

Recreational Marijuana Edibles: Dosage, Packaging, and Labeling - 2015

Reasonable regulations can improve public safety while growing small businesses

Background:

For decades, people have purchased dried marijuana and used it to make marijuana edibles in their homes. Currently in Oregon, marijuana infused food products ('edibles') are available for purchase by an OMMP cardholder at any OHA-licensed medical marijuana dispensary. Many consumers (medical and recreational consumers alike) strongly prefer to ingest marijuana orally - instead of the more traditional method of smoking dried plant matter – either because of an individual preference or health considerations.

At present, growers and patients are the only ones allowed to manufacture these food products, and they do so with very little oversight. A regulated retail system creates an opportunity to take this industry out of the home and to instead apply common sense guidelines that helps keep marijuana out of the hands of children, gives consumers more knowledge about the quantity and potency of the edible they are consuming, and allows legal businesses to develop products. We need a responsible approach to this new industry.

What about the current system WOULD work well for recreational sale?

- The current rules regarding childproof packaging, design, and labeling (if enforced adequately) should sufficiently protect minors from accessing these products.
- OHA currently has a set of guidelines that specifically prevents manufacturers from marketing or packaging any marijuana infused products in a manner that is deemed appealing to children (no brightly colored labels, cartoons, etc)
- Labeling and packaging requirements are strict - but they are sensible, clear, and easy for manufactures to follow, so small businesses can enter the legal marketplace and create jobs
- Testing requirements clearly notify consumers of how much of marijuana's active components (THC, CBD, CBA, etc) are present in the products they consume.
- Utilizing the current medical marijuana dispensary framework for recreational sales allows businesses to build on the progress they have made in recent years developing products.

What about the current system WOULD NOT work well for recreational sale?

- There are too many opportunities for bad actors to participate in the legal marijuana economy at present, due to a severe lack of enforcement by the OHA of their rules.
- Many products do not meet OHA's current guidelines, yet they remain on the shelves of legal medical marijuana dispensaries in inappropriate, noncompliant packaging.
- Current, there is no standard definition of an individual dose, so a product from one producer may vary dramatically in potency from a similar product by a different brand.
- Testing methodology varies from laboratory to laboratory, and at this time there is not a universally accepted, standard process for accurate potency testing of marijuana. This also calls into question the accuracy and efficacy of product labels and dosage information.
- Without clearly established standards for testing equipment and laboratory processes, it is unclear how manufacturers can provide consumers with accurate dosage information.

Why do we even need to allow edible marijuana products to be sold in stores?

When measure 91 is implemented and retail marijuana sales begin, people will be able to purchase the ingredients to make their own marijuana edibles at home. Leaving this process exclusively to untrained individuals and hobbyists leads to unclear dosages, and raises concerns about adequately labeling and storing these products so children in the home do not accidentally obtain them. Allowing people to purchase tested, labeled, and childproofed products is a much safer option.

What are the other states that have recreational marijuana doing about this?

-Washington delayed the sale of edibles for many months while they slowly expanded their retail sales; this delay caused severe pricing issues when demand wildly outgrew the legal supply.
-Colorado has since passed changes to their marijuana regulations defining a dose of edible marijuana as 10mg (which has prompted the creation of a popular and effective public education campaign for new or first-time consumers to err on the side of caution and "Try 5").

There are three main areas where sound policy is needed for Oregon to move forward with the recreational sale of marijuana infused edibles:

Dosages/Labeling/Warnings

Safely establishing a standard dosage for edible marijuana creates a foundation to create the necessary warning labels for packaging. Given that Colorado is using the 10mg amount, Oregon should follow suit and adopt this as our standard for a single serving. All edible marijuana should be prominently labeled with a warning (not for minors, may cause drowsiness, do not drive, etc), the product's strength, and the number of servings.

Packaging/Marketing/Child Safety

The current OHA rules about packaging and marketing marijuana and marijuana infused edibles, as written, would ensure that these products are not marketed to or easily accessible by minors. The only place that the current system falls short is the lack of enforcement. OLCC should adopt similar packaging guidelines for recreational sale requiring childproof containers, sufficient warning labels, and packaging that is not considered attractive to minors.

Manufacturing/Food Safety Standards/Testing

Currently there are no rules requiring that edibles manufacturers use commercial kitchen space to produce their products. All recreational edibles should be held to the same food safety standards to which any commercial food producer would be subject.

At present, the state lacks a cohesive set of guidelines for testing laboratories. Results vary wildly from one testing provider to another.

STRICT ENFORCEMENT IS CRITICAL – OLCC must vigilantly enforce the rules as written to ensure all producers, processors and retailers are in full compliance at all times.

If you have any additional questions about packaging, labeling, testing, and any other legal marijuana industry regulations, please do not hesitate to contact us:

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