



Packaging and Labeling The Path to OLCC Approval



What Will be Covered Today:

- ▶ High level overview of packaging and labeling rules
- ▶ How does the online licensing system work?
- ▶ Sell down period of labels approved prior to August 15, 2018
- ▶ Common issues (incorporates August 15, 2018 rule changes)
- ▶ Other Cannabinoid Product labeling guidance
- ▶ Best practices – how to get it right the first time
- ▶ Contact & Consultations
- ▶ Q&A
- ▶ What won't be covered today? Testing and licensing related questions

Disclaimer

- ▶ This presentation assumes attendees have a basic understanding of the OLCC's packaging and labeling rules and does not cover all aspects of the packaging and labeling rules. In some instances, the rules are abbreviated and are not discussed at length.
- ▶ Licensees and persons creating packaging and labeling on their behalf are ultimately responsible for understanding and following the rules.
- ▶ The packaging and labeling rules can be found in [OAR 845-025-7000 – 7190](#) (Division 25).

Where to Find the Rules

- ▶ The best source for the rules is the Oregon Secretary of State's website under Division 25 – Recreational Marijuana <https://go.usa.gov/xEq99>

Oregon Liquor Control Commission	
Chapter 845	
^	Division 1 - PROCEDURAL RULES
^	Division 2 - CRIMINAL RECORDS CHECK AND FITNESS DETERMINATION
^	Division 3 - CONTESTED CASE PROCEDURES
^	Division 4 - GENERAL
^	Division 5 - CRITERIA FOR ISSUANCE AND MAINTENANCE OF LICENSES
^	Division 6 - APPLICATIONS; REQUIREMENTS; RESTRICTIONS; PROHIBITED CONDUCT
^	Division 7 - ADVERTISING
^	Division 8 - PRIVILEGE TAX
^	Division 9 - SERVICE PERMITS
^	Division 10 - MANUFACTURERS; WHOLESALERS; IMPORTERS
^	Division 13 - FINANCIAL ASSISTANCE
^	Division 15 - RETAIL SALES AGENTS
^	Division 16 - SERVER EDUCATION PROGRAM PROVIDER CERTIFICATION
^	Division 20 - BEVERAGE CONTAINERS AND REDEMPTION CENTERS
^	Division 25 - RECREATIONAL MARIJUANA

Click here

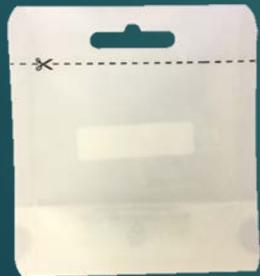


Brief Overview of Packaging Rules

- ▶ This is **not** an exhaustive list of the packaging rules
- ▶ What is a package? The receptacle that holds the marijuana item that will be ultimately sold to a consumer
- ▶ There can be multiple parts of a package. For example, an extract jar placed in a box
- ▶ Package approval only cover the physical structure holding the marijuana item – **NOT THE LABEL**
 - ▶ Package approval **never** covers the label. You must submit separate package and label applications.
 - ▶ If your package is approved but your label is not, you will not be in compliance with the rules.

Packages – Child Resistance

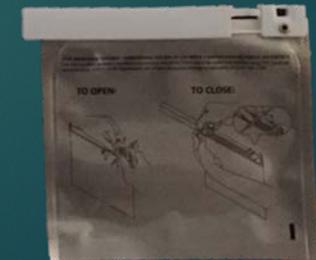
- ▶ All marijuana items, except immature plants and seeds, must be sold in a child resistant package **or** leave the retail store in an approved child resistant exit package.
- ▶ There are two types of child resistant packages: single use or re-sealable and continuously child resistant.
- ▶ If the package is not child resistant, it must leave the retail store in an approved child resistant exit package.
- ▶ **Only usable marijuana can leave the retail store in a single use child resistant package.**



Child Resistant – Single Use



Re-sealable & Continuously Child Resistant



Child Resistant Exit Package

Labeling – Pre-Approval

- ▶ Any label that is not generic must be submitted for pre-approval through the online licensing system before it can be offered for sale to a consumer, patient, or designated primary caregiver.
- ▶ Generic labels have no pictures, logos, colors, social media icons, websites, or graphics. They only contain the information required by rule.
- ▶ Only OLCC licensees, license applicants, and medical registrants may submit packaging and labeling.

Generic

Growing Green, LLC, 1000026Jo4D	Packaged by: ABC Wholesale Harvest date: 6/9/16, Marijuana wt.: 0.8g
Hindu Kush Marijuana Preroll THC 00%, CBD 00%	Licensed Lab Name, Tested 00/00/00 UID: 1A45678F8965 47DE21563475
For use only by adults 21 and older. Keep out of reach of children. Do not drive a motor vehicle while under the influence of marijuana.	
	
Usable Marijuana: 0.75 g Net Weight: 1 g (0.035 oz)	

Non-Generic

Growing Green, LLC, 1000026Jo4D www.growinggreen.com Hindu Kush Marijuana Preroll THC 00%, CBD 00%	Packaged by: ABC Wholesale Harvest date: 6/9/16, Marijuana wt.: 0.8g
Grown with Love in Oregon!	Licensed Lab Name, Tested 00/00/00 UID: 1A45678F8965 47DE21563475
For use only by adults 21 and older. Keep out of reach of children. Do not drive a motor vehicle while under the influence of marijuana.	
 	
Usable Marijuana: 0.75 g Net Weight: 1 g (0.035 oz)	

Colors &
Website

Marketing
language

Social
media icon

How Does the Online System Work...Status & Who can Make Edits?

- ▶ **Draft** – The application has not been formally submitted and can be edited by the licensee and not the OLCC.
- ▶ **New** – The application has been formally submitted and cannot be edited by the licensee.
- ▶ **Under Review** – The OLCC is reviewing the application and cannot be edited by the licensee.

How Does the Online System Work...Status & Who can Make Edits?

- ▶ **Resubmission Required** – The application requires changes and cannot be edited by the OLCC.
- ▶ **Approved** – The application is approved and cannot be edited by the licensee, but can be edited by the OLCC.
- ▶ **Denied** – The application has formally been denied and may not be used.

How Does the Online System Work...?

- ▶ When submitting files in the online system:
 - ▶ File size limit is 5mb.
 - ▶ Clearly name and date your files.
 - ▶ Delete or rename old files. If you are resubmitting after making changes, first remove the old files.
 - ▶ Applications with files that are too blurry to read will automatically be flipped to “Resubmission Required” status. This is a result of low resolution images being uploaded.

How Does the Online System Work...?

- ▶ All applications are received on a first come first served basis.
 - ▶ Please avoid requests for expediency.
 - ▶ Factor in a 3 – 5 week lag time for package and label approvals.

Changes to Approved Labels

- ▶ Generally speaking, licensees can only make minor changes to “variable” information to approved labels, such as lab results, test dates, and harvest dates. See OAR [845-025-7160\(7\)](#) for a complete list of changes that can be made without seeking pre-approval.
- ▶ If you add information to an approved label that is not permitted in OAR 845-025-7160(7) you will be in violation of the rules.
- ▶ Farm / partner logos – The addition of additional logos or text almost always requires resubmission. When making an initial submission, you can submit a “proof sheet” of farm logos as long as they don’t violate the rules and you clearly indicate where they will be placed.

Change Request Form & Application Denial

- ▶ All requests to make changes to an approved package or label application will need to be made through the [Change Request Form](#) and submitting a \$25 change fee *for each application*.
 - ▶ Once the OLCC receives the form and processes the fee, the application(s) will be unlocked.
 - ▶ For each package or label application that you want to change, you must submit a separate fee and form.
 - ▶ The form and fee can either be hand delivered to the OLCC's Milwaukee office or mailed to the address listed in the form.
- ▶ **Applications will be denied** after two failed attempts and the applicant will have to submit a new application and pay the \$100 fee again.

Sell Down Period

- ▶ New packaging and labeling rules took effect August 15, 2018.
 - ▶ Labels approved prior to August 15, 2018 were automatically changed to “Resubmission Required” status.
- ▶ Labels approved before August 15, 2018 **may not be transferred for sale to an OLCC retailer on and after April 1, 2019**.
 - ▶ On and after April 1, 2019 – retailers can no longer accept products containing labels approved prior to August 15, 2018.
 - ▶ If you are updating your label under an existing label application, there is no new fee required.

Sell Down Period

- ▶ Retailers have up to January 1, 2020 to sell through the old label inventory.
- ▶ **DO NOT** wait until March, 2019 to resubmit your labels. I anticipate a lengthy delay in label pre-approval during that time.

Common Issues – Label ID

- ▶ All labels that have been pre-approved must have a Label ID prominently displayed on the label of the outermost container.
- ▶ When a label is submitted in the online system, a unique Label ID number gets generated. This ID number is unique to each individual label application.
 - ▶ You must use the format “Label ID:”
 - ▶ Generic labels don’t have a Label ID.
- ▶ When you submit a label application, you can use placeholders – “Label ID: 0000”
- ▶ If you have the wrong Label ID on your label, you will be in violation of the rules.

Where is the Label ID!?!?!?

- ▶ The Label ID number can be found within each individual label application at the end of the URL in your browser's address bar.

Browser's Address Bar

My License Dashboard + Start a New Application

Your License Dashboard will help you stay up to date on the progress of applications and licenses. Use this tool to submit applications, view application details, check in on status, communicate with the OLCC, and manage your licenses.

[License Dashboard](#) [Business Information](#) [Applications](#) [Packaging/Labels](#)

Packaging
Please add all packaging you plan to use. If the packaging you plan to use is not already an approved item, please Apply for New packaging.

[+ Add Packaging](#) [+ Add Pre-Approved Packaging](#)

Title & Description	Package #	License #	Created	Status	Details
CRATIV case Plastic, hard-sided box that is opened by squeezing the sides and pushing down and up on the front	0000001503		6/14/2017 4:06:58 PM	Review and Pay	...
Pollen Gear Pop-Box Premium ASTM Child-Resistant Pop Top Pollen Gear Pop-Box	0000001506	1008093230A	6/14/2017 5:11:55 PM	Compliant, Not Approved for Use	...

Labels
Please add all labels you plan to use. You must associate a label with packaging. If your application for packaging has not yet been approved, you will not be able to have labels associated with it.

[+ Add Label](#)

Title & Description	Application/Registration ID	Created	Status	Details
Pre-roll Label Front and back panel with logo and required information	1008093230A	6/20/2017 5:20:23 PM	Review and Pay	...

<- Individual label application

Recreational Marijuana Licensing

LabelAdminDetail?id=136 **<- Label ID: 136**

Label Details for

[Action/Change Requests](#) [Label Application](#) [Business Information](#)

Assigned To

Under Review

Move to state: [Approved](#) [Resubmission Required](#) [Propose Denial](#)

“This package is not child resistant.”

- ▶ If the container holding the marijuana item is does not meet the child resistant standards in the rules, the outermost label must have the statement - **“This package is not child resistant.”**
- ▶ If the package you list under “Packages” in your label application is not certified child resistant, you must use this warning.

This package is not child resistant...

- ▶ For example: you have an plastic jar inside of a box, neither has been approved as child resistant in the OLCC's online system.
 - ▶ The outermost label on the box must have the statement.
 - ▶ **However**, if the plastic jar has been approved as child resistant in the OLCC's online system, the box **would not need** the warning. Why? The container holding the marijuana item meets the child resistant standards.

Common Issues – Adults & Driving Warnings

- ▶ The rules that went into effect on August 15, 2018 slightly changed both of these warnings.
- ▶ From “~~For use by adults 21 and older~~” to “For use only by adults 21 and older.”
- ▶ From “~~It is illegal to drive a motor vehicle while under the influence of marijuana~~” to “Do not drive a motor vehicle while under the influence of marijuana.”
- ▶ All required warnings and statements must **exactly** match the text of the rule. No abbreviations or slight variations.

Confusing Weight and Volume

- ▶ Weight is expressed in grams and ounces (sometimes milligrams)
 - ▶ For example – 1 gram (0.04 oz)
 - ▶ Always put Net Weight or Net Wt. before grams and ounces
- ▶ Liquid is expressed in fluid ounces and milliliter
 - ▶ For example – 1 fl oz (29.6mL)
- ▶ DO NOT put Net Weight before fluid measurements.
- ▶ Weight / Volume must be **bolded** and on the bottom 30% of the principal display panel.

Product Identity

- ▶ The product identity is the truthful or common name of the product that is contained the package.
 - ▶ The product identity must be in lines generally parallel to the base of the container.
- ▶ The product identity must clearly identify whether the item is derived from marijuana or hemp. “Cannabis” may be used in place of “marijuana.”
 - ▶ Marijuana Edible
 - ▶ Hemp Tincture
- ▶ If the product is a cannabinoid extract or concentrate, the product identity must clearly identify it as such.
 - ▶ Marijuana Concentrate
 - ▶ Cannabis Extract

Hemp



- ▶ If the item is solely derived from hemp the label must:
 - ▶ Have a product identity that clearly indicates the product is derived from hemp.
 - ▶ “Hemp Tincture,” “Hemp CBD Chocolate Bar,” or “Hemp Extract.”
 - ▶ Have the following warnings in place of the other required warnings: “This product is derived from hemp and could contain THC. Keep out of reach of children.”
 - ▶ You must still have the “FDA Statement.”
 - ▶ The rules specifically call out what “warnings” are.
- ▶ If the product contains both marijuana and hemp, it is labeled as a marijuana item and most likely as an “Other Cannabinoid Product”
- ▶ Use the hemp symbol on the principal display panel instead of the universal symbol.

Pre-rolls

- ▶ Pre-rolls must list **two** weights
 - ▶ 1)the net weight and 2) weight of usable marijuana.
- ▶ The net weight is the weight of the usable marijuana + paper + filter/tip.
- ▶ The weight of usable marijuana must be listed in grams.
 - ▶ Multi-packs of pre-rolls must make it clear how much usable marijuana is in each pre-roll.
 - ▶ For example “Contains (5) ½ gram usable marijuana pre rolls.

Pet Food

- ▶ OLCC licensed retailers cannot sell pet or animal food, treats, or other pet or animal products containing hemp or marijuana.
- ▶ [See OAR 845-025-2800.](#)
- ▶ Labels will not be approved for products that appear to violate this prohibition.
- ▶ Licensees may be in violation of the rules if they market their products in a manner that suggests or implies the products are for pets or animals.
 - ▶ This includes encouraging bud tenders to market products these ways, websites, leafly, and social media.

Edibles – Nutrition Templates

- ▶ Labels must use the nutrition templates provided by the OLCC, which can be found on the [packaging and labeling website](#).
- ▶ The templates must exactly match the ones provided by the OLCC.
- ▶ When listing serving size on the nutrition template, the weight of the serving should follow the suggested serving size.
 - ▶ For example “Serving Size: 1 cookie (10g)”
- ▶ The tabular and linear displays should only be used on small containers that do not have enough space for a full label.

Vertical Display

Nutrition Facts	
5 servings per container	
Serving Size	1 cookie (10 g)
Amount per serving	
Calories	150
Total Fat	10g
Cholesterol	8mg
Sodium	150mg
Total Carb.	25g
Total Sugars	19g
Protein	3g
Ingredients: Sugar, Whole Wheat Flour, Malted Barley Flour, Butter, Palm Oil, Rolled Oats, Egg, Coconut, Sugar, Baking Soda, Salt	
Contains: Wheat, Milk, Egg, Coconut	

Tabular Display for Small Packages

Nutrition Facts	Amount/serving	Amount/serving	Amount/serving
5 servings per container	Total Fat	10g	Total Carb.
Serv. Size: 1 cookie (10g)	Cholesterol	8mg	Total Sugars
Calories , per serving	Sodium	150mg	Protein
			3g
Ingredients: Sugar, Whole Wheat Flour, Malted Barley Flour, Butter, Palm Oil, Rolled Oats, Egg, Coconut, Sugar, Baking Soda, Salt			
Contains: Wheat, Milk, Egg, Coconut			

Linear Display for Small Packages

Nutrition Facts	Servings: 5, Serv. Size: 1 cookie (10g),
Amount per serving: Calories 150 , Total Fat 10g, Cholest. 8mg, Sodium 150mg, Total Carb. 25g, Total Sugars 19g, Protein 3g.	
Ingredients: Sugar, Whole Wheat Flour, Malted Barley Flour, Butter, Palm Oil, Rolled Oats, Egg, Coconut, Sugar, Baking Soda, Salt	
Contains: Wheat, Milk, Egg, Coconut	

Small and Tiny Containers

- ▶ **All** containers holding a marijuana item must have a label.
 - ▶ Labels must be affixed to the container holding the marijuana item.
- ▶ The small container rules can be found at [OAR 845-025-7030\(11\)](#).
- ▶ The tiny container rules can be found at [OAR 845-025-7030\(12\)](#).
- ▶ See page 9 of the [Label Checklist and Generic Label Examples](#).

Small and Tiny Containers...

- ▶ The small/tiny container labeling rules are abbreviated, the label on the outer container must contain **all** the information required by rule.
- ▶ For small and tiny jars holding extracts, the lid is typically the principal display panel.
 - ▶ All other required information can be placed on a wrap around label or a circular label attached to the base of the jar.

Topical Labeling

- ▶ The concentration of THC and CBD in the container must be listed as a percentage.
 - ▶ You can list the mg afterwards or elsewhere on the label, but you **must** list the percentage.
 - ▶ OHA's recreational concentration limit is 6%
- ▶ You must provide an amount suggested for use by a consumer at any one time.
 - ▶ "a dime sized amount"
 - ▶ "a tablespoon"

Concentration and Serving Size Limits

- ▶ The Oregon Health Authority (OHA) sets the concentration and serving size limits.
- ▶ Capsules are labeled under the tincture rules.
- ▶ Suppositories are subject to the edible limits and are labeled as an “Other Cannabinoid Product.”
- ▶ Transdermal patches are labeled as a topical but are subject to edible limits.

OAR 333-007-0210

Table 1

RETAIL ADULT USE CANNABIS CONCENTRATION AND SERVING SIZE LIMITS		
Type of Marijuana Item	Maximum Concentration or Amount of THC Per Serving	Maximum Concentration or Amount of THC in Container
Cannabinoid Product – Edibles	5 mg	50 mg
Cannabinoid Product - Topical	N/A	6%
Cannabinoid Product - Tincture	N/A	1,000 mg
Cannabinoid Product - Capsule	10 mg	100 mg
Cannabinoid Concentrates or Extracts	N/A	1,000 mg
Cannabinoid Products Other than Cannabinoid Edibles, Topicals, Tinctures Capsules, Suppositories or Transdermal Patches and Not Intended for Human Consumption	N/A	1,000 mg

Moonrocks, Asteroids, Infused Joints, etc...

- ▶ If a marijuana item has “added substances” as defined by [OAR 845-025-7000](#) it is labeled as an “Other Cannabinoid Product” under [OAR 845-025-7120](#).
- ▶ Among other requirements, [7120](#) requires the label to list the processor’s place of address and packager’s address, if different from processor **and** the ingredients in descending order of predominance by weight or volume.

Moonrocks, Asteroids, Infused Joints, etc...

- ▶ All “Other Cannabinoid Products” must be tested for final potency (THC and CBD).
 - ▶ These potency values and the lab that performed the test and test date must be prominently displayed on the label.
- ▶ The product identity must clearly identify the product as being derived from marijuana or industrial hemp.

Other Cannabinoid Product Guidance

- ▶ Extracts & Concentrates with “added substances” – this typically includes “non-marijuana terpenes” have specific labeling requirements.
- ▶ See [Compliance Bulletin CE2018-09](#) for the requirements.

Advertising

- ▶ OLCC licensees are subject to advertising restrictions. See [OAR 845-025-8040](#).
- ▶ The following statements must be on all print, billboard, television, radio and internet advertising in font size legible to the viewer:
 - ▶ “Do not operate a vehicle or machinery under the influence of this drug.”
 - ▶ “For use only by adults twenty-one years of age and older.”
 - ▶ “Keep out of reach of children.”
- ▶ This includes social media, ie Instagram and Facebook.

Advertising...

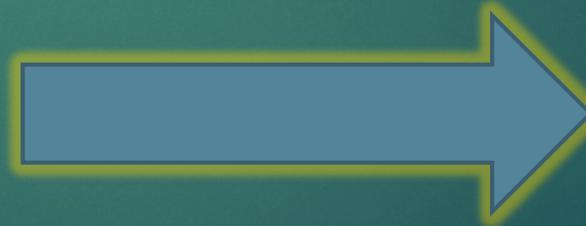
- ▶ Among other things, advertising cannot be attractive to minors.
- ▶ This includes online menus, such as Weedmaps and Leafly
 - ▶ Listing strain names that are attractive to minors is a violation of this rule!
- ▶ Licensees who advertise via web page must have an “age gate” which asks if users are 21+ years or older (or a valid OMMP cardholder)
 - ▶ See [OAR 845-025-8060](#) for the specifics.

Best Practices for Packaging and Labeling Submissions

- ▶ Use the digital resources on the [Packaging and Labeling Portion](#) of the OLCC's recreational marijuana website.
 - ▶ [Label Checklist and Generic Label Examples](#).
 - ▶ [Packaging and Labeling Guide](#).
 - ▶ [Guide to Package and Label Pre-Approval Process](#).
- ▶ Packaging and Labeling Rules – [OAR 845-025-7000 – 7190](#).
- ▶ [Sign up for Gov. Delivery](#).
- ▶ [Review compliance bulletins](#).
- ▶ [Metric Product Categorization & Tax Guide](#).

Best Practices for Packaging and Labeling Submissions...

- ▶ Use the [label checklist](#)!
 - ▶ Keep in mind the checklist does not capture every aspect of the packaging and labeling rules (Label ID, this package is not child resistant, etc...)
 - ▶ Walk through the checklist before you formally submit a label application (I do it went reviewing your label applications).



USABLE MARIJUANA	
REQUIRED INFORMATION	
<input type="checkbox"/>	Producer's business / trade name
<input type="checkbox"/>	Producer's OLCC license number
<input type="checkbox"/>	Business/trade name of business that packaged the product, if different than the producer
<input type="checkbox"/>	UID number
<input type="checkbox"/>	Harvest date
<input type="checkbox"/>	Strain name
<input type="checkbox"/>	Concentration of THC and CBD (%)
<input type="checkbox"/>	Name of lab that performed any test
<input type="checkbox"/>	All test analysis dates
<input type="checkbox"/>	Required Warnings: "For use only by adults 21 and older. Keep out of reach of children. Do not drive a motor vehicle while under the influence of marijuana."
<input type="checkbox"/>	Product Identity
<input type="checkbox"/>	Universal symbol
<input type="checkbox"/>	Net weight in grams and ounces
<input type="checkbox"/>	For prerolls only: weight of usable marijuana in grams

Principal Display Panel

Contact

- ▶ Marijuana.packaging@Oregon.gov or 503-872-5459.
 - ▶ Email is typically faster.
 - ▶ When communicating via email, please include your business name and license number. This helps speed the process up.
 - ▶ When leaving voicemail, please state your name and business name as well as a call back number.

Contact

- ▶ As a **courtesy**, you may submit label applications before you formally submit them online for critique via email to marijuana.packaging@oregon.gov.
- ▶ Please be **considerate** when submitting labels for review.
 - ▶ Review the [checklist](#) before submitting labels for review.
 - ▶ Do not submit a large batch of labels.
- ▶ Avoid requests for expediency.
 - ▶ All applications are reviewed on a first come first served basis.
 - ▶ Plan a realistic lag time between submission and approval.

Consultations

- ▶ I am happy to provide in person consultations at the OLCC's main office in Milwaukee or your place of business, if in the Portland metro area.
 - ▶ Please be considerate and schedule consultations well in advance.
 - ▶ Consultations are subject to availability.
 - ▶ Licensees are ultimately responsible for complying with the rules.
 - ▶ If visiting the OLCC, keep in mind there is no public WiFi at the OLCC so make sure to bring all your files digitally or print them out.
 - ▶ Please make sure not to bring any marijuana items to the OLCC's offices.

Q&A...

- ▶ Questions?
- ▶ Marjuana.packaging@Oregon.gov
- ▶ 503-872-5459