

Division of Cannabis Regulation
Guidance Document – 08.24.23
Topic: Packaging and Labeling FAQs

Are all items listed in 19 CSR 100-1.120(1)(B)5 required?

No. The rule language “may only utilize” means that licensees are allowed but not required to include the listed information, unless otherwise required by rule. Specifically, a licensee is not required to use two (2) logos or symbols but may not use more than two (2); a licensee is not required to include text indicating side effects and behavioral effects of usage; and a licensee is not required to include a QR code.

What is allowed on packaging related to “text indicating side effects and behavioral effects of usage” outlined in 19 CSR 100-1.120(1)(B)5.C?

The text must communicate clearly the side effects and behavioral effects and may not be a slogan or other statement of aspirational or ambiguous meaning. For example, a licensee may use text such as “sleepy,” “relaxed,” or “hungry” to indicate the side effects and behavioral effects of using the marijuana product. Designating product as sativa, hybrid, or indica does not provide a description of side effects and behavioral effects of usage. Such information may be included in advertising or promotion material.

May packaging have a photograph of a marijuana product?

The marijuana product packaging may have a photograph of the marijuana product only if the photograph is part of the logo, in compliance with 19 CSR 100-1.120(1)(B)5.A.

Is similar packaging, labeling, and product design required to go through the Item Approval process?

Yes. Each different final marijuana product SKU produced by each individual licensee, including the packaging, labeling, and product design, will require pre-approval by DCR prior to being made available for sale to patients and consumers to verify compliance with 19 CSR 100-1.120.

DCR is working on a process for licensees to submit minor changes for previously approved products. The licensee will be required to list the approval number of the package that was previously approved, the specific differences from the previously approved, and an attestation that no additional changes will be made.

Additionally, DCR issued a variance on August 18, 2023, from 19 CSR 100-1.120(1)(C)2 to allow licensees to include the strain or flavor on the label so that licensees may use the same packaging for different strains or flavors.

Are stickers allowed on packaging?

Yes. A licensee may use stickers on packaging if it is part of the information approved through the Item Approval Process. The packaging must show the dedicated area that the sticker will be placed. For example, if a licensee uses the same packaging for multiple final marijuana products, the packaging may be individualized by adding a QR code sticker that links to a website where a purchaser can learn more about the product.

How may a licensee request alternative placement of “Marijuana,” the universal symbol, or the label required per 19 CSR 100-1.120(1)(C)?

Licensees may request alternative placement as part of the Item Approval process in Metrc. Licensees must consider other applicable requirements such as federal packaging requirements, when requesting alternative placement.

As prerolls are a method of administration, are prerolls required to be in packaging constructed from FDA-approved food contact substances?

Yes, licensees are required to package prerolls in packaging constructed from FDA-approved food contact substances. The preroll, that is consumed by the user, touches the packaging, therefore, the packaging must be manufactured from materials that are deemed safe to contact products made for human consumption as required pursuant to 19 CSR 100-1.120(1)(B)4. In addition, preroll wrap or paper is required to be made from food-grade material as the user consumes the final marijuana product.

What is considered a wrapper?

A wrapper is a covering for an individual serving and/or dose of a final marijuana product separating it from other individual servings and/or doses of final marijuana product items in a the final marijuana product packaging. An example of a wrapper is a single-serving pouch.

Are licensees required to update testing labels on existing final marijuana products?

DCR has allowed a grace period for licensees to use all existing final marijuana products and packaging until May 1, 2024. This grace period includes the testing label as DCR will allow licensees to continue to use their current stock of packaging (including testing label) and existing items for marijuana product currently on the market. Please see the August 18, 2023 guidance titled *Packaging and Labeling Compliance Extension* for additional information.

With this extension, it is DCR’s expectation that licensees are actively working towards compliance by ensuring all existing final marijuana products have either been sold or re-packaged with compliant product packaging and labeling designs for identical final marijuana product SKU; including receiving an Item Approval number from the Department prior to the May 1, 2024 date.