



**Alcohol & Marijuana Control Office
MEMORANDUM**

TO: Members of the Marijuana Control Board
FROM: Rick Helms & Jane Sawyer, AMCO
DATE: January 13, 2022
RE: Summary of the Special Working Group on Drinkables
December 7, 2021- January 7, 2022

The Special Working Group on Drinkables (“Group”) met by Zoom meeting application during December 2021 and January 2022 - December 7th and 13th 2021, and January 7, 2022. Additionally, the Group met briefly on December 28, 2021. The Group received a comprehensive marijuana product packaging and labeling presentation during the January 7th session.

Members of the Group were:

- Mark Butler (Community - Federation of Community Councils)
- Jamie (Tasha) Grossl (Industry - Ltd. Cultivation, Product Manufacturing)
- Rick Helms (AMCO)
- Shelton Landon (Industry - Ltd. Cultivation, Product Manufacturing, Retail)
- Dr. Megan Penner (Education - UAA/ISU Doctor of Pharmacy Program)
- Jane Sawyer (AMCO)
- James M.P. Thornton (Industry - Standard Cultivation, Product Manufacturing, Retail)

Members of the Alaska Marijuana Control Board participating were:

- Chair Nick Miller (Industry)
- Mbr. Eliza Muse (Public Health)

AMCO wishes to thank the members of the Group for their time and the sharing of their expertise.

Special Task: To address a considerable number of issues regarding drinkables and specifically the high THC serving size ratio of a drinkable from a consumer/public safety standpoint.

The subjects addressed were:

1. Concentrated drinkable products (designed to be added to another beverage)
2. The one-drink equals one-serving approach
 - Delineating what a serving is on the drinkable
3. The multi-serving-size approach
 - Delineating what a serving is on the drinkable packaging
 - Delineating the measurement of an actual serving on the drinkable
4. The secure packaging and safety labeling of the drinkable.

Within the subjects the Group focused on:

1. Advisory/warning labels to include minimum font size;
2. A Universal Symbol;
3. A catalog of selected/approved packaging;
4. Measuring devices/systems for customers;
5. Child resistant packaging;
6. Education to include the DHSS education cards and at point of purchase;
7. Breakdown of Article 5 of MCB regulations to have a separate drinkable subcategory from other products; and,
8. Because of cost and packaging concerns encourage product manufacturing licensees and others to hold an Alaska trade fair and/or information exchange amongst themselves to include topics such as combined stock bulk orders and greener packaging alternatives that comply with CR packaging requirements.

Group sessions were informed by the circulation of THC research, Alaska Poison Control System (APCS) data, reference to regulations to include that provided in the Drinkables research memorandum prepared by AMCO for the October 2021 meeting of the MCB, and a packaging and labeling presentation.

No votes of Group members were taken on individual subjects. Accordingly, subject proposals by AMCO should not be seen as an endorsement by any particular Group member on that subject. The Group was not a place to advocate for one position nor a place where simply a majority vote prevails. Instead, general consensus based on expertise and recognizing all and different concerns on a particular subject leads AMCO to propose the following:

- A. Provide for a subcategory of drinkables within Article Five regulations;
- B. adopt the use of a universal symbol;
- C. hold discussions among AMCO, marijuana product manufacturers and retail establishments with the goal of later creating a catalog of approved packaging;
- D. further the discussion regarding the single serving equates to one serving; and,
- E. provide for a wider circulation of marijuana use and safety education materials for licensees and consumers.

A. Subcategory for drinkables within Article Five

There exists a substantial difference in the great array of ever-changing products governed by Article 5. The language in this section of regulation governs dissimilar food and liquid products. The unlike products in the same portion of regulation has led to ambiguity regarding the application of those portions of the regulations as to drinkables. Products such as powdered, concentrated or otherwise mixed to be reconstituted upon use need to be either separated or addressed in a more direct manner within Article Five. Likewise, measuring systems not specifically identified and contained in regulation such as some droppers and syringes need to be addressed in a similar manner.

A regulations project is proposed by AMCO to create a subcategory of drinkable and clearly define a drinkable product.

B. Universal Symbol

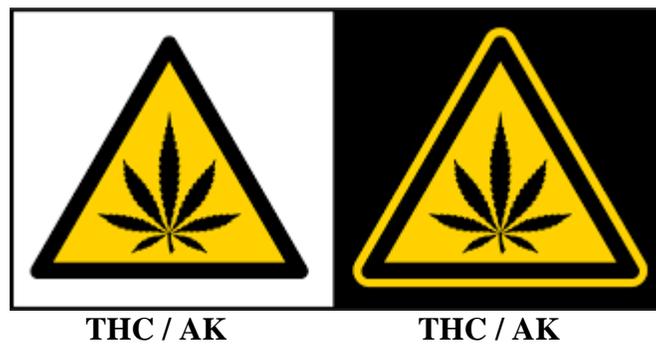
To date there has been a great deal of work on a national scale with the American Society of Testing Materials (ASTM) to propose standards for marijuana packaging and labeling, including a standardized universal symbol as discussed by the Group. The universal symbol would answer several safety and security package questions and concerns. Alaska is well positioned for such use because no symbol has been adopted. As such, there is an opportunity to make Alaska's symbol an effective and true universal one. Here are some features of the universal symbol as designed:

1. The label advises with a clearly recognizable symbol that the product contains cannabis. The symbol incorporates a cannabis leaf – the graphic element most associated with cannabis/marijuana into the internationally-compliant standard triangular caution sign as you see on a roadway and a black border (a yellow outline is used whenever the symbol is used against a dark background),¹ creating an instantly familiar symbol for cannabis/marijuana product packages;
2. The large leaf has well-separated leaflets that remain clear at greatly reduced dimensions;
3. Absence of punctuation and text, but use of acronyms (e.g., “THC” and “AK”) below the triangle complies with existing international caution sign standards and avoids linguistic & jurisdictional ambiguity and prevents the need for future changes in the symbol as cannabis/marijuana science and policy evolves, enables authorities having jurisdiction to identify contents, regulatory jurisdiction, and/or simply to reflect an Alaska product;
4. For all but the smallest containers, recommended minimum width of the black triangle is 1/2 inch (12.7 mm);

¹ (ISO 3864) using “Warning Signal Yellow” (ISO 3864-4/ANSI Z535.1, Pantone 109, Hex #ffd100).

5. Multiple file formats (e.g., PDF, EPS, SVG, and JPG) will be available in perpetuity for public use worldwide, royalty-free, and at no cost; and,
6. The symbol has been unanimously approved by the Board of Directors of Doctors for Cannabis Regulation & the ASTM working group under Committee D37 developing a universal cannabis symbol.

Here is a proposed universal symbol for Alaska along with are some symbols that are have been or are currently in use in other jurisdictions.



A regulations project is proposed by AMCO to create a universal symbol.

C. Catalog of approved packaging

Using Oregon as a baseline model with child resistant packaging and sourcing industry input, the adoption of an AMCO catalog of approved packaging for drinkables could be beneficial. A catalog could assist in streamlining product approval and contribute to an even product manufacturing environment.

AMCO proposes discussions among AMCO, MJ product manufacturers and retail establishments, at this time. Many of the subjects deliberated by the Group could also be constructively addressed in greater detail in this manner. Based on the outcome of such discussions an AMCO recommendation would follow.

D. Single serving equaling one serving

There is recognized public safety merit to making all drinkables single serving no matter what the fluid ounce of the drinkable. In other words, the single serving approach doesn't limit the fluid ounce. One could have a 6 or 8 fl. oz. juice or a 12 fl. oz. drink of some other sort or even a 2 or 3 fl. oz. drinkable all with a 10mg THC maximum. Even powdered single serving units to be reconstituted to liquid form are a possibility. This single serving only approach could reduce consumer misunderstanding, render products more reliable, and remove half of the stability studies (those regarding opening and closing over time akin to multi-serving sizes). It also reduces the labeling and package selection concerns related to delineation of a serving size problematic to multi serving (stick on label serving markings or bottle hash marks, and ml vs fl. oz. determination). A consumer would simply count one serving as one drinkable regardless of the size. Only the amount of THC need be found on the label similar to finding the ABV on the label of an alcoholic beverage such as a beer or a wine cooler.

There is also a recognized manufacturing and retail concern that includes package end user waste – the waste being increased. Also, lack of retail shelf space as only single serving drinkables in the marketplace may take up space that was more efficiently used for multi-serving product.

The challenges deliberated by the Group including the main task of size ratios and measuring would be alleviated by the single serving approach.

AMCO proposes further the discussion on this subject at this time.

E. Education materials

Both educational materials and point of purchase customer education were addressed. The following education materials are available for retailers.

Edibles

- Poster: *Be Careful When You Eat and Drink Marijuana*
- Edibles Poster
- Bag stuffer

Know the Law

- *Fact Book: What You Need to Know about Using Marijuana in Alaska*

AMCO proposes AMCO staff on an ongoing basis advise licensees that these education materials are available from several sources and offer materials to each marijuana handler card applicant on location when their card is issued.