CANNABIS COMPLIANCE BOARD
STATE OF NEVADA

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Effective July 12, 2021

Relabeling/Remediation of Cannabis-Infused Edibles after Failed Homogeneity Verification

A cannabis production facility wishing to introduce a new cannabis-infused edible item to their menu must first receive approval from the Nevada Cannabis Compliance Board (CCB).

In order to be approved, the production facility must first demonstrate the homogeneity of the menu item by having a laboratory perform a full homogeneity study and providing the passing results to the CCB as part of the submitted documentation. This homogeneity study also serves to notify the CCB as to the intended target potency of the edible item. Once the menu item is approved by the CCB, the production facility must verify that each production run meets the approved target potency prior to sale. As part of routine testing for each production run, the laboratory will verify that the THC content is within +/-15% of the approved target. If the testing laboratory determines that the THC potency of the production run fails to meet this standard, the testing laboratory must report the production run as failing for homogeneity in Metrc and on the corresponding Certificate of Analysis (CoA). Subsequently, the production facility may do one of the following:

- ✓ Submit a request for permission to relabel the production run at the tested potency.
- ✓ Submit a request for permission to repurpose or reformulate the production run.
- ✓ Submit a request to retest the production run following the current process in Accela. Tutorials for current Accela processes can be found on the CCB website at https://ccb.nv.gov/guidance/#item-3.
- ✓ Submit a request to destroy the production run by emailing auditinspections@ccb.nv.gov.

Request to Relabel

1. Complete and submit the form: "Cannabis Edible Failed THC Potency- Request for Relabeling or Remediation" located on the CCB website: https://ccb.nv.gov/industry/#item-3.
2. Select the box indicating you are requesting to relabel the production run at the tested THC potency.
3. Describe the reason the product failed to meet target THC potency, as well as the plan to remedy the situation in future production runs.
4. Include a copy of the approved homogeneity study on file for the affected product and a copy of the failing laboratory CoA.

5. Email completed form and all supporting documents to CCBAuditInspections@CCB.nv.gov indicating your CE ID and "Request to Relabel Failed Edible Homogeneity" in the subject line.

The CCB will review each request on a case-by-case basis. If denied, a CCB Agent will indicate the reason for denial in the comments. Additionally, a CCB agent will indicate if it is determined that a new homogeneity study is required prior to sale of future production runs.

If approved, a CCB agent will enter the actual THC potency in the designated field in the laboratory comment text at the bottom of the form. A copy of the signed form will be emailed to the address provided on the request.

The production facility should provide the approved request to the independent testing laboratory who issued the failed homogeneity result. Once received, the laboratory can amend the results in Metrc and on the CoA to reflect a passing homogeneity result.

The comment on the CoA should include the verbiage located at the bottom of the request which was approved by the CCB. The CoA shall be amended in accordance with Nevada Cannabis Compliance Board Regulation (NCCR) 11.070(10)(c).

The laboratory should issue the amended report to the production facility and copy the CCB at cannabislabpass@ccb.nv.gov. Upon receipt of the passing CoA and verification that the product has been updated to a passing status in Metrc, the production facility may proceed with sale or transfer of that production run.

If the product packaging contains pre-printed potency values which conflict with the tested potency of the edible, the pre-printed potency values on each edible package must be occluded prior to sale. If the tested potency of the edible exceeds the allowable THC content for recreational consumers, the product shall only be sold as a medical product.

If a CCB agent indicated on the form that a new homogeneity study is required, the production facility must obtain a new full study for that menu item prior to selling future production runs. The production facility must keep the new study on file for that menu item.

Request to Remediate

1. Complete and submit the form: "Cannabis Edible Failed THC Potency- Request for Relabeling or Remediation" located on the CCB website: https://ccb.nv.gov/industry/#item-3.
2. Select the box indicating you are requesting to remediate the production run.
3. Describe the reason the product failed to meet target THC potency, as well as the plan to remedy the situation in future production runs. Indicate how the production run will be reprocessed or reformulated.
4. Submit the completed form, a copy of the approved homogeneity study on file for the affected product, and a copy of the failing laboratory CoA to auditinspections@ccb.nv.gov indicating your CE ID and "Request to Remediate Failed Edible Homogeneity" in the subject line.

The CCB will review each request on a case-by-case basis. If denied, a CCB agent will indicate the reason for denial in the comments. If it is determined that a new homogeneity study is required prior to sale of future production runs, a CCB agent will indicate this by checking the designated box.

A copy of the signed form will be emailed to the address provided on the request. Upon receipt of approval, the production facility may proceed with the remediation process.

If a CCB agent indicated on the form that a new homogeneity study is required, the production facility must obtain a new full study for that menu item prior to selling future production runs. The production facility must keep the new study on file for that menu item.