

February 6, 2014

INDUSTRY-WIDE BULLETIN: 14-02

**RE: TIME SENSITIVE INFORMATION FROM THE MARIJUANA ENFORCEMENT DIVISION
REGARDING INDUSTRY COMPLIANCE**

Dear Retail Marijuana Establishment or Medical Marijuana Business Licensee:

Please review all of the information contained within this Industry-Wide Bulletin and ensure that your business is compliant with all laws, rules and regulations.

Child-Resistant Packaging

All Retail Marijuana, Retail Marijuana Concentrate, Retail Marijuana Product, Medical Marijuana and Medical Marijuana Concentrate must be sold in special packaging that is Child-Resistant as defined in Rules R 103 and M 103. One of the requirements for packaging to be considered Child-Resistant is that it must be “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 as defined by 16 C.F.R. 1700.20 (1995) and ASTM classification standard D3475-13.” These standards require specific testing to be conducted on the packaging to ensure that it is sufficiently difficult for children to open.

In order to ensure compliance with 16 C.F.R. 1700.20 (1995) and ASTM classification standard D3475-13, the Division recommends that licensee’s use either of the following approaches:

- A licensee can use packaging listed on the United States Consumer Product Safety Commission’s website, which has developed a **non-exhaustive** list of packages that have met the testing standards. The list can be found at the following address:
<http://www.cpsc.gov/Regulations-Laws--Standards/Statutes/Poison-Prevention-Packaging-Act/Child-Resistant-and-Senior-Friendly-Packages-packaging-guide/>
- If a licensee wishes to use special packaging not listed on the United States Consumer Product Safety Commission’s website, the licensee should have the following information available at its Licensed Premises for inspection by Division personnel:
 - A report issued after July 1, 1995 from the entity that conducted the testing required by 16 C.F.R. 1700.20 (1995) that details how the tests were conducted and the results of the test. A licensee can obtain this report from its packaging supplier or the package’s manufacturer;
 - A letter from the package’s manufacturer attesting that the packaging was not changed or modified after the testing was conducted; and
 - Invoices showing purchases in sufficient quantities to demonstrate use of the packaging.

Please note that compliance with the above recommended approaches **does not alleviate** a licensee from ensuring that the packaging is also opaque and able to maintain its child-resistant characteristics after its initial opening when required by rule. Taking the steps outlined above will ensure your compliance with the statutory and regulatory requirements related to child-resistant packaging.

Regards,

Lewis Koski
MED Division Director