Retail Marijuana Store. Every Retail Marijuana Store must ensure that a label(s) is affixed to every Exit Package at the time of sale to a consumer that includes all of the information required by this rule. ~~If an Exit Package is not required pursuant to paragraph (B)(3) of this rule, and the Retail Marijuana Store elects not to provide one, then the Retail Marijuana Store must ensure the labels required by this rule are affixed to each Container.~~
 1. Required Information. ~~(General). Every Retail Marijuana Store must ensure the following information is affixed to every Container holding a Retail Marijuana Product:~~
 - a. The license number of the Retail Marijuana Store that sold the Retail Marijuana Product to the consumer;
 - ~~b. A statement about whether the Container is Child-Resistant;~~
 - ~~eb.~~ 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;

- dc.** The date of sale to the consumer;
- ed.** The following warning statements:

 - i. “There may be health risks associated with the consumption of this product.”**
 - ii. “This product is intended for use by adults 21 years and older. Keep out of the reach of children.”**
 - iii. “This product is unlawful outside the State of Colorado.”**
 - iv. “This product is infused with marijuana.”**
 - v. “This product was produced without regulatory oversight for health, safety, or efficacy.”**
 - vi. “The intoxicating effects of this product may be delayed by two or more hours.”**
 - vii. “There may be additional health risks associated with the consumption of this product for women who are pregnant, breastfeeding, or planning on becoming pregnant.”**
 - viii. “Do not drive a motor vehicle or operate heavy machinery while using marijuana.”**
- fe.** The Universal Symbol, indicating that the Exit Package holds marijuana, which must be no smaller than ¼ of an inch by ¼ of an inch.