



## Cannabis Advisory Board Public Health Subcommittee Recommendations DRAFT 2

for November 20, 2017

- Recommendations on:
  - Packaging
  - Labeling
  - Potency
  - Products
  - Related Public Health Issues
- Marketing and Advertising

# Packaging and Labeling Recommendations

Jaime Lewis



# Packaging/Labeling Recommendations

- Recommendation – Establish a consistency on product labeling requirements across Medical and Adult use labels

Making consistent labels will help both Consumers and Patience understand proper dosage, serving size and testing information.

Include a requirement for a list of solvents and chemicals used during the extraction process of all concentrates

- Recommendation - Define ‘bright colors’ precisely and definitely to remove subjectivity of judgment of what is a “bright color”



# Packaging/Labeling Recommendations

- Recommendation – Allowing testing result of potency of plus or minus 15% variance to be allowed

This is a recommendation for allowing a variance on THC testing results it is used in the State of Colorado (12-43.3-202(2.5)(a)(I)(E) C.R.S.

- Recommendation – Adult use edibles products, A 10mg per serving size of active THC, with a maximum of 100 mg of active THC per package of edible marijuana products
- Recommendation – No limit on THC per package or serving size on medical marijuana edible products

Many medical marijuana patients require larger amounts of medicine and it can be very costly for the patients to manage pain. Allowing manufactures to produce and package products in a larger THC amount will help keep the product cost down for medical marijuana patients



## Recommendations Related to Packaging and Labeling

- Recommendation – Marking or Stamping edible products where practicable

A mark or stamp on the edible products where “practicable” to indicate the edible product contains THC, unless the product is “impracticable” to mark or stamp

Examples of “practicable” products to mark or stamp: Chocolate, Soft confection, Hard confections or lozenges

Examples of “impracticable” Loose bulk goods, liquids

# Potency

Lindsey Tucker



# Potency

- The science on potency is not yet established; per statute (below), the CCC should work with DPH to begin to understand this better.

*SECTION 30 amends G.L.c. 94G sec. 4:*

- *(f) The commission shall investigate, in conjunction with the DPH the effects of MJ and MJ products with high potency or THC on the human body and recommend whether there should be restrictions on the potency of THC in MJ and MJ products*
- Additionally, the CCC should consider inclusion of other cannabinoids for both labeling and testing.

# Products

Nichole Snow & Dr. Alan Balsam





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### Recommendations on Products

- Inhaled
  - Flower
  - Pre-Rolls
  - Vape-Cartridges (Concentrate)
  - Kief
  - Moon Rocks (Flower/Concentrate Preparation)
  - Concentrates (Wax, Shatter, etc.)
  - Glass Syringes (Distillate)

- Edible - Marijuana Infused Products (MIP)
  - Edibles (MIP)
  - Tinctures (MIP)
  - Capsules (MIP)
  - Syringes (Oil Concentrate)

- Dermal Applications - Non-Edible Marijuana Infused Products
  - Bath Products (Infused Epsom Salts, etc.)
  - Topical Applications (Lotions, Massage Oils, etc.)
  - Transdermal Patches

# Product Recommendations

## 1. Protect and Maintain Patient Supply

**Recommendation:** Medical Marijuana Treatment Centers maintain 35% of every strain and product type be reserved for sale to Registered Qualified Patients.

# Product Recommendations

## 2. Maintain Discounts and Tax Exemption for Registered Qualified Patients

**(a.) Recommendation:** Maintain the ability for patients to receive discounts. Now that Adult-Use marijuana is available to adult consumers, RMDs can now supplement costs for discounts that they provide to patients to lower the costs for their medicine.

**(b.) Recommendation:** Registered Qualified Patients should not be taxed at Adult-Use establishments for marijuana products.

**Background:** Since the the Medical Marijuana Program and Adult-Use program is virtually separated, we recommend that the CCC develop a method at the Point of Sale for Marijuana Retailers to Tax Exempt marijuana products when a patient makes a purchase. We understand that not all products and services may be tax exempt, but we should maintain patients' medicine is not taxed. We should also issue very clear guidance to marijuana retailers regarding Registered Qualified Patients' Tax Exemption.

# Product Recommendations

## 3. Tourists' Purchase Overages

**Problem:** Tourists purchasing overages may wastefully and unnecessarily drain the patient supply and cause other Public Safety and Health concerns such as marijuana being left behind in hotel rooms or in the streets.

**Recommendation:** Provide education to municipalities that commonly host tourists. Small Licenses for On-Site Consumption Marijuana Retailers should be located in easily accessible areas frequented commonly by tourists.

This strategy will provide tourists accessibility to retail cannabis products without purchase overages becoming a Public Safety or Health concern because tourists will not be able to purchase large amounts and return to their hospitality venue where cannabis may be prohibited. On-Site Consumption Marijuana Retailers will be licensed by the Cannabis Control Commission and closely monitored by their host municipality.

# Product Recommendations

## 4. Opportunity for Local Level Government to Review Product Listing

**Recommendation:** Allow Local Level Municipalities the opportunity to review Product Listing prior to sales to Adult Consumers and Registered Qualified Patients.

**Background:** Some municipalities would be more inclined to allow a marijuana business in their neighborhood if they were allowed a process to review a product list before the entity sells the product or service to Adult Consumers or Registered Qualified Patients.

# Product Recommendations

## 5. Products Marketed to Children

**Recommendation:** Establish a Process to Report or Prohibit Products at the CCC level.

**Background:** Especially for the purpose of prohibiting sales of products that appear to be marketed to children.



# Product Recommendations

## 6. Manufacturers' Protection

**Recommendation:** Maintain that marking, branding, or other requirements on Adult-Use products be reusable or easily transferrable for sale to Registered Qualified Patients.

**Background:** Recommending a marking or branding on Adult-Use Products that is so specific to Adult-Use that it cannot be resold to a Registered Qualified Patient is not recommended.

Products available to Adult-Users should not have a manufacturing process be so restrictive that it becomes costly for RMDs to maintain manufacturing for patients and adult consumers in the same facility.

# Product Recommendations

## 7. Consumers' Protection - On-Site Consumption Marijuana Retailers

**Problem:** Exposing children and small pets to marijuana is a Public Health concern.

**Recommendation:** The Public Health Sub-Committee strongly recommends licensing On-Site Consumption Marijuana Retailers for adults to purchase and safely consume small amounts of marijuana.

**Background:** Currently, public consumption of marijuana is illegal in the state of Massachusetts. Consumers, and patients especially, have been waiting for safe spaces to consume marijuana outside of their homes for years. Consumers are restricted by agreements made with their landlords to not use marijuana within their residences. Consumers and registered qualified patients risk being injured or given citations by local authorities when forced to go outdoors or break the rules.

# Related Public Health Issues

Michael LaTulippe



## Cannabis Advisory Board Public Health Subcommittee Recommendations DRAFT 2

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- Poly Drug Use
- Cooperatives
- Onsite Consumption
- Disposal Concerns
- Physician Education
- Medical Marijuana Supply Protection
- Worker Safety and Protections



## Cannabis Advisory Board Public Health Subcommittee Recommendations DRAFT 2

### Poly Drug Use

- Alcohol and tobacco are known to amplify the effects of cannabis creating heavy intoxication.
- The Department of Alcohol, Tobacco and Firearms (ATF) does not want to get involved in regulating cannabis or cannabis establishments.
- Education for home users on the dangers of combining alcohol and cannabis including its amplified effects should be provided.
- **Recommendation:** The Commission should prohibit alcohol, tobacco, or other drugs from being consumed within onsite consumption marijuana retailers.
- **Recommendation:** The Commission should develop an educational campaign with the Department of Public Health designed for home users on the amplified effects of combining cannabis with other drugs, tobacco, and alcohol.



## Cannabis Advisory Board Public Health Subcommittee Recommendations DRAFT 2

### Cooperatives

- Cooperative agricultural models have existed for a long time.
- Cooperatives are only allowed to wholesale cannabis and do not interact directly with consumers.
- Cooperatives could contain several brand names under one roof or under across several different locations.
- **Recommendation:** The Commission should require Cooperatives to abide by the same security standards, disposal standards, and municipal requirements as any other marijuana establishment that interacts with the plant directly and engages in cultivation activities, wholesaling, and transport of cannabis.
- **Recommendation:** The Commission should work with the Department of Agricultural Resources and the Department of Public Health on developing laboratory testing and pesticide standards for outdoor and greenhouse marijuana cultivation.



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### Onsite Consumption

- Onsite consumption models exist already for tobacco and alcohol and are regulated by the Commonwealth.
- Impairment detection for alcohol consumption retailers are managed through Training for Intervention Procedures (TIPS) certification.
- Provisions Concerning the Issuance of a Smoking Bar Permit can be found at 830 CMR 270.1.1
- Chapter 138 governs Alcoholic Liquors including alcohol drunken on premises.
- Massachusetts Medical Marijuana Laboratory Protocols for maximum daily safe exposure limit
- Adults who do not want to expose their children or pets to alcohol often consume at onsite consumption establishments and do not bring any product home with them.
- Travelers unable to find any onsite consumption facilities often travel out of state with the excess product or simply leave it in hotel rooms or on the streets potentially exposing children to open packaging and the environment to litter.
- Minorities stand to face the brunt of any evictions, public consumption violations, and harassment from law enforcement because of a lack of access to onsite consumption facilities.



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## Onsite Consumption

- **Recommendation:** The Commission should regulate serving sizes of cannabis in an onsite consumption retailer similar to how shot glasses provide a serving size model for hard liquors in an alcohol establishment.
- **Recommendation:** The Commission should regulate the maximum allowed amount of servings per immediate use container but the Commission should give municipalities the ability to raise or lower the amount of servings per immediate use container allowed within their jurisdiction.





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## Onsite Consumption

**Recommendation:** The Commission should issue a daily consumer exposure limit for onsite consumption retailers that should be based on allowable environmental contamination (impurities) and laboratory testing protocols that currently assume that more than 10 grams (0.35 ounces) or the equivalent amount in concentrates is consumer per day.

***Current Label on Medical Marijuana Products:*** (This product has been evaluated for environmental contamination (impurities) assuming that no more than 10 grams (0.35 ounces) of finished plant material (or the equivalent amount of concentrate) will be consumed per day.)

<https://www.mass.gov/files/documents/2016/11/pu/final-revised-mdph-mmj-mips-protocol.pdf> (Page 18)



## Cannabis Advisory Board Public Health Subcommittee Recommendations DRAFT 2

### Onsite Consumption

- **Recommendation:** The Commission should develop a tamperproof point of sale system as well as track and trace procedures to track and audit all transactions including cash transactions.
- **Recommendation:** The Commission should prevent litter and small packaging by mandating onsite facilities use reusable packaging that cannot be removed from the premises by the consumer.
- **Recommendation:** The Commission should mandate onsite consumption retailers only sell small servings of marijuana at a time that must be consumed immediately and on the premises of the establishment.
- **Recommendation:** The Commission should mandate that all marijuana sold within an onsite consumption marijuana retailer must be obtained through licensed marijuana cultivators, manufacturers, and cooperatives.



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## Onsite Consumption

- **Recommendation:** The Commission should model onsite consumption retailer regulations off of alcohol statute and regulations and smoking bar permits already in place here in the Commonwealth with the addition of any additional security, disposal requirements, and requirements of the state or municipality regarding marijuana establishments and without alcohol or tobacco being sold.



## Cannabis Advisory Board Public Health Subcommittee Recommendations DRAFT 2

### Onsite Consumption

- **Recommendation:** The Commission should work with law enforcement and other state agencies to develop required education for on-site retail agents on impairment detection in the consumers they serve
- **Recommendation:** The Commission should develop and mandate appropriate materials and education for within onsite consumption retail facilities to detail the dangers of driving under the influence, penalties, designated drivers, as well as how to contact transportation services like cabs and ride sharing services.
- **Recommendation:** The Commission should develop mandatory educational materials and posters that must be placed within onsite consumption retailers detailing how consumers can get help with substance abuse.



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## Onsite Consumption

- **Recommendation:** The Commission should license onsite consumption marijuana retailers to prevent public consumption concerns from littering our streets and exposing children to cannabis smoke, vapor, or smoking remnants and to prevent supply problems for medical marijuana patients.
- **Recommendation:** The Commission should give priority for the licensing of onsite consumption marijuana retailers in areas of Massachusetts disproportionately impacted by the drug war.



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### Onsite Consumption

- **Recommendation:** The Commission should develop strong air ventilation standards for facilities where smoking or vaporizing will take place and require smoke free areas within onsite consumption marijuana retailers for employees that operate heavy machinery including kitchen equipment.
- **Recommendation:** The Commission should develop licensing categories for onsite consumption marijuana retailers that separate licenses based upon the method of consumption and also a license that allows for all forms of marijuana consumption. (Inhalation, Ingestion, Dermal)
- **Recommendation:** The Commission should develop a framework for municipalities to license short term events that allow for the consumption of marijuana and/or marijuana products/infusions by consumers with or without retail sales.



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### Disposal Concerns

- The medical marijuana disposal standards found in 105 CMR 720.105 (J) (p.31) is excellent and ensures the product is properly tracked and disposed of.
- The new adult use law contains provisions regarding disposal that can be found in Chapter 55 (xxvii) *“(xxviii) requirements for the safe disposal of excess, contaminated, adulterated or deteriorated marijuana, which shall consider policies which promote the recycling of such waste, including, but not limited to, recycled industrial products;”*
- **Recommendation:** The Commission should adopt existing DPH disposal standards found in 105 CMR 725.105 (J) (p.31) with the addition of tracking any waste that is considered a recycled industrial product so that it can be recycled into industrial products for use by manufacturers.





## Cannabis Advisory Board Public Health Subcommittee Recommendations DRAFT 2

### Physician Education

- The majority of physicians in the Commonwealth have little knowledge of cannabis and the endo-cannabinoid system.
- This lack of knowledge poses potential public health risks for patients on a variety of traditional pharmaceutical drugs that interact with cannabis in the body.
- **The Massachusetts Medical Society has endorsed the [TheAnswerPage.com](http://TheAnswerPage.com)'s Comprehensive Cannabis Curriculum**, as their comprehensive curriculum on the endo-cannabinoid system and medical cannabis. This is among the highest validations for an [endocannabinoid](#) and medical cannabis curriculum. TheAnswerPage's medical cannabis content is a key component in Cannabis Care Certification (CCC), a joint project of Americans for Safe Access, a national nonprofit dedicated to ensuring safe and legal access to medical cannabis for therapeutic use and research, and TheAnswerPage, an international resource for providing accredited continuing medical education since 1998.
- Chapter 55 Section 77 ( c ) creates our subcommittee: (i) a subcommittee on public health to develop recommendations on products, labelling, marketing, advertising, **related public health issues**, potency, which may include a recommended maximum limit for individual servings of marijuana products, and packaging, which may include the development and implementation of a public health warning to appear on marijuana products;





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## Physician Education

- **Recommendation:** The Cannabis Control Commission should work with the Department of Public Health, the Massachusetts Medical Society, and any other stakeholders they deem appropriate to develop a cannabis curriculum for practicing clinicians on the endo-cannabinoid system of the human body, phyto-cannabinoids, synthetic cannabinoids, and cannabis interactions with other drugs commonly prescribed.



## Cannabis Advisory Board Public Health Subcommittee Recommendations DRAFT 2

### Medical Marijuana Supply Protection

- **Patients depend on medical marijuana and shortages in supply for medical marijuana patients can mean irreparable harm for them.**
- Massachusetts currently only has 16 operational medical marijuana dispensaries and may have as many as 30 dispensaries operating by July 2018.
- Other states like Colorado and Washington State opened for adult use with hundreds and in some cases thousands of dispensaries already in operation.
- Nevada declared a state of emergency over the lack of cannabis product after adult use legalization.
- We are headed for a public health disaster where medical marijuana patients maybe left without medicine in some cases over four months.



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## Medical Marijuana Supply Protection

- **Recommendation:** The Cannabis Control Commission should prohibit medical marijuana treatment centers that are co-located from selling more than 65% of all their available products to adult consumers through retail or through wholesale.
- **Recommendation:** The Cannabis Control Commission should prohibit medical marijuana treatment centers that are co-located from allowing a product an adult user can purchase but a patient cannot.
- **Recommendation:** The Cannabis Control Commission should prohibit medical marijuana treatment centers that are co-located from being able to select any specific products out of their supply to count towards their 35% supply reserved for registered qualifying patients.



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## Worker Safety and Protections

- **Recommendation:** The Commission should develop occupational standards and safety guidelines in coordination with the Executive Office of Labor and Workforce Development for employees working within all types of marijuana establishments.

# Related Public Health Issues

Dr. Sharon Levy



# Health-related recommendations

- Prohibit the sale of high-potency marijuana or marijuana-infused products and combination products mixing cannabis and other substances such as alcohol, tobacco or caffeine
  - The exact concentration limit should be discussed in collaboration with a panel of public health, toxicology and medical experts.
- Require that for all THC products “serving size” portions must be individually wrapped and labelled
- Establish a distinct and designated source of financing for prevention and treatment of marijuana use disorders
  - Ensure that health professionals have access to **high quality training resources and opportunities** so that they can develop the expertise to adequately counsel their patients across the lifespan on the health risks of marijuana use.

# Related Public Health Issues

Dr. Alan Balsam



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Related Public Health Issues Recommendations

- Resources should be allocated to support prevention and education regarding the potential risks of cannabis for children and adolescents.