

# Comparison of State Regulations of Edible Cannabis Products

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## Underage Use

Products similar to non-cannabis products

Products appeal to children

## Foodborne Illness

Contaminants (mold, chemical residues, pesticides, pathogens)

Lack of standardized cannabis-specific manufacturing and sanitary practices

## THC and CBD Overdose

Uneven distribution of THC and CBD

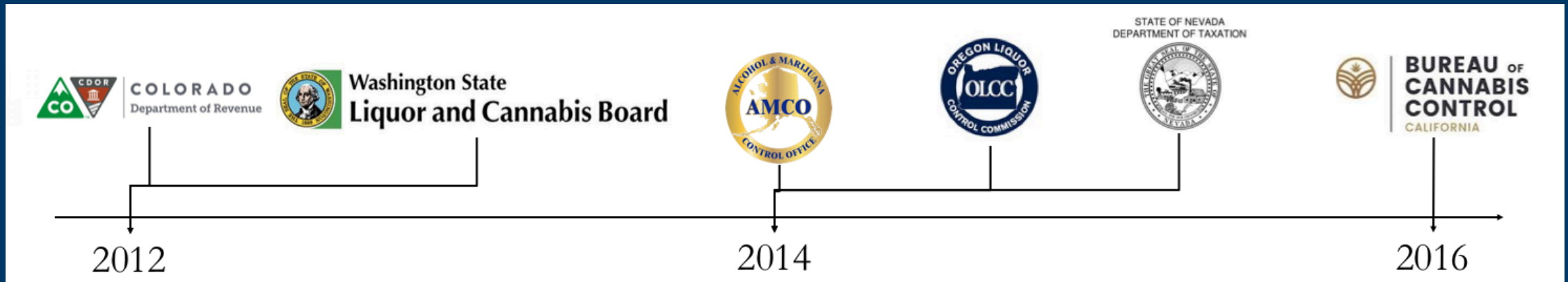
Lack of clear labels and warnings that contain serving size and side-effects

Other concerns include impaired driving, addiction and mental health issues, and risks to pregnant women.

# Research Question

How are foods infused with cannabis, also known as edibles, regulated for recreational use in Alaska, California, Colorado, Nevada, Oregon and Washington?

Do the current state laws, rules, and policies in place (a) recognize “edibles” as a food and (b) regulate edibles to ensure food safety?



# Federal Definitions

**Food** means (1) articles used for food or drink for man or other animals, (2) chewing gum, and (3) articles used for components of any such article as defined by the FD&C.

**Marijuana** means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin.



Edibles

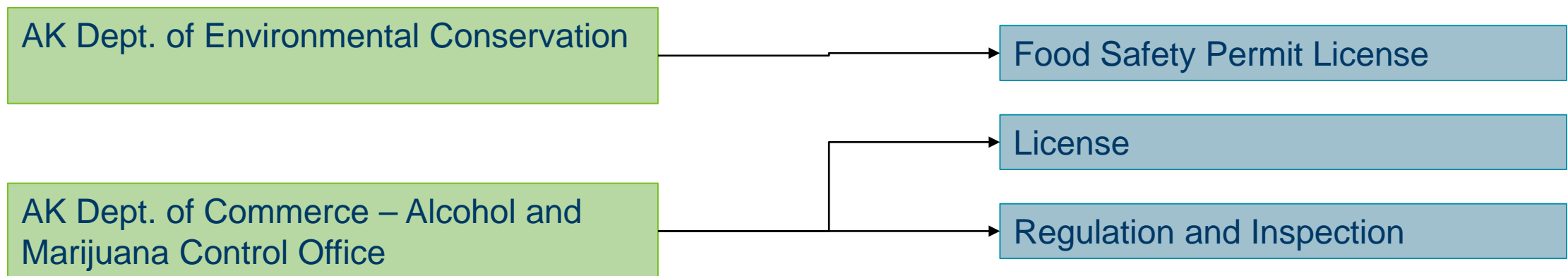
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Food

State	Designated Licensing Agency
Colorado	CO Dept. of Revenue
Washington	Liquor & Cannabis Board WA State Dept. of Agriculture
Alaska	AK Dept. of Commerce – Alcohol and Marijuana Control Office
Oregon	Liquor Control Commission
Nevada	NV Dept. of Taxation
California	CA Dept. of Consumer Affairs -- California Bureau of Cannabis Control CA Dept. of Public Health -- Manufactured Cannabis Safety Branch CA Dept. of Food and Agriculture -- CalCannabis Cultivation



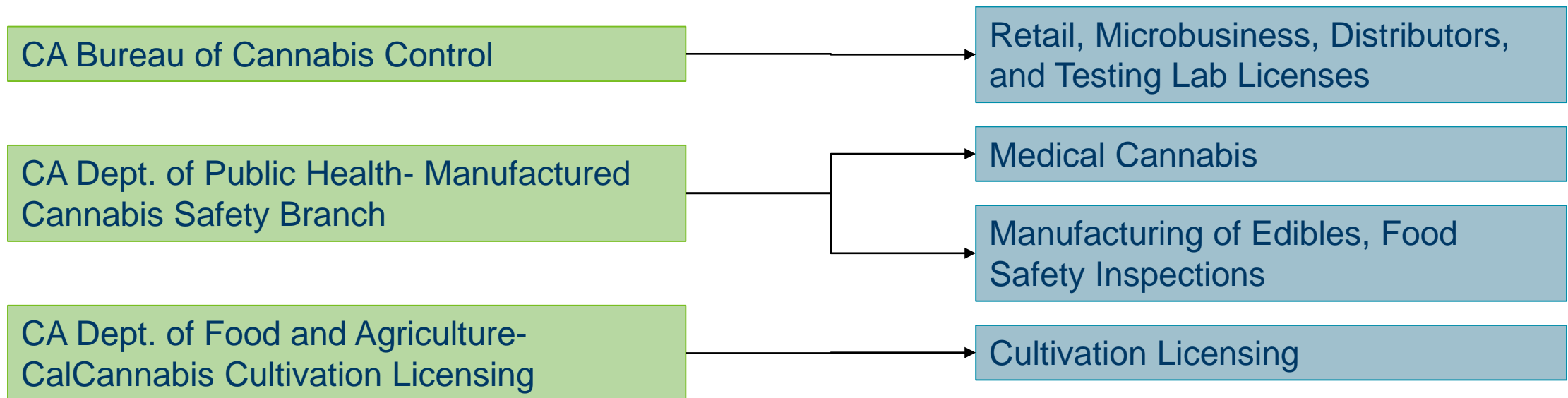
**Edible and Edible Marijuana Product:** marijuana product that is intended to be consumed orally, whether as food or drink; does not include an adulterated food or drink product.



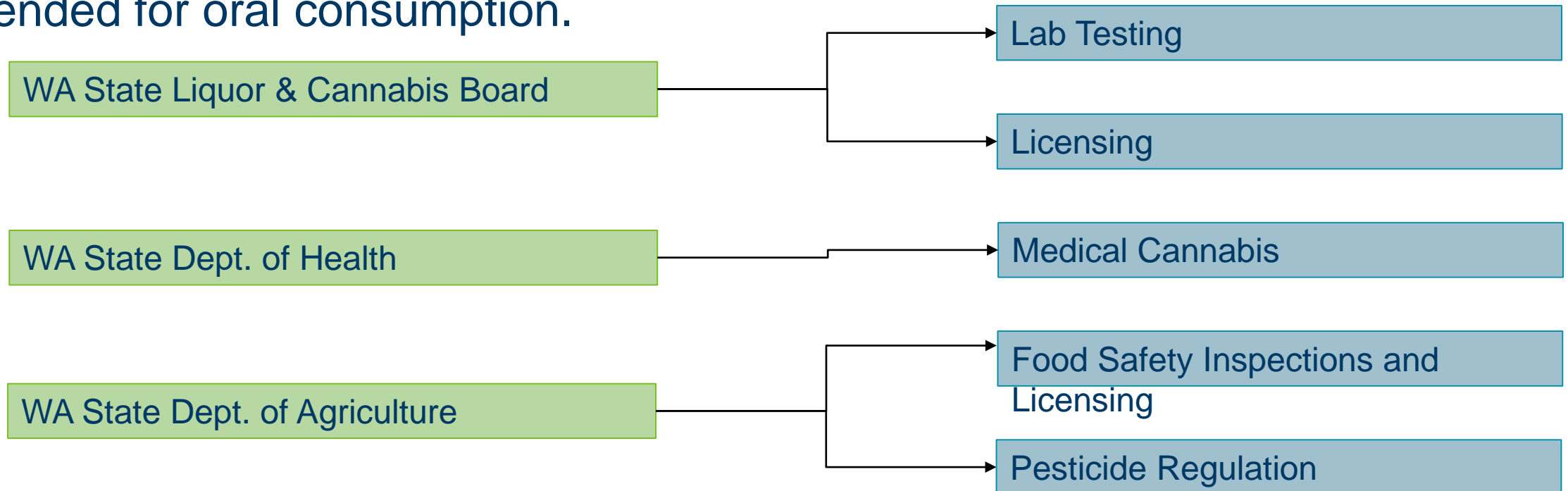
- Is cannabis defined as a food?  
**YES**
- Is cannabis regulated like food?  
**YES**

**Food:** article used for food or drink for man or animal, chewing gum, and articles used for components of either of them.

**Edible Cannabis Product:** a cannabis product intended to be used orally in whole or in part, for human consumption.



**Marijuana-Infused Edible Products:** the same meaning as marijuana-infused products (usable marijuana that contains marijuana or marijuana extracts; are intended for human use; are derived from marijuana; and have a THC concentration no greater than ten percent) but limited to products intended for oral consumption.



# Washington & California

- Is cannabis defined as a food?  
**NO**
- Is cannabis regulated like food?  
**YES**

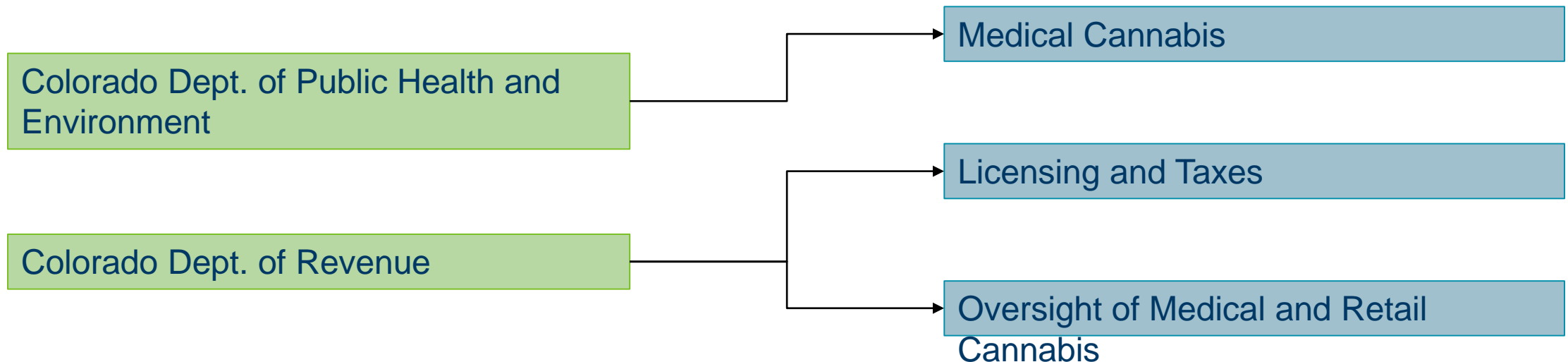
## *Washington*

**Food:** article used for food or drink for people or other animals, bottled water, chewing gum, and articles used for components of any such article.

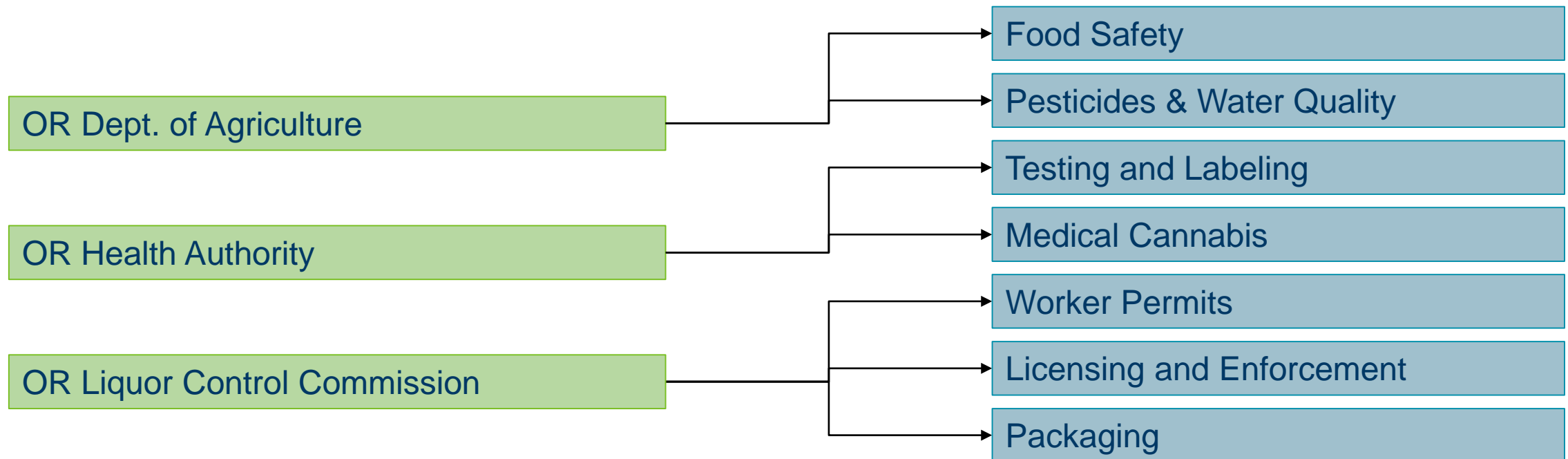
## *California*

**Food:** any article used or intended for use for food, drink, confection, condiment, or chewing gum by man or other animal.

**Edible Retail Marijuana Product:** any Retail Marijuana Product which is intended to be consumed orally, including but not limited to, any type of food, drink, or pill.



**Cannabinoid Edibles:** food or potable liquid into which a cannabinoid concentrate, cannabinoid extract or dried marijuana leaves or flowers have been incorporated.



# Colorado & Oregon

- Is cannabis defined as a food?  
**NO\***
- Is cannabis regulated like food?  
**YES**

## *Colorado*

**Food:** articles used for food or drink for man or other animals, chewing gum, and articles used for components of any such article.

## *Oregon*

**Food:** articles used for food or drink, including ice, for human consumption or food for dogs and cats; chewing gum; dietary supplements; and articles used for components of any such article.



**Edible Marijuana Product:** products that:

(1) Contain marijuana or an extract thereof; (2) Are intended for human consumption by oral ingestion; and (3) Are presented in the form of foodstuffs, extracts, oils, tinctures and other similar products.

NV Dept. of Taxation

Licensing & Enforcement

- Is cannabis defined as a food?  
**NO**
- Is cannabis regulated like food?  
**NO**

**Food:** any food, drink, confection or beverage, or any component in the preparation or manufacture thereof, intended for ultimate human consumption, stored, being prepared or manufactured, displayed, offered for sale, sold, or served in a food establishment.

# Do states define and regulate cannabis like a food?

State	Defined as Food	Regulated like Food
Alaska	Yes	Yes
California	No	Yes
Washington	No	Yes
Colorado	No*	Yes
Oregon	No*	Yes
Nevada	No	No

# Future of Cannabis Regulations

SIL18725

S.L.C.

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S.** \_\_\_\_\_

To amend the Controlled Substances Act to provide for a new rule regarding the application of the Act to marihuana, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Ms. WARREN (for herself and Mr. GARDNER) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

To amend the Controlled Substances Act to provide for a new rule regarding the application of the Act to marihuana, and for other purposes.

# Thank you!

**Carmen Garson-Shumway**

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Common Regulations Across States	
<b>Limit on THC purchasing</b>	<ul style="list-style-type: none"> <li>• Daily purchase limits as well as personal possession and cultivation restrictions to limit consumption and reduce likelihood of overdose.</li> <li>• Possession and purchase limit of one ounce per transaction and/or per day.</li> </ul>
<b>Limit on Serving Size and Cultivation Amount</b>	<ul style="list-style-type: none"> <li>• Two categories for serving size limit:</li> <li>• 5 milligrams (mg) or 10 mg.</li> </ul>
<b>Labels, warnings, and ingredients on packaging</b>	<ul style="list-style-type: none"> <li>• Required child-resistant packaging, warnings and labels on all cannabis products.</li> <li>• Generally includes: license numbers, date of sale, batch numbers, risk statements, amount or weight of THC in the product.</li> <li>• Required ingredient list and serving size.</li> <li>• Most states also developed a specific symbol associated with cannabis to be placed on all packaging.</li> </ul>
<b>Inability to manufacture non-cannabis foods in the same facility that manufactures cannabis</b>	<ul style="list-style-type: none"> <li>• Prohibit manufacturing of food devoid of cannabis inside cannabis facilities in order to reduce contamination of non-cannabis products.</li> </ul>
<b>Retail facilities are the only facilities able to sell directly to consumers</b>	<ul style="list-style-type: none"> <li>• Consumers can only purchase cannabis products at retail facilities.</li> <li>• Cultivation, manufacture and producer licensees can only sell to other cannabis licensee holders and not directly to consumers.</li> </ul>