

Proposed Changes to NCCR Regulation 12
PACKAGING AND LABELING OF CANNABIS

New

~~Deleted~~

12.010 Requirements for single packages.

1. Unless preparing bulk packages only for delivery to another cannabis establishment and not for sale to a consumer, a cannabis establishment that packages cannabis or cannabis products must individually package, label and seal the cannabis or cannabis products in a single package for sale. A cannabis sales facility shall only sell cannabis or cannabis products in a single package which must not contain:

- (a) More than 1 ounce (28.35 grams) of usable cannabis.
- (b) For a cannabis product sold as a *pill or* capsule, more than 100 milligrams of THC per *pill or* capsule or more than 800 milligrams of THC per package.
- (c) For a cannabis product sold as a tincture, more than 800 milligrams of THC.
- (d) For a cannabis product sold as an edible cannabis product, more than 100 milligrams of THC.
- (e) For a cannabis product sold as a topical product, a concentration of more than 6 percent THC or more than 800 milligrams of THC per package.
- (f) For a cannabis product sold as a suppository or transdermal patch, more than 100 milligrams of THC per suppository or transdermal patch or more than 800 milligrams of THC per package.
- (g) For any other cannabis product, more than 800 milligrams of THC.

~~2. An edible cannabis product must be packaged in a manner which indicates the number of servings of THC in the product, measured in servings of a maximum of 10 milligrams of THC per serving, and include a statement that the edible cannabis product contains cannabis and its potency was tested with an allowable variance of plus or minus 15 percent of the allowable limit.~~

~~3.2.~~ For cannabis or cannabis products that are intended to be sold to a consumer, the text used on all labeling must be printed in at least 8-point font and may not be in italics.

12.015 Requirements for packaging cannabis, cannabis products and edible cannabis products, products in solid or liquid form, usable cannabis and concentrated cannabis or cannabis products.

1. Any edible product containing cannabis must:

- (a) Be clearly and unambiguously packaged as cannabis with the words ~~“THIS IS A CANNABIS PRODUCT”~~ “THIS PRODUCT CONTAINS CANNABIS” and includes the warning “KEEP OUT OF REACH OF CHILDREN” in bold type that clearly identifies that the product contains cannabis;
- (b) Be packaged in a manner which is not modeled after a brand of products primarily consumed by or marketed to children;
- (c) Be presented in packaging which does not contain an image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the cannabis production facility which produced the product;
- (d) Not be packaged or marketed as candy;
- (e) Include a Nevada universal cannabis symbol approved by the Board to indicate that the product contains cannabis;
- (f) ~~Include~~ Include the net weight of the product;
- (g) ~~Include a~~ Include a list of all ingredients and all major food allergens as identified in 21 U.S.C. § ~~343~~ 321(qq);
- (h) ~~Include a~~ Include a notice that the actual amount of THC may be within 15 percent of the stated amount for the edible cannabis product;
- (i) Contain a warning that states: “Caution: intoxicating effects may be delayed by 2 or more hours”;
- (j) Be packaged in a manner which indicates the number of servings of THC in the product, measured in servings of a maximum of 10 milligrams of THC per serving, and include a statement that the edible cannabis product contains cannabis and its potency was tested with an allowable variance of plus or minus 15 percent of the allowable limit;
- (k) When sold at a cannabis sales facility, be placed into a package or directly packaged in opaque, child-resistant packaging in accordance with 16 C.F.R. Pt. 1700 and the standards specified in subsection 3 or 4. The child-resistant packaging must maintain its effectiveness for multiple openings before leaving the cannabis sales facility with the consumer; and
- (l) Protect the contents from contamination and must be of a food grade material.

~~2. When sold at a cannabis sales facility, any cannabis or cannabis product must be packaged in opaque, child-resistant packaging in accordance with 16 C.F.R. Part 1700 and the standards specified in subsection 3 or 4. The child-resistant packaging must maintain its effectiveness for multiple openings before leaving the cannabis sales facility with the consumer.~~

~~3. Except as otherwise provided in subsection 4, cannabis products in solid or liquid form must be packaged in: (a) Plastic which is 4 mils or more in thickness; or (b) If the product is in liquid form, a food-grade container.~~

~~4~~ 2. Edible Cannabis products in liquid form containing more than 10 milligrams THC must be packaged using a resealable cap in a container that:

- (a) Clearly demarks each serving of cannabis in a way that enables a reasonable person to intuitively determine how much of the product constitutes a single serving of THC; or
- (b) Includes a device that allows a reasonable person to intuitively measure and serve a single serving of THC.

→ The portion of such a container that demarks each serving of cannabis need not be opaque.

~~5. Any container or packaging containing usable cannabis, concentrated cannabis or cannabis products must protect the contents from contamination and must be of a food grade material.~~
~~6. An edible cannabis product must be sealed in a container which is not transparent and sold in packaging which is opaque.~~

~~7~~**3.** Each single serving in a multiple-serving edible cannabis product must be physically demarked in a way that enables a reasonable person to intuitively determine how much of the edible cannabis product constitutes a single serving. Each demarked serving must be easily separable in a manner that allows an average person who is 21 years of age or over to physically separate, with minimal effort, an individual serving of the edible cannabis product.

~~8~~**4.** If an edible cannabis product is of a kind that is impracticable to clearly demark each serving of cannabis with the dose in milligrams of THC, the edible cannabis product must:

- (a) Contain not more than 10 milligrams of THC per unit of sale; or
- (b) Be sold in a package that contains more than one individually wrapped single-serving edible cannabis product

5. Packaging for cannabis or other cannabis products must:

(a) Be clearly and unambiguously packaged as cannabis with the words “THIS PRODUCT CONTAINS CANNABIS” and includes the warning “KEEP OUT OF REACH OF CHILDREN” in bold type that clearly identifies that the product contains cannabis;

(b) Be packaged in a manner which is not modeled after a brand of products primarily consumed by or marketed to children;

(c) Be presented in packaging which does not contain an image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the cannabis production facility which produced the product;

(d) Not be packaged or marketed as candy;

(e) When sold at a cannabis sales facility, be placed into a package or directly packaged in opaque, child-resistant packaging in accordance with 16 C.F.R. Part 1700 and the standards specified in this section. The child-resistant packaging must maintain its effectiveness for multiple openings before leaving the cannabis sales facility with the consumer.

(f) Be of a food-grade material and protect the contents from contamination.

12.030 Cannabis cultivation facility: Required labeling before sale of cannabis to another cannabis establishment.

1. *If not already included on the container or package, a ~~A~~ cannabis cultivation facility shall label all cannabis before it sells the cannabis to another cannabis establishment and shall securely affix to or include with the package, or supply through an electronic medium approved by the appropriate board agent, a label that includes, without limitation, in legible English:*
 - (a) The name of the cannabis establishment and ~~its license number or~~ the cannabis establishment ID;
 - ~~(b) If the cannabis establishment is operated by a dual licensee, the number of the medical cannabis establishment license of the cannabis cultivation facility operated by the dual licensee;~~
 - ~~(c) The batch number;~~ (b) The inventory package ID (parent tag) number as assigned in the state required seed-to-sale inventory tracking system;
 - ~~(d) The lot number;~~
 - (e) (c) The date of final harvest;
 - ~~(f) The date of final testing;~~
 - ~~(g) The date on which the product was packaged;~~
 - ~~(h) (d)~~ The detected cannabinoid profile and potency levels and terpenoid profile of the top three ~~T~~ terpenes, if detected, as determined by the cannabis testing facility, which may include the potential total THC but must not include any other calculated level of THC;
 - ~~(i) (e)~~ The quantity of cannabis in the bulk or individual package being sold; and
 - ~~(j) (f)~~ If the cannabis was treated with any process approved by a Board Agent for the purpose of reducing or eradicating microbial contamination at any time post-harvest, a disclosure of the type of treatment process used.
 - ~~(k) A warning that states: "THIS PRODUCT CONTAINS CANNABIS"; and~~
 - ~~(l) A warning that states: "Keep out of Reach of Children."~~
2. The label required by subsection 1 for a container or package containing usable cannabis sold by a cannabis cultivation facility must be in substantially the following form:
[Label Example]

12.035 Cannabis production facility: Required labeling ~~of cannabis products~~ before sale of cannabis products to another cannabis establishment ~~retail store~~.

1. *If not already included on the container or package, a* cannabis production facility shall label all cannabis products before it sells the cannabis products to a cannabis sales facility or another cannabis production facility and shall securely affix to or include with the package, *or supply through an electronic medium approved by the appropriate board agent* a label that includes, without limitation, in legible English and in a manner which must not mislead consumers:

(a) The name of the cannabis establishment and its ~~license number or~~ cannabis establishment ID;

~~(b) If the cannabis establishment is operated by a dual licensee, the number of the medical cannabis establishment license or cannabis establishment ID of the facility for the production of cannabis operated by the dual licensee;~~

~~(c)~~ *(b) The production run number; The inventory package ID (parent tag) number as assigned in the state required seed-to-sale inventory tracking system;*

~~(d) A warning that states: "Keep out of reach of children."~~

~~(e)~~ *(c) If the product is not an edible cannabis product, the* date of production;

~~(f)~~ *(d) The detected cannabinoid profile, ~~and~~ potency levels, and terpenoid profile of the top three terpenes, if detected, as determined by the cannabis testing facility;*

~~(g)~~ *(e) If the product is an edible cannabis product, the* expiration date;

~~(h)~~ *(f) The total amount of THC in the cannabis product, measured in milligrams;*

~~(i)~~ *(g) The total amount of THC in each serving of the edible cannabis product;*

~~(j)~~ *(h) A list of all ingredients and all major food allergens as identified in 21 U.S.C. § 343 ~~321~~(qq);*

~~(k)~~ *(i) The net weight of the product;*

~~(l)~~ *(j) If concentrated cannabis or a cannabis extract was added to the product, a disclosure of the type of extraction process used and any solvent, gas or other chemical used in the extraction process, or any other compound added to the concentrated cannabis;*

(k) If cannabis being used to make cannabis products was treated with any process approved by a Board Agent for the purpose of reducing or eradicating microbial contamination at any time post-harvest, a disclosure of the type of treatment process used; and

~~(m)~~ *(l) If the product is an edible cannabis product other than extracts and tinctures, the serving size; ~~and~~*

~~(n) A warning that states: "THIS PRODUCT CONTAINS CANNABIS."~~

2. The label required by subsection 1 for a container or package containing edible cannabis products sold by a cannabis production facility must be in substantially the following form:
[Label Example]

12.040 Cannabis sales facility and cannabis consumption lounge: Required labeling of usable cannabis and single-use cannabis product.

1. *If not already included on the container or package, a*~~A~~ cannabis sales facility and cannabis consumption lounge must affix to, include with, or supply through an electronic medium approved by the appropriate board agent each container or package containing usable cannabis sold at retail or ready-to-consume cannabis product and single-use cannabis product *in the form of usable cannabis* sold at consumption lounges, if not already included on the container or package, a label which must include, without limitation:

(a) The business or trade name and the ~~license number~~ *cannabis establishment ID* of the cannabis cultivation facility that cultivated and sold the usable cannabis;

~~(b) If the cannabis cultivation facility is operated by a dual licensee, the number of the medical cannabis establishment license of the cannabis cultivation facility operated by the dual licensee;~~

~~(c) The batch number;~~ *The inventory package ID (parent tag) number as assigned in the state required seed-to-sale inventory tracking system;*

~~(d) The lot number;~~

~~(e) (c)~~ The quantity sold, including the net weight measured in ounces and grams or by volume, as appropriate;

~~(f) (d)~~ The name and address of the cannabis sales facility or cannabis consumption lounge;

~~(g) (e)~~ The *detected* cannabinoid profile ~~and~~ potency levels and terpenoid profile *of the top three terpenes, if detected,* as determined by the cannabis independent testing laboratory, which may include the potential total THC but must not include any other calculated level of THC;

~~(h) The statement: "This product may be unlawful outside of the State of Nevada";~~

~~(i) (f)~~ The date on which the cannabis was harvested;

~~(j) (g)~~ A warning that states: "THIS PRODUCT CONTAINS CANNABIS";

~~(k) (h)~~ A warning that states: "Keep out of Reach of Children";

(i) If the cannabis was treated with any process approved by a Board Agent for the purpose of reducing or eradicating microbial contamination at any time post-harvest, a disclosure of the type of treatment process used;

(j) A warning that states: "This product may have intoxicating effects and may be habit forming;" and

↪ *Ready to consume cannabis and cannabis products offered for sale at a cannabis consumption lounge do not require any labeling or packaging prior to service. However, all disclosures listed in NCCR 15 must be provided to the consumer.*

2. The label required by subsection 1 for a container or package containing usable cannabis sold at retail must be in substantially the following form:

[Label Example]

12.045 Cannabis sales facility and cannabis consumption lounge: Required labeling of cannabis products and single-use cannabis products.

1. If not already included on the container or package, ~~a~~ A cannabis sales facility and cannabis consumption lounge must affix to, include with, or supply through an electronic medium approved by the appropriate board agent each container or package containing cannabis products sold at retail and Single-use cannabis product in the form of cannabis products sold at consumption lounges, if not already on the container or package, a label which must not mislead consumers and must include, without limitation:

(a) The business or trade name and the ~~license number~~ establishment ID of the cannabis production facility that manufactured and sold the product;

~~(b) If the cannabis production facility is operated by a dual licensee, the number of the medical cannabis establishment license of the facility for the production of edible cannabis products or cannabis-infused products operated by the dual licensee;~~

~~(c) The production run number that accounts for all lot numbers of all cannabis used in the extraction of the concentrated cannabis or contained in the product, as recorded in the inventory control system of the cannabis production facility that sold the concentrated cannabis or product;~~

~~(b)~~ (b) The inventory package ID (parent tag) as assigned in the state required seed-to-sale inventory tracking system.

~~(d)~~ (c) The name and address of the cannabis sales facility or cannabis consumption lounge;

~~(e)~~ (d) If the product is not an edible cannabis product, The date on which the cannabis product was manufactured;

~~(f)~~ (e) If the product is an edible, ~~a suggested use by~~ the expiration date;

~~(g)~~ (f) The detected cannabinoid profile and potency levels ~~of the product,~~ and terpenoid profile of the top three terpenes, if detected, as determined by the cannabis independent testing laboratory that tested the product;

~~(h)~~ (g) For edible cannabis products, the total amount of THC in each serving of the product ~~and a notice that the actual amount of THC in each serving may be within 15 percent of the stated amount;~~

~~(i)~~ (h) A list of all ingredients and all major food allergens as identified in 21 U.S.C. § ~~343~~ 321(qq).

~~(j)~~ (i) The concentration of THC in the product, measured in milligrams;

~~(k)~~ (j) The net weight of the cannabis or cannabis product; and

~~(l)~~ For edible cannabis products, ~~a warning that states: "Caution: When eaten or swallowed, the intoxicating effects of this product may be delayed by 2 or more hours";~~

~~(m)~~ (k) If concentrated cannabis or a cannabis extract was added to the product, a disclosure of the type of extraction process and any solvent, gas or other chemical used in the extraction process, or any other compound added to the concentrated cannabis or the cannabis extract; and

(l) If cannabis being used to make cannabis products was treated with any process approved by a Board Agent for the purpose of reducing or eradicating microbial contamination at any time post-harvest, a disclosure of the type of treatment process used.

~~(n) A warning that states: "This product may have intoxicating effects and may be habit forming";~~

~~(o) A warning that states: "Keep out of Reach of Children"~~

~~(p) A statement that: "This product may be unlawful outside of the State of Nevada"; and~~

~~(q) A warning that states: "THIS PRODUCT CONTAINS CANNABIS."~~

2. The label required by subsection 1 for a container or package containing concentrated cannabis or cannabis products sold at retail must be in substantially the following form:

[Label Example]

12.050 Cannabis sales facility and cannabis consumption lounge: Required disclosures and warnings.

1. Upon consumer request, a cannabis sales facility and cannabis consumption lounge must provide with all usable cannabis and cannabis products sold at retail or ready-to-consume cannabis product and single-use cannabis product sold at cannabis consumption lounges, accompanying soil amendment report and copy of certificate of analysis from the testing laboratory. ~~material that discloses any pesticides applied to the cannabis plants and growing medium during production and processing.~~
2. A cannabis sales facility and cannabis consumption lounge must provide with all usable cannabis and cannabis products sold at retail or ready-to-consume cannabis product and single-use cannabis product sold at cannabis consumption lounges, a written notification or an electronic notification through an electronic medium approved by the appropriate board agent which contains the following warnings:
 - (a) That cannabis and cannabis products must be kept out of the reach of children;
 - (b) That cannabis and cannabis products can cause severe illness in children;
 - (c) That allowing children to ingest cannabis or cannabis products or storing cannabis or cannabis products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;
 - (d) ~~“THE INTOXICATING EFFECTS OF CANNABIS MAY BE DELAYED BY 2 HOURS OR MORE AND USERS OF CANNABIS PRODUCTS SHOULD~~ SO USERS SHOULD ~~INITIALLY INGEST A SMALL AMOUNT OF THE PRODUCT CONTAINING NO MORE THAN 10 MILLIGRAMS OF THC, THEN WAIT AT LEAST 2 HOURS BEFORE INGESTING ANY ADDITIONAL AMOUNT OF CANNABIS”;~~
 - ~~(e) “Cannabis or cannabis products may have intoxicating effects and may be habit forming. Smoking is hazardous to your health.”;~~
 - ~~(f)~~ (e) “Ingesting cannabis or cannabis products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and a person should consult with a physician before doing so.”;
 - ~~(g)~~ (f) “There may be mental or physical health risks associated with consumption of cannabis or cannabis products, including but not limited to cardiovascular problems, psychosis, or exacerbation of anxiety and/or depression. People with health concerns should consult with a physician before ingesting cannabis.”;
 - ~~(h)~~ (g) “WARNING: Pregnant or breastfeeding people should not use cannabis or cannabis products. Using cannabis during pregnancy or while breastfeeding may be harmful to your baby’s development.”;
 - ~~(i)~~ (h) “Cannabis or cannabis products can impair concentration, coordination and judgment. Do not operate a vehicle or machinery under the influence of cannabis or cannabis products”;
 - ~~(j)~~ (i) “Ingestion of any amount of cannabis or cannabis products before driving may result in criminal prosecution for driving under the influence.”
 - ~~(k)~~ (j) “Overconsumption of cannabis or cannabis products may cause negative health effects such as nausea, vomiting, anxiety, agitation, paranoia, and psychosis. Individuals with symptoms of overconsumption should seek immediate medical attention.”; and
 - (k) A statement that: “This product may be unlawful outside of the State of Nevada”

~~12.065 Cannabis treated with radiation.~~ If any cannabis or cannabis product has been treated with radiation at any time, any and all packaging of the irradiated cannabis or cannabis product must include labeling that contains the following statement: “NOTICE: This product contains ingredients that have been treated with irradiation” in bold lettering, along with the Radura symbol as used by the U.S. Food and Drug Administration.

12.070 Advertising of cannabis (Subsection 3 of this section becomes effective May 1, 2022). A cannabis establishment shall ensure that all advertising by the cannabis establishment contains such warnings as may be prescribed by the Board, which must include, without limitation, the following words:

1. “Keep out of reach of children”;
2. “For use only by adults 21 years of age and older”; and
3. Shall ensure that all advertising by the cannabis establishment contains:
 - (a) The name of the cannabis establishment; and
 - (b) The ~~adult-use~~ cannabis establishment Identification number assigned to the cannabis establishment by the Board.

(1) If a cannabis establishment holds more than one license, the cannabis establishment must include any one of the adult-use cannabis establishment identification number or medical cannabis establishment identification number in all the cannabis establishment’s advertisements.

(4) Such warnings and information required in sections 1 through 3 must be visible and legible.

(5) Advertisements such as branded displays or images which are posted inside a licensed cannabis establishment, and not for distribution, are not subject to the restrictions outlined in sections 1 through 3.

~~If a cannabis establishment holds more than one license, the cannabis establishment must include any one of the adult-use cannabis establishment identification number or medical cannabis establishment identification number in all of the cannabis establishment’s advertisements.~~

~~4.~~**(6)** A cannabis establishment shall not engage in advertising that in any way makes cannabis or cannabis products appeal to children, including without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy. The cannabis establishment shall ensure that the advertisement is not modeled after a brand of products primarily consumed by or marketed to children.

(a) Advertisements such as branded displays or images which are posted inside a licensed cannabis establishment are not subject to the restriction on use of fruit.