

MARIJUANA PACKAGING AND LABELING

The Oregon Liquor Control Commission (OLCC) has created a process to evaluate packaging and labeling to determine if it meets the requirements set out by the Oregon Health Authority (OHA) and the OLCC.

Who needs to get approval for packaging and labeling?

- **For Recreational Marijuana**
 - OLCC Licensees who hold a Producer, Processor, Wholesale, or Retailer license and are packaging and/or labeling products for ultimate sale to a consumer must receive approval from the Commission prior to selling or transferring any marijuana item to a consumer.
 - The packaging and labeling rules only apply to marijuana items for sale to a consumer. Licensees transferring bulk product to another licensee must follow OAR 845-025-7700.

 - **For Medical Marijuana**
 - Registrants who are packaging and/or labeling products for ultimate sale to a consumer must receive approval from the Commission before October 1, 2016.
 - “Registrant” means a medical cannabis producer, grower, marijuana processing site, or a medical marijuana dispensary that has registered with the Oregon Health Authority.
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The packaging and labeling rules will change in June 2016. The information below pertains only to the temporary rules.

PACKAGING

The Commission will evaluate the packaging for all marijuana items for ultimate sale to a consumer. The packaging must:

1. Meet the standards for child-resistance;
2. Not be attractive to minors; and
3. Not contain any untruthful or misleading information.

Once the OLCC begins to approve packages, a list of approved packages will be available on the OLCC website. **The OLCC has not approved any packages at this time.**

Child-resistant Packaging

The Consumer Product Safety Commission (CPSC) has published the following guide on packaging:

<http://www.cpsc.gov/Regulations-Laws--Standards/Statutes/Poison-Prevention-Packaging-Act/Child-Resistant-and-Senior-Friendly-Packages-packaging-guide/>

The OLCC does not promote or endorse any of the packages in the CPSC guide.

What does “attractive to minors” mean? OAR 845-025-7000(1) defines “attractive to minors” as packaging, labeling and marketing that features:

- Cartoons;
- A design, brand or name that resembles a non-cannabis consumer product of the type that is typically marketed to minors; or
- Symbols or celebrities that are commonly used to market products to minors.

LABELING

The Commission will evaluate the label to determine whether it is compliant with **OLCC and OHA** rules. All labels must:

- Use no smaller than 8 point Times New Roman, Helvetica or Arial font;
- Be in English, although it can include text in additional languages;
- Be unobstructed and conspicuous;
- Contain a principal display panel;
- Not contain any untruthful or misleading statements; and
- Contain the universal symbol (see image), which must be at least 0.48 inches wide by 0.35 inches high.

Download the universal symbol at this link:

<https://public.health.oregon.gov/PreventionWellness/marijuana/Pages/symbol.aspx>

A **principal display panel** is the portion of the package that is most likely to be seen by the consumer at the point of purchase. The principal display panel must include the product identity, net weight, and universal symbol. The following examples show the principal display panel on different types of packages.



Principal Display Panel Examples

Every marijuana product type (e.g., cannabinoid edibles, topicals, and concentrates) has additional specific labeling requirements that must be included on the label. These requirements can be found in [OAR 333-007-0010 to 333-007-0100](#).

WHEN APPROVAL IS NOT REQUIRED

1. Packaging

If you use a package that is published on the OLCC list of approved packages, you will not have to request approval to use the same package. If any changes are made to the approved packaging, including but not limited to, adding graphics, pictures, logos, embossed items, or colors, you will need to apply for approval prior to any sale or transfer to a consumer.

The OLCC has not approved any packages or labels at this time. Once the Commission begins approving packages, a list of approved packages will be available on the OLCC website.

2. Labeling

A generic label is a label that contains **only** the information required by rule and contains no graphics, photographs, or logos. If you are using a generic label, you do not have to get approval from the Commission before using your label. **The generic label must contain all of the specific requirements of OAR 333-007-0010 to OAR 333-007-0100.**

3. Prior Labeling Approval

If your label has been previously approved by the Commission, but you want to make changes to the label, you do not need to resubmit the label for approval if you change any of the following:

- Harvest or processing date;
- Strain;
- Test results;
- Net weight or volume;
- Harvest or process lot numbers
- The deletion of any non-mandatory label information
- The addition, deletion, or change in the UPC barcodes or 2D mobile barcodes (QR codes);
- The addition, deletion, or change in the website address, phone number, fax number, or zip code of the licensee or registrant; or
- The repositioning of any label information on the package.

4. Exit Packaging

If the product packaging does not meet the child-resistant standard, licensees and registrants may be able to use exit packaging that has been approved by the Commission. Even if exit packages are being use, product packages and labels will still need to be approved by the Commission.

Prior to sale or transfer, the exit packaging must be approved by the Commission using the approval process.

FREQUENTLY ASKED QUESTIONS

Why is the Commission no longer accepting labeling and packaging applications?

At this time, the OLCC has decided to stop accepting and processing packaging and labeling applications. There are two main reasons for this decision. First, the permanent rules for packaging and labeling will be different from the temporary rules. Any packages or labels approved now might not be compliant under the new rules and would need to be resubmitted.

Second, the OLCC is creating an online application system that will streamline and simplify the application process. This system will be completed this summer and will provide a more efficient way to apply for approval. Because of the rule changes and new online system, the OLCC will stop accepting packaging and labeling applications effective immediately and begin accepting applications again on August 1, 2016.

We are taking these steps to minimize confusion because of the evolving rules, and to reduce replicative costs for businesses developing labeling and packaging.

What do I do with the packaging I've developed that's almost ready for submission?

Because the rules will be changing in June, it is important to check the permanent rules, after they are adopted, to make sure that your packaging and labels are compliant. If you are unsure if your packaging or labeling is compliant, you can submit questions and photographs to marijuana.packaging@oregon.gov for a consultation.

When will the Commission begin accepting applications?

The Commission will begin accepting packaging and labeling applications on August 1, 2016.

Will the new process cost more?

No, the cost is still the same. The cost for each label submitted to receive approval is \$100.00. Additionally, the cost for each package submitted to receive approval is \$100.00. Therefore, the amount to get one package and one label approved is \$200.00. Any additional packages or labels will cost \$100.00 each. If you have already submitted a label and package for consideration, along with payment, you will be credited that amount towards your next submission.

Will the OLCC have another public information session(s) on packaging?

Yes, we will provide updated information about labeling and packaging. New information session dates will be published on the website as soon as the dates are scheduled.

What happens if the Commission finds a problem with the package or label?

If the Commission finds deficiencies in packaging or labeling, the licensee or registrant will be notified of the specific deficiencies. Licensee or registrant must correct the deficiencies and resubmit the packaging and labeling to the Commission. If packaging or labeling is found deficient for a second time, licensee or registrant will be notified and must resubmit corrected packaging and labeling with an additional fee.

For more information about packaging and labeling, call 503-872-5459 or send an email to marijuana.packaging@oregon.gov.