

## BEST PRACTICES AND GUIDANCE FOR REGULATING CANNABINOIDS FOR SAFETY

### OVERVIEW & PURPOSE

The Cannabis Regulators Association (CANNRA) convenes government agencies regulating cannabis and cannabinoids across more than 45 states and U.S. territories, Canada, and the Netherlands. As a body of government regulatory agencies, CANNRA members have unique insight and experience regulating cannabinoids for consumer safety and public health. While individual government jurisdictions take their own approaches to cannabis and cannabinoid regulation, this document aggregates and distills the regulatory approaches that CANNRA members collectively have identified as best practices to protect consumer safety and public health.

### METHODS

CANNRA convened discussions with members to identify areas representing the minimum requirements for regulating cannabinoids to protect consumer safety. Members were asked to engage in discussions based on their expertise and experience, not based on the specific policies their state or jurisdiction had implemented in their regulatory scheme. These best practices were discussed, debated, and refined by members and represent a general position, and not the individual perspectives of any one regulatory agency or government jurisdiction.

### BEST PRACTICES IN REGULATING CANNABINOIDS FOR SAFETY

CANNRA members identified seven major categories that are important for regulating cannabinoids for safety, each of which include a number of elements and best practices:

#### LICENSING AND/OR REGISTRATION OF CANNABINOID PROCESSORS, MANUFACTURERS, AND RETAILERS

As in other regulated industries, licensing and registration requirements:

- Allow for consistent application of minimum standards to operate
- Support transparency by enabling the public to identify approved operators
- Define the scope of regulatory enforcement authority in cases of non-compliance

#### PROCESSING AND MANUFACTURING STANDARDS

Processing and manufacturing standards encompass a range of elements to promote safety, including:

- **Compliance with general jurisdictional requirements** related to worker safety, energy and environment codes, building codes, fire codes, waste disposal, and other specialty codes
- **Use of cannabinoid ingredients from approved source(s)**, as determined by the regulating jurisdiction
- **Use of other non-cannabinoid ingredients that comply with regulatory requirements and safety data**
- **Standards that establish allowable use of solvents, reagents, and media** for extraction, purification, and chemical conversion or synthesis, as permitted by the regulating jurisdiction
- **Quality control and quality assurance procedures and systems** (e.g., cGMP) to support proper monitoring and control of manufacturing and processing facilities and equipment, including appropriate record keeping systems (e.g., for standard operating procedures, equipment calibration and maintenance, employee training, etc.)
- **Testing of cannabinoids and cannabinoid products** in final form and, as appropriate, in input or intermediate form to identify contaminants, byproducts, and purity
  - Testing should include a certificate of analysis (COA)
  - Post market testing should be conducted as needed to ensure the product continues to meet required standards

- **Mechanisms to facilitate recalls**, including labeling and record-keeping requirements to allow for the identification of all affected products

#### **AGE-GATING FOR CANNABINOID PRODUCTS**

- Particularly products that could be intoxicating
- Preferably in adult-only or primarily adult retail environments, with strict requirements for age verification in e-commerce or in-person delivery

#### **PRODUCT FORM, DOSE, AND CONTENT REGULATIONS**

These practices are aimed at reducing the risk of accidental overconsumption, unintended consumption, and adverse events, and include:

- **Limits or restrictions on cannabinoids** based on safety data and scientific knowledge about their use in humans
- **Limits on cannabinoids per serving and servings per container**
- **Restrictions on allowable product forms** based on safety and risk
- **Restrictions on additives, excipients, diluents, and other non-cannabinoid ingredients** that may have health and safety implications for the specific mode of consumption

#### **PACKAGING AND LABELING REGULATIONS**

These practices are focused on fully informing the consumer and avoiding appeal to children, and include:

- **Labeling that fully informs the consumer about the active ingredients in the product**, including the recommended serving size, active ingredients per serving (in milligrams), and servings per container
- **Methods to communicate product test results and other safety information to consumers** (e.g., through QR codes, labeling, etc.)
- **Relevant warnings displayed prominently on the label** in legible font, using easy to understand language
- **Labeling that does not make false or unsupported claims**
- **Packaging and labeling that does not appeal to children**
- **Packaging and labeling that does not mimic non cannabinoid commercial items**
- **Packaging that is child-resistant as appropriate for product forms and intoxication potential**

#### **ADVERTISING REGULATIONS**

- Advertising that is **not designed or implemented in a way that targets or appeals to children**
- Advertising that is **not misleading and does not make false or unsupported claims**
- Advertising that **includes any relevant warnings**

#### **EDUCATION, COMPLIANCE, AND ENFORCEMENT PROGRAMS**

- To ensure compliance with minimum standards and regulations in place in the jurisdiction

## **CONCLUSION**

In conclusion, based on the experience and expertise of CANNRA members, there are a range of cannabinoid and cannabinoid product regulations that are warranted to protect consumers and public health. These include licensing and registration, processing and manufacturing standards, age-gating, product form, dose, and content regulations, packaging and labeling regulations, advertising regulations, and education, compliance, and enforcement programs. Because the cannabinoid industry is dynamic and each of these regulatory areas is complex, statutes should provide for regulatory flexibility, allowing regulators to respond appropriately to protect consumer safety in the evolving marketplace.