

# Adult Use Cannabis Task Force

## Consumer Safety and Local Control

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## ***Packaging and Labeling Policy Statement***

**Cannabis policy reform advocates support packaging and labeling requirements that deter access by minors and advance consumer safety by informing the purchaser of the source of the product, potency, weight, safety warnings, and a complete list of all nonorganic pesticides, fungicides, and herbicides used during the cultivation of the Retail Cannabis. Product specific requirements for packaging and labeling should apply to flower and plant materials, concentrates, and edible and non-edible products. For consumer safety, labeling requirements for all cannabis products should include a complete list of all nonorganic pesticides, fungicides, and herbicides used during the cultivation of the Retail Cannabis used to produce the Retail Cannabis Product. Retail Cannabis Concentrate labeling should include a complete list of solvents and chemicals used in the creation of concentrate. Retail Edible or Non-Edible Cannabis Products should similarly include a complete list of solvents and chemicals used in the creation of the Cannabis Concentrate that was used to produce the Retail Cannabis Product, an ingredients list, and nutritional information.**

## ***Proposed Regulations for Packaging and Labeling***

**Packaging of Retail Cannabis by a Retail Cannabis Store.** A Retail Cannabis Store must ensure that all Retail Cannabis is placed within a Container prior to sale to a consumer. If the Container is not Child-Resistant, the Retail Cannabis Store must place the Container within an Exit Package that is Child-Resistant.

**Required Labeling Information for Retail Cannabis.** A Retail Cannabis Store must include the following information on every Container holding Retail Cannabis:

1. The species of the Retail Cannabis;
2. The name(s) and license number(s) of the Cannabis Cultivation Facility(-ies) where the Retail Cannabis was grown;
3. The Harvest Batch Number assigned to the Retail Cannabis within the Container;
4. The date of harvest;
5. The net weight, in grams to at least the tenth of a gram, of the Retail Cannabis prior to its placement in the Container;
6. The following warning statements:
  - a. “This product is intended for use by adults 21 years and older.”
  - b. “Keep out of the reach of children.”
  - c. “Do not drive a motor vehicle or operate heavy machinery while consuming or impaired by Cannabis.”
7. A required potency statement;
8. A required contaminant testing statement; and

9. A complete list of all nonorganic pesticides, fungicides, and herbicides used during the cultivation of the Retail Cannabis.

**Required Potency Statement for Retail Cannabis.** A Retail Cannabis Store must ensure the potency of at least the Retail Cannabis’s THC and CBD is included on a label that is affixed to the Container. The potency must be expressed as a range of percentages that extends from the lowest percentage to the highest percentage of concentration for each cannabinoid listed, from every test conducted on that strain of Retail Cannabis cultivated by the same Cannabis Cultivation Facility within the last six months.

**Required Contaminant Testing Statement for Retail Cannabis.** If a Cannabis Testing Facility tested a Harvest Batch for microbials, mold, mildew, and filth, and all the required test(s) passed, then the Container shall be labeled with a statement of compliance with mandatory contaminant testing required by law.

**Required Labeling Information for Retail Cannabis Concentrate.** A Retail Cannabis Store must include the following information on every Container holding a Retail Cannabis Concentrate:

1. The species of the Retail Cannabis used to produce the Retail Cannabis Concentrate;
2. The name(s) and license number(s) of the Cannabis Cultivation Facility(-ies) where the Retail Cannabis used to produce the Retail Cannabis Concentrate was grown;
3. The name and license number of the Cannabis Product Manufacturing Facility that produced the Retail Cannabis Concentrate;
4. The Production Batch Number assigned to the Retail Cannabis Concentrate contained within the package;
5. The net weight, in grams to at least the tenth of a gram, of the Retail Cannabis Concentrate prior to its placement in the Container;
6. A complete list of solvents and chemicals used to create the Retail Cannabis Concentrate;
7. The following warning statements:
  - i. “This product is intended for use by adults 21 years and older.”
  - ii. “Keep out of the reach of children.”
  - iii. “This product contains Cannabis.”
  - iv. “Do not drive a motor vehicle or operate heavy machinery while consuming or impaired by Cannabis.”
8. A required potency statement;
9. A required contaminant testing statement; and
10. A complete list of all nonorganic pesticides, fungicides, and herbicides used during the cultivation of the Retail Cannabis used to produce the Retail Cannabis Concentrate contained within.

**Required Potency Statement for Retail Cannabis Concentrate.** Each Container of Retail Cannabis Concentrate must include a label that contains the potency of at least the Retail Cannabis Concentrate’s THC and CBD, expressed in milligrams for each cannabinoid.

**Required Contaminant Testing Statement for Retail Cannabis Concentrate.**

1. **Solvent-Based Retail Cannabis Concentrate.** If a Cannabis Testing Facility tested a Production Batch of Solvent-Based Retail Cannabis Concentrate for residual solvents, mold, and mildew, and the required test(s) passed, then the Container must be labeled with a statement of compliance with mandatory contaminant testing required by law.
2. **Food- and Water-Based Retail Cannabis Concentrate.** If a Cannabis Testing Facility tested a Production Batch for microbials, mold, and mildew, and the required test(s) passed, then the Container must be labeled with a statement of compliance with mandatory contaminant testing required by law.

**Required Labeling Information for Retail Edible Cannabis Products.** A Cannabis Product Manufacturing Facility must ensure that the following information or statement is affixed to every Container holding an Edible Cannabis Product:

1. **Ingredient List.** A list of all ingredients used to manufacture the Edible Cannabis Product; including a list of any potential allergens contained within;
2. **Statement Regarding Refrigeration.** If the Edible Cannabis Product is perishable, a statement that the Retail Cannabis Product must be refrigerated;
3. **Serving Size and Total Active THC Statement.** Information regarding: the size of Standardized Serving Of Cannabis for the product by milligrams, the total number of Standardized Servings of Cannabis in the product, and the total amount of active THC in the product by milligrams;
4. **Statement of Production Date.** The date on which the Edible Cannabis Product was produced;
5. **Statement of Expiration Date.** A product expiration date, for perishable Edible Cannabis Products, upon which the product will no longer be fit for consumption, or a use-by-date, upon which the product will no longer be optimally fresh;
6. The following warning statements:
  - a. “This product is intended for use by adults 21 years and older.”
  - b. “Keep out of the reach of children.”
  - c. “This product contains Cannabis.”
  - d. “The impairing effects of this product may be delayed by two or more hours.”
  - e. “Do not drive a motor vehicle or operate heavy machinery while consuming or impaired Cannabis.”
7. A required potency statement;
8. A required contaminant testing statement; and

9. A complete list of all nonorganic pesticides, fungicides, and herbicides used during the cultivation of the Retail Cannabis used to produce the Retail Edible Cannabis Product contained within.

**Required Potency Statement for Retail Edible Cannabis Products.** Every Cannabis Product Manufacturing Facility must ensure that a label is affixed to the Container that includes the number of THC servings within the Container, and at least the Retail Cannabis Product's THC and CBD content, expressed in milligrams for each cannabinoid.

**Required Contaminant Testing Statement for Edible Cannabis Products.** If a Cannabis Testing Facility tested a Production Batch of Retail Edible Cannabis Product for microbials, mold, and mildew, and the required test(s) passed, then the Container shall be labeled with a statement of compliance with mandatory contaminant testing required by law.

**Required labeling information for Retail Non-Edible Cannabis Products.** A Cannabis Product Manufacturing Facility must ensure that the following information or statement is affixed to every Container holding a Retail Non-Edible Cannabis Product:

1. The name(s) and license number(s) of the Cannabis Cultivation Facility(-ies) where the Retail Cannabis used to produce the Retail Non-Edible Cannabis Product was grown;
2. The Production Batch Number(s) of Retail Cannabis Concentrate(s) used in the production of the Retail Cannabis Product;
3. The name and license number of the Cannabis Product Manufacturing Facility that produced the Retail Cannabis Product;
4. A net weight statement;
5. The Production Batch Number(s) assigned to the Retail Cannabis Product;
6. A statement about whether the Container is Child-Resistant;
7. A clear set of usage instructions for Retail Non-Edible Cannabis Product.
8. The following warning statements:
  - a. "This product is intended for use by adults 21 years and older."
  - b. "Keep out of the reach of children."
  - c. "This product contains Cannabis."
  - d. "The impairing effects of this product may be delayed by two or more hours."
  - e. "Do not drive a motor vehicle or operate heavy machinery while using Cannabis."
9. A required potency statement;
10. A required contaminant testing statement;
11. A complete list of all nonorganic pesticides, fungicides, and herbicides used during the cultivation of the Retail Cannabis used to produce the Retail Edible Cannabis Product contained within; and
12. A complete list of solvents and chemicals used in the creation of any Retail Cannabis concentrate that was used to produce the Retail Cannabis Product.

**Required Potency Statement for Retail Non-Edible Cannabis Products.** Each Container holding a Retail Non-Edible Cannabis Product shall be labeled with the potency of at least the Retail Non-Edible Cannabis Product’s THC and CBD. The potency shall be expressed in milligrams for each cannabinoid.

**Required Contaminant Testing Statement for Non-Edible Cannabis Products.** If a Cannabis Testing Facility tested a Production Batch of Retail Non-Edible Cannabis Product for microbials, mold, and mildew, and the required test(s) passed, then the Container shall be labeled with a statement of compliance with mandatory contaminant testing required by law.

## *Purity and Potency Standards Policy Statement*

Cannabis policy reform advocates support purity standards that protect consumers from potentially dangerous adulterants, chemicals, pesticides, molds, fungus, and other contaminants; and packaging and labeling requirements crafted to provide consumers with full disclosure regarding the contents, ingredients, and purity of a cannabis product. It is further recommended that regulations be established to require the use of only organic nutrients and pesticides in the cultivation of Retail Cannabis. Cannabis cultivation facilities should be required to keep and maintain records regarding the application of pesticides and other agricultural chemicals applied to Retail Cannabis. For consumer safety, labeling requirements for all cannabis products should include a complete list of all nonorganic pesticides, fungicides, and herbicides used during the cultivation of the Retail Cannabis used to produce the Retail Cannabis Product. Retail Cannabis Concentrate labeling should include a complete list of solvents and chemicals used in the creation of concentrate. Retail Edible or Non-Edible Cannabis Products should include a complete list of solvents and chemicals used in the creation of the Cannabis Concentrate that was used to produce the Retail Cannabis Product. The implementation of guidelines for required Retail Cannabis Testing will ensure consumers are provided with the information necessary to make informed decisions and consume cannabis safely and responsibly.

## *Purity and Potency Standards Proposed Regulations*

**Contaminant Testing Required.** Retail Cannabis, Retail Cannabis Concentrates, and Retail Cannabis Products cultivated or produced by Cannabis Cultivation Facilities and Cannabis Product Manufacturing Facilities shall be subject to testing from each Harvest Batch or Production Batch by a Cannabis Testing Facility for contaminants and pass all contaminant tests required by law.

**Potency Testing Required.** Retail Cannabis shall undergo initial testing and ongoing potency and cannabinoid profile testing. Retail Cannabis Concentrates, and Retail Cannabis Products cultivated or produced by Cannabis Cultivation Facilities and Cannabis Product Manufacturing Facilities shall be subject to testing from each Production Batch by a Cannabis Testing Facility for potency and cannabinoid profile testing.

### **Required Contaminant Tests.**

1. **Microbial Contaminant Testing.** Each Harvest Batch of Retail Cannabis and Production Batch of Water- or Food-Based Retail Cannabis Concentrate and Retail Cannabis Product must be tested for microbial contamination by a Cannabis Testing Facility. The microbial contamination test must include testing to determine the presence of Salmonella sp. and shiga-toxin producing Escherichia coli., and the amount of total yeast and mold.

2. **Residual Solvent Contaminant Testing.** Each Production Batch of Solvent-Based Retail Cannabis Concentrate produced by a Cannabis Product Manufacturing Facility must be tested by a Cannabis Testing Facility for residual solvent contamination. The residual solvent contamination test shall include, but not be limited to, testing to determine the presence of, and amounts present of, butane, heptanes, benzene, toluene, hexane, xylenes or any solvents not approved for use in Cannabis Products.

#### **Required Potency and Cannabinoid Profile Tests.**

1. Potency testing shall include the level of concentration of THC, THCA, CBD, and CBN.
2. Initial potency testing of Retail Cannabis shall be conducted by a Cannabis Testing Facility on four Harvest Batches, harvested a minimum of one week apart, for each strain of Retail Cannabis cultivated by a Cannabis Cultivation Facility.
3. After initial potency testing of Retail Cannabis is conducted, a Cannabis Cultivation Facility shall have each strain of Retail Cannabis that it cultivates tested for potency at least once every six months.
4. A Cannabis Product Manufacturing Facility shall have a potency test conducted by a Cannabis Testing Facility on every Production Batch of Retail Cannabis Concentrate that it produces prior to wholesaling, transferring or processing into a Retail Cannabis Product any of the Retail Cannabis Concentrate from that Production Batch.
5. A Cannabis Product Manufacturing Facility shall have a potency test conducted by a Cannabis Testing Facility on every Production Batch of Retail Cannabis Product that it produces prior to wholesaling, transferring or processing any of the Retail Cannabis Product from that Production Batch.
6. Potency tests conducted on Retail Cannabis Product must determine the level of concentration of the required cannabinoids and whether or not THC is homogeneously distributed throughout the product.

#### **Required Contaminant Testing Statement and Potency Statement for Retail Cannabis, Retail Cannabis Concentrates, and Retail Edible and Non-Edible Cannabis Products.** *See Recommendations for Packaging and Labeling.*

**Application or Pesticide and Other Agricultural Chemicals.** A Cannabis Cultivation Facility may only use Pesticide and Other Agricultural Chemicals in accordance with applicable federal, state and local laws, rules and regulations. Regulations shall be established to enumerate Prohibited Chemicals which shall not be used in Retail Cannabis cultivation. Cannabis Cultivation Facilities must keep Pesticides and Other Agricultural Chemicals used in the cultivation process with their original label or a copy thereof at its licensed premises.

**Pesticide Application Documentation.** A Cannabis Cultivation Facility that applies any Pesticide or other agricultural chemical to any portion of a Retail Cannabis plant, water or



feed used during cultivation or generally within the Licensed Premises must document, and maintain a record on its licensed premises including the date and time of application, the EPA registration number of the Pesticide or CAS number of any other agricultural chemical applied; any of the active ingredients of the Pesticide or other agricultural chemical applied; the brand name and product name of the Pesticide or other agricultural chemical applied; and the total amount of each Pesticide or other agricultural chemical applied.

## ***Nutrient Management Policy Statement***

**Cannabis policy reform advocates support the use of organic nutrients and policies to ensure that any nutrients used are appropriate for food production. Cultivation operations should follow the manufacturer’s application, storage, and disposal recommendations for the nutrient product. Cultivation operations should not return unused rooting hormone to the source container. Nitrate-based and other oxidizing fertilizers must be stored away from solvents, fuels and pesticides. All non-organic nutrients should be listed on point of sale package labeling. Standards should also be established for carbon dioxide management in facilities utilizing carbon dioxide for worker safety. Carbon dioxide level thresholds should be established and safety regulations implemented prohibiting personnel from entering the cultivation area without protective equipment.**

## ***Nutrient Management Proposed Regulations***

### **Nutrient Management in Cannabis Cultivation.**

1. While organic nutrients are preferred, nutrients used in cultivation operations must be appropriate for use in agricultural food production.
2. Cultivation operations must follow the manufacturer’s application, storage, and disposal recommendations for the nutrient product.
3. Cultivation operations must not return unused rooting hormone to the source container.
4. Nitrate-based and other oxidizing fertilizers must be stored away from solvents, fuels and pesticides.
5. All non-organic nutrients must be listed on point of sale package labeling.

### **Carbon Dioxide Utilization and Worker Safety.**

1. Indoor cultivation facilities utilizing carbon dioxide must maintain levels under 2000 ppm in cultivation areas when facility personnel may be present.
2. Indoor cultivation facilities utilizing carbon dioxide at levels above 2000 ppm in a sealed room must prohibit personnel from entering the cultivation area unless personal protective equipment is provided.
3. All regulators and environmental control systems that regulate carbon dioxide emissions shall be maintained in good working order and be serviced in accordance with the manufacturer’s recommendations.
4. Compressed gases shall be securely stored and appropriate signage and safety warnings provided and precautions taken for employee safety.

## *Complaints and Recalls Policy Statement*

**Cannabis policy reform advocates support the creation of a regulatory structure that protects consumers by providing minimum requirements for the establishment of policies by Cannabis Cultivation Facilities and Cannabis Product Manufacturing Facilities to receive complaints, and implement and communicate recalls of cannabis products.**

## *Complaints and Recalls Proposed Regulations*

**Product Complaints.** Each Cannabis Cultivation Facility and Cannabis Product Manufacturing Facility shall establish policies for receiving and recording product complaints associated with the distribution and use of the cannabis it provides. Such policies must include:

1. A process for submittal of a product complaint to the facility;
2. Identification of the minimum data elements to record for a product complaint;
3. Review of product complaints by a qualified person;
4. A procedure for determining whether to investigate a product complaint; and
5. A procedure for the review and approval of the findings and follow-up action of any investigation performed.

**Recall Plan Required.** Each Cannabis Cultivation Facility must develop and implement a recall plan addressing at a minimum:

1. Factors which necessitate a recall procedure;
2. Personnel responsible for a recall; and
3. Notification protocols.

**Recall Plan Communication Policy Requirements.** Each Cannabis Cultivation Facility and Cannabis Product Manufacturing Facility must establish a policy for communicating a recall of cannabis that has been shown to present a probability that the use of or exposure to the product will cause serious adverse health consequences, or could cause temporary or medically reversible adverse health consequences. This policy must include:

1. A mechanism to contact all customers who have, or could have, obtained the cannabis from the Cannabis Cultivation Facility or Cannabis Product Manufacturing Facility, which communication must include information on the policy for return or proper disposal of the recalled product;
2. A mechanism to contact the Cannabis Cultivation Facility or Cannabis Product Manufacturing Facility; and
3. Communication and outreach via media, as necessary and appropriate.

**Disposal Requirements for Recalled Cannabis.** Any recalled cannabis that is returned to a Cannabis Cultivation Facility or Cannabis Product Manufacturing Facility must be disposed of in a manner that ensures that it cannot be salvaged and will not be used by a compliant individual or by any other person.

**Recall Plan Quality Assurance.** Each Cannabis Cultivation Facility and Cannabis Product Manufacturing Facility should periodically conduct a mock recall to assess the effectiveness of the recall plan.

## ***Marketing and Advertising Regulations Policy Statement***

**Cannabis policy reform advocates support marketing and advertising regulations aimed at combating false, misleading, and deceptive advertising; and prohibitions against advertising targeting minors and promoting irresponsible consumption.**

## ***Marketing and Advertising Proposed Regulations***

**Restrictions on Cannabis Advertising.** Cannabis advertising may not:

1. Contain statements that are deceptive, false, or misleading;
2. Contain any content targeting individuals under the age of 21, including but not limited to images of minors, cartoon characters, toys, or similar images and items typically marketed towards minors, or references to products that are commonly associated with minors or marketed to minors;
3. Specifically encourage the transportation of Cannabis items across state lines.
4. Display consumption of Cannabis and/or Cannabis Products;
5. Contain material that encourages excessive or rapid consumption.

### **Advertising Media, Coupons, and Promotions**

1. A retail cannabis industry Licensee may not utilize television, radio, billboards, print media, internet advertising, or live event for advertising unless the Licensee has a reasonable expectation that no more than 30 percent of the audience for the program, publication or internet web site, or at the event and/or viewing advertising in connection with the event is reasonably expected to be under the age of 21.
2. A Licensee who advertises via web page must utilize appropriate measures to ensure that individuals visiting the web page are over 21 years of age.
3. A Licensee may not engage in advertising via marketing directed towards location-based devices, including but not limited to cellular phones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and includes a permanent and easy opt-out feature.

**Local Ordinances.** In addition to any requirements within these rules, a Retail Cannabis industry Licensee shall comply with any applicable local ordinances regulating signs and advertising.

**Event Sponsorship.** A Retail Cannabis industry Licensee may sponsor a charitable, sports, or similar event, but shall not engage in advertising at, or in connection with, an event unless the Licensee has a reasonable expectation that no more than 30 percent of the audience at the event and/or viewing advertising in connection with the event is reasonably expected to be under the age of 21.

## ***Preventing Child Ingestion Policy Statement***

**Cannabis policy reform advocates support regulations requiring child-resistant packaging for all retail cannabis products, robust “We Card” programs, and the implementation of a public awareness campaign on the responsible consumption of cannabis; which includes safe storage practices, recognizing products that contain cannabis, and taking measures to ensure children do not ingest cannabis. Evidence based education programs for children which build social skills and communication tools necessary for minors to appropriately confront situations in which there is an elevated risk for underage consumption will reduce consumption rates by minors.**

## ***Preventing Child Ingestion Proposed Regulations***

**Child-Resistant Packaging Requirements.** All Retail Cannabis, Retail Cannabis Concentrates, and Retail Edible and Non-Edible Cannabis Products must be placed in a Child-Resistant Container at the point of sale. “Child-Resistant” means special packaging that is:

1. Designed or constructed to be significantly difficult for children under five years of age to open and not difficult for normal adults to use properly.
2. Opaque so that the packaging does not allow the product to be seen without opening the packaging material;
3. Resealable for any product intended for more than a single use or containing multiple servings.

**Retail Cannabis sales restricted to purchasers with valid identification to verify age.**

A Retail Cannabis Store shall refuse the sale of Retail Cannabis, Retail Cannabis Concentrate, or Retail Cannabis Product to anyone, unless such person can produce a form of valid identification showing that the purchaser is 21 years of age or older. The identification must contain a picture, date of birth and must not be expired. Valid forms of identification include:

1. A driver's license or similar type license, issued by any state within the United States or any U.S. Territory;
2. An identification card, issued by any state for the purpose of proof of age.
3. A United States military identification card; or
4. A passport;

**Restrictions on advertising targeting minors.** *See Recommendations for Marketing and Advertising Regulations*

**Responsible Consumption Public Awareness Campaign.** House Bill 110 designates funding for an evidence based public education campaign educating youth and adults about the health and safety risks of alcohol, tobacco, and Cannabis. That campaign should include the promotion of practices consistent with the responsible consumption of cannabis, including understanding potency and dosage, safe storage, safety while

impaired, and the safe consumption of different cannabis products including concentrates, edibles, and non-edible cannabis products.

## *Weights and Measures Policy Statement*

**Cannabis policy reform advocates support regulations regarding weights and measures to ensure product transparency and provide consumers with the information necessary to engage in responsible consumption of cannabis.**

## *Weights and Measures Proposed Regulations*

**Common Weights and Measures.** Retail Cannabis industry Licensees must utilize a standard of measurement that is supported by the established inventory tracking system to track all Retail Cannabis and Retail Cannabis Products. Regulations shall be established for testing and approval of a scale used to weigh products prior to entry into the inventory tracking system.

**Final Weighing and Packaging.** A Retail Cannabis industry Licensee shall comply with specific rules associated with the final weighing, labeling, and packaging of Retail Cannabis and Retail Cannabis Product. The scale used to weigh product shall be tested, approved, and calibrated in accordance with measurement standards established by regulation. The net weight statement of a cannabis product shall be based upon the weight prior to placing the product in a Container.

**Units of Measure for Retail Cannabis Concentrate.** Each Container of Retail Cannabis Concentrate must include a label that contains the potency of at least the Retail Cannabis Concentrate's THC and CBD, expressed in milligrams for each cannabinoid.



## *Hemp Policy Statement*

Cannabis policy reform advocates support the legalization of the cultivation, manufacture, sale, and distribution of industrial hemp in Delaware. Industrial hemp, *Cannabis sativa L*, is a fiber and oil seed crop with a variety of uses, including the manufacture of fiber for injected and molded composite materials, twine, paper, construction materials, and clothing. Seeds are used in the production of industrial oils, cosmetics, medicines, and food. Hemp products are currently sold in Delaware and throughout the United States, but all products are either imported or manufactured from imported hemp. Industrial hemp was historically grown in Delaware and widely throughout the United States from the Colonial Period until the mid-nineteenth century. Industrial hemp's relationship to retail cannabis led to the demise of the commercial production of domestic hemp, although hemp and retail cannabis are genetically different cultivars of the same plant species distinguishable from one another based on their intended use and THC levels. Cultivars for hemp production contain only trace amounts of the psychoactive chemical THC and do not produce the psychoactive effects of retail cannabis. In conjunction with the legalization and implementation of a taxed and regulated market for Retail Cannabis, Retail Cannabis Concentrates, and Retail Cannabis Products; it is recommended that House Bill 110 be amended to include the cultivation, manufacture, distribution, and sale of industrial hemp; and that regulations be established to define industrial hemp and establish guidelines for cultivation, importation of seed, licensing, testing, packaging and labeling, and maintenance of records.

## *Hemp Proposed Regulations*

**Industrial Hemp Defined.** Industrial hemp means the plants and plant parts of the genera *Cannabis*, the leaves and flowering heads of which do not contain more than 0.3% THC by weight, and includes the derivatives of such plants and plant parts. It also includes the derivatives of non-viable cannabis seed. Industrial hemp does not include plant parts of the genera *Cannabis* that consist of non-viable cannabis seed, other than its derivatives, or of mature cannabis stalks that do not include leaves, flowers, seeds or branches, or of fiber derived from those stalks.

**Advertising and Marketing Restrictions.** No Licensee shall advertise industrial hemp, its derivatives, or any product manufactured from industrial hemp or its derivatives to imply or directly assert that it is psychoactive.

**Potency Testing and Verification of Industrial Hemp.** In order to determine the concentration of THC in industrial hemp, a licensed cultivator of industrial hemp shall submit samples of industrial hemp to a Cannabis Testing Facility for initial potency testing to be conducted on four Harvest Batches, harvested a minimum of one week apart, for each strain of Industrial Hemp cultivated by the Licensee. After initial potency testing

of Industrial Hemp is conducted, an Industrial Hemp Cultivation Facility shall have each strain of Industrial Hemp that it cultivates tested for potency at least once every six months.

## ***Health Effects Policy Statement***

Cannabis policy reform advocates recommend the development of unbiased, fact-based public education campaigns and publications regarding cannabis consumption, including basic education of the different types of cannabis and cannabis products, the effects of cannabis consumption utilizing different consumption methods and different forms of cannabis products, how to interpret purity, potency, and contaminant labeling, best practices for the consumption of edibles and concentrates, best practices for responsible consumption, best practices for preventing the ingestion of cannabis by minors, impairment issues that may affect driving and other activities, and the current status of scientific and medical research regarding health and safety concerns related to cannabis consumption. The National Institute of Health (NIH) currently has over 20,000 peer-reviewed research articles on cannabis and cannabinoids, including safety efficacy and health benefits of cannabis. Federal agencies such as the National Institute of Medicine, National Institute of Health, National Institute of Drug Abuse, National Cancer Institute, and The Department of Health and Human Services all have official published statements and research on the health benefits of cannabis, including the United States DHSS held Patent, #6630507 on the neuro-protectant and antioxidant abilities of cannabinoids. With regard to establishing a regulatory structure to protect the health of cannabis consumers, policy reform advocates recommend the establishment of clear guidelines, standards, and minimum requirements for testing of Retail Cannabis and Retail Cannabis Products noted in the preceding sections of these recommendations.

## ***Substance Abuse Policy Statement***

House Bill 110 earmarks tax revenue to fund evidence based voluntary programs for the treatment of alcohol, tobacco, and cannabis. Cannabis policy reform advocates support regulations that advance the purpose of scientifically and medically accurate public education and substance abuse programs established under the Marijuana Control Act. While the dependence rate for cannabis (9.1%) is far lower than legal substances such as alcohol (15.4%), tobacco (31.9%), and caffeine (35%); the public will benefit from the availability of voluntary substance abuse programs.

## ***Medical Cannabis Policy Statement***

House Bill 110 will not alter or interfere with the current medical marijuana program. Cannabis policy reform advocates recommend that regulations be established requiring a Licensee of a Retail Cannabis Store, Cannabis Cultivation Facility, and/or Cannabis Product Manufacturing Facility who is also a Licensee under the Delaware Medical Marijuana Act to maintain separate operations and inventory and not combine any retail products with medical products.

## ***Municipal Authority Policy Statement***

**A well-regulated market requires uniformity in regulation throughout the state. Cannabis policy reform advocates agree with the provisions of House Bill 110 calling for The Delaware Marijuana Control Act to supersede municipal charter amendments or local ordinances inconsistent with the provisions of the Act and the requirement that a local measure to prohibit the operation of a Cannabis Cultivation Facility, Cannabis Product Manufacturing Facility, Cannabis Testing Facility, or Retail Cannabis Store appear on a general election ballot. Incorporated municipalities may establish zoning regulations and restrictions as permitted by their charter and should adopt reasonable regulations including time, place and manner regulations for the production, processing, sale, and operation of cannabis businesses.**

## ***Municipal Authority Proposed Regulations***

**Local time, place and manner regulations.** Municipal regulations and ordinances may be adopted that place:

1. Reasonable conditions on the manner in which a marijuana producer licensed under the law may produce marijuana;
2. Reasonable conditions on the manner in which a marijuana processor licensed under the law may process marijuana;
3. Reasonable conditions on the manner in which a marijuana wholesaler licensed under the law may sell marijuana at wholesale;
4. Reasonable limitations on the hours during which a marijuana retailer licensed under the law may operate;
5. Reasonable conditions on the manner in which a marijuana retailer licensed under the law may sell marijuana items;
6. Reasonable requirements related to the public's access to a premises for which a license has been issued under the law; and
7. Reasonable limitations on where a premises for which a license may be issued under the law may be located.

## ***Guidance for Employers and Employees Policy Statement***

**House Bill 110 does not affect the employer/ employee relationship or current policies regarding workers compensation, drug testing, or workplace safety. It is the position of cannabis policy reform advocates that employers should remain free to establish policies regarding cannabis after a regulated market is established. It is further our position that employees should continue to engage in the responsible consumption of cannabis, not consume cannabis while working, and not attend work impaired. Improved public awareness and education programs on the effects of different forms of cannabis and the effect cannabis impairment on the performance of different tasks will enhance workplace safety. It is recommended that the public education program called for in House Bill 110 include a component addressing responsible cannabis consumption as it relates to employment and workplace safety.**

## *Definitions*

**Batch Number.** A Batch Number is any distinct group or combination of numbers, letters, or symbols assigned by a Cannabis Cultivation Facility or Cannabis Product Manufacturing Facility to a specific Harvest Batch or Production Batch of Retail Cannabis, Retail Cannabis Concentrate, or Retail Cannabis Product.

**Container.** A Container is a sealed package in which Retail Cannabis, Retail Cannabis Concentrate, or a Retail Cannabis Product is placed for sale to a consumer. A label must be affixed to each Container in accordance with regulations established for packaging and labeling of cannabis and cannabis product.

**Exit Package.** An Exit Package is a sealed Container provided by a Retail Cannabis Store at the point of sale in which Retail Cannabis, Retail Cannabis Concentrate, or Retail Cannabis Product already within a Container is placed.

**Child-Resistant.** “Child-Resistant” means special packaging that is:

1. Designed or constructed to be significantly difficult for children under five years of age to open and not difficult for normal adults to use properly.
2. Opaque so that the packaging does not allow the product to be seen without opening the packaging material;
3. Resealable for any product intended for more than a single use or containing multiple servings.

**Harvest Batch.** A Harvest Batch is a specifically identified quantity of processed Retail Cannabis that is uniform in strain, cultivated utilizing the same pesticide and other agricultural chemicals and harvested at the same time.

**Licensee.** A Licensee is any person licensed or registered pursuant to the Delaware Marijuana Control Act.

**Pesticide.** A Pesticide is any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. The term “pesticide” shall not include any article that is a “new animal drug” as designated by the United States Food and Drug Administration.

**Production Batch.** A Production Batch is any amount of Retail Cannabis Concentrate of the same category and produced using the same extraction methods, standard operating procedures and an identical group of Harvest Batch(es) of Retail Cannabis; or any amount of Retail Cannabis Product of the same exact type, produced using the same ingredients, standard operating procedures and the same Production Batch(es) of Retail Cannabis or Retail Cannabis Concentrate.