



CANNABIS REGULATION FACT SHEET

I. Introduction


This fact sheet surveys cannabis packaging restrictions in states that have legalized adult-use cannabis. Packaging design is a critical tool for reducing the appeal of cannabis products to children, especially edible cannabis products. With legalization, states have seen an increase in accidental consumption of cannabis products by children.¹ This is understandable given that cannabis edibles can easily be mistaken for regular food and candy without proper packaging and product regulation. Preventing accidental ingestion of cannabis products by children is critical because their smaller size puts them at higher risk for cannabis poisoning. This fact sheet examines 8 policy variables related to packaging design and the appeal to children. Section II of this fact sheet provides a research summary that discusses the prevalence of each policy variable and the variation in policy within each. Section III contains a table that covers the policy approach of each state and allows side-by-side comparison of each state.

II. Research Summary:

a. State Law

This section examines eight state policy variables used to regulate cannabis product packaging in states that allow adult-use cannabis. The prevalence of each variable is explained, and a range of policy approaches is provided when necessary.

Plain Packaging: **Three states** require that cannabis product packaging be plain (CT, MA, and NJ). Each of these states defines their plain packing requirement differently. Connecticut requires that the package be “entirely and uniformly one color, and shall not incorporate any information, print, embossing, debossing, graphic or hidden feature, other than (the required) labeling.” Connecticut also requires that packaging for edible cannabis products shall be entirely and uniformly white. Massachusetts simply requires that



the packaging be plain and prohibits the use of bright colors. New Jersey requires that the packaging be a single color and permits logos or symbols of a different color provided that the logo is no larger than one inch in length and one inch in height.

Opaque Packaging: **Nine states** require opaque packaging for cannabis products (AK, CA, CT, ME, MA, MI, MT, NV, NJ).

Child-Resistant Packaging: Every state requires that the packaging of cannabis products be child-resistant. The general approach taken by states is to incorporate the pre-existing federal standards established by the Poison Prevention Packing Act of 1970 (PPPA). However, this standard is incorporated in different ways. **California** has a thorough system for child-resistant packaging. The child-resistant requirement can be met in several ways. First, any package that has been certified as child-resistant under the requirements of the PPPA qualifies. Second, a single serving bottle will be considered child-resistant if it has “a pry-off, metal crown, cork-style bottle cap.”² Third, a single serving of cannabis or a cannabis product intended to be inhaled or a cannabis product that is applied topically can be packaged in plastic packaging that is at least four milliradians thick and heat-sealed without an easy-open tab, dimple, corner, or flap. California also places different child-resistant requirements for different products. Inhaled or topical products may use packaging that is “child-resistant only until first opened, if the package is labeled with the statement: “This package is not child-resistant after opening.””³ Packaging for edibles, orally consumed concentrates, and suppositories need to be child-resistant for the life of the product. However, a multiple serving package does not need to be child-resistant if each serving is in child-resistant packaging. **Vermont** does not explicitly reference the PPPA. However, its definition for child-resistant packaging is taken from the PPPA.⁴ **Washington** does not use the PPPA’s definition for child resistant packaging. It defines child-resistant packaging as “packaging that is used to reduce the risk of poisoning in persons under the age of 21 through the ingestion of potentially hazardous items including, but not limited to, cannabis concentrates, useable cannabis, and cannabis-infused products.” However, Washington then requires cannabis concentrates and cannabis edibles to be packaged in compliance with the PPPA.

Tamper-Evident Packaging: Tamper-evident packaging is packaging with indicators or barriers that if breached provide visible evidence that the packaging has been tampered with. **Three states** require tamper-evident packing for cannabis products (CA, CT, and ME).

General Prohibition on Appeal to Children: Every state except Connecticut, Illinois, and Nevada has general language that prohibits cannabis packaging from appealing to children. These prohibitions do not provide details on what qualifies as inappropriate packing. While these states lack general prohibitions, they still address the issue of appeal to children. Connecticut requires the packaging to be plain (as discussed above) and it prohibits specific imagery that is attractive to children. Illinois and Nevada do not have a plain packaging requirement, but they do ban specific images that appeal to children.

Prohibit packaging that resembles any commercially available food: In an effort to decrease accidental ingestion of cannabis products by children, **14 states** prohibit packaging that resembles commercially available food that appeals to children. Many states provide examples of these foods, including candy, snacks, baked goods, and beverages. Colorado, Maine, New Mexico, and

Vermont are the only states that do not have this prohibition. However, Colorado and Maine both have provisions that prohibit trademark violations generally.

Prohibit images or words that may make the packaging attractive to children: Going beyond a general prohibition on appealing to children, **13 states** ban specific images or words on cannabis product packaging to decrease their appeal. For example, Illinois prohibits packaging that “includes any image designed or likely to appeal to minors, including cartoons, toys, animals, or children, or any other likeness to images, characters, or phrases that are popularly used to advertise to children.”⁵ Maine is less expansive in its examples and prohibits images of humans, animals, or fruit on the packaging. Arizona, Connecticut, and Michigan do not have a specific image prohibition. However, Connecticut has a plain packaging requirement that serves the same function. New York and Rhode Island have delegated rule making authority for packing but have yet to draft regulations that address this issue.

Poison Control Number: **Four states** require the poison control phone number on cannabis packaging (NJ, NM, VT, and WA). While Michigan does not require this information on the packaging, it must be provided on a pamphlet at the point of sale.

III. Research Tables

N/A stands for “not applicable.” N/A is used when the variable is not applicable because the jurisdiction does have a licensed adult-use market (D.C. and VA). N/C stands for not covered in statute or regulation. N/C is used when a jurisdiction has assigned regulatory authority to address product packaging, but the relevant regulations have not been finalized (NY and RI).

State	Citation	Plain Packaging	Opaque Packaging	Child Resistant Packaging	Tamper Evidence Packaging	General prohibition on appeal to children	Prohibit packaging that resembles any commercially food	Prohibit images or words that may make the package attractive to children	Poison Control Number
AK	3 AAC 306.345 (Retail Packaging) 3 AAC 306.565 (Manufacturing Packaging of Marijuana Products) 3 AAC 306.510 (Prohibited manufacturing practices)	No	Yes	Yes	No	Yes	Yes	Yes	No
AZ	A.R.S. § 36-2860 (Packaging) AZ ADC R9-18-310 (Child Resistant)	No	No	Yes	No	Yes	Yes ⁶	No	No


State	Citation	Plain Packaging	Opaque Packaging	Child Resistant Packaging	Tamper Evidence Packaging	General prohibition on appeal to children	Prohibit packaging that resembles any commercially food	Prohibit images or words that may make the package attractive to children	Poison Control Number
CA	4 CCR § 17411 (Packaging requirements) 4 CCR § 17412 (Child Resistant Standards) 4 CCR § 17408 (General Attractiveness to Children-label) ⁷ 4 CCR § 15000 (Definitions) 4 CCR § 15040 (Elements that Make a Package Attractive to Children)	No	Yes ⁸	Yes	Yes	Yes	Yes ⁹	Yes	No
CO	CO ADC 212-3:3-1010 (Packaging and Labeling requirements)	No	No	Yes	No	Yes ¹⁰	No ¹¹	Yes	No
CT	Conn. Agencies Regs. § 21a-421j-32 (Packaging)	Yes ¹²	Yes	Yes	Yes	No	Yes ¹³	No	No
DC	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
IL	410 ILCS 705/55-21 (Packing Requirements)	No	No	Yes	No	No	Yes	Yes ¹⁴	No
ME	ME ST T. 28-B § 701 (Packaging)	No	Yes	Yes	Yes	Yes	No ¹⁵	Yes	No
MA	935 CMR 500.105(6) (Packaging)	Yes	Yes	Yes	No	Yes	Yes	Yes	No ¹⁶
MI	MI ADC R 420.403 (Requirements and restrictions on marihuana-infused products; edible marihuana product)	No	Yes ¹⁷	Yes	No	Yes	Yes	No	No ¹⁸
MT	MONT. CODE ANN. § 16-12-208 (Packaging) Mont. Admin. R. 42.39.319 (Packaging) Mont. Admin. R. 42.39.320 (Custom Packaging Fees)	No ¹⁹	Yes	Yes	No	Yes	Yes	Yes	No
NV	N.R.S. 678B.520 (Packaging) NAC 453D.805 (Edibles)	No	Yes	Yes	No	No	Yes ²⁰	Yes	No
NJ	N.J.S.A. 24:6I-35 (packaging)	Yes ²¹	Yes	Yes	No	Yes	Yes	Yes	Yes

State	Citation	Plain Packaging	Opaque Packaging	Child Resistant Packaging	Tamper Evidence Packaging	General prohibition on appeal to children	Prohibit packaging that resembles any commercially food	Prohibit images or words that may make the package attractive to children	Poison Control Number
	N.J.A.C. 17:30-13.2 (packaging) N.J.A.C. 17:30-13.5 (prohibitions) NJ ADC 17:30-13 (poison control)								
NM	N. M. S. A. § 26-2C-17 N.M. Admin. Code 16.8.3.12	No	No	Yes	No	Yes	No	Yes	Yes
NY	N.Y. CANNABIS LAW § 81 ²²	N/C	N/C	Yes	N/C	Yes	N/C	N/C	N/C
OR	OR ADC 845-025-7000 (Definitions) OR ADC 845-025-7020 (Packaging)	No	No	Yes	No	Yes	Yes	Yes	No
RI	RI ST § 21-28.11-5 (Authority of Cannabis Control Commission) ²³ RI ST § 21-28.11-10.1 (Transition Period Authority) ²⁴ 230 RI ADC 80-05-1.5 (Medical Cannabis packaging Requirements) ²⁵	N/C	N/C	Yes	N/C	Yes	N/C	N/C	N/C
VT	7 V.S.A. § 907 (Retailer Requirements) VT ADC 26-1-2:2.9 (Packaging) Vermont Cannabis Control Board: Guidance on Packaging July 2022	No	No	Yes	No	Yes	No	Yes	Yes
VA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
WA	WA ADC 314-55-105 (Packaging) WA ADC 314-55-106 (Warning Symbol)	No	No	Yes	No	Yes	Yes	Yes	Yes ²⁶

This document was developed by Mathew Swinburne, J.D., Associate Director, Network for Public Health Law-Eastern Region. The Network for Public Health Law provides information and technical assistance on issues related to public health. The legal information and assistance provided in this document does not constitute legal advice or legal representation. For legal advice, please consult specific legal counsel.

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- ¹ See e.g., Dilley JA, Graves JM, Brooks-Russell A, Whitehill JM, Liebelt EL, *Trends and Characteristics of Manufactured Cannabis Product and Cannabis Plant Product Exposures Reported to US Poison Control Centers, 2017-2019*, JAMA Netw. Open. 2021;4(5) (May 24, 2021), available at <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2780068>.
- ² 4 CCR § 17412 (Child Resistant Standards).
- ³ Id.
- ⁴ Compare Vermont Cannabis Control Board: Guidance on Packaging July 2022, 2 available at https://ccb.vermont.gov/sites/ccb/files/2022-07/Packaging.Materials.Guidance_FINAL.pdf (defining child resistant packaging as “packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance in the container within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging that all children under five years of age cannot open or obtain a toxic or harmful amount of the substance in the container within a reasonable time.”) with 16 C.F.R. § 1700.1 (defining “special packaging”).
- ⁵ 410 ILCS 705/55-21(f)(5).
- ⁶ Arizona prohibits the sale or advertisement of marijuana or marijuana products with names that resemble or imitate food or drink brands marketed to children, or otherwise advertise marijuana or marijuana products to children.
- ⁷ California defines labeling as “any label or other written, printed, or graphic matter upon cannabis or a cannabis product, upon its container or wrapper, or that accompanies any cannabis or cannabis product.” As a result, its labeling restriction pertaining to attractiveness to children are included in this packaging survey. ([4 CCR § 15000](#)).
- ⁸ If the cannabis good is an edible product, the package shall be opaque.
- ⁹ The package shall not imitate any package used for products typically marketed to children.
- ¹⁰ Colorado prohibits labels from being attractive to children and from using cartoons. Given the blurring of lines between label and packaging this will be deemed relevant for this survey.
- ¹¹ While Colorado does not specifically prohibit packaging similar to commercially available products targeting children, it does have a general prohibition against trademark infringement.
- ¹² “Packaging shall be entirely and uniformly one color, and shall not incorporate any information, print, embossing, debossing, graphic or hidden feature, other than labeling required or permitted under section 21a-421j-33 of these Policies and Procedures, provided that the packaging of edible cannabis products shall be entirely and uniformly white. For the purposes of this provision, white and black shall be considered colors.”
- ¹³ Packaging shall not be visually similar to (A) any commercially similar product that does not contain cannabis, or (B) packaging used for any good that is marketed to an audience reasonably expected to be under twenty-one years of age.
- ¹⁴ Includes any image designed or likely to appeal to minors, including cartoons, toys, animals, or children, or any other likeness to images, characters, or phrases that are popularly used to advertise to children, or any packaging or labeling that bears reasonable resemblance to any product available for consumption as a commercially available candy, or that promotes consumption of cannabis.
- ¹⁵ May not be labeled or packaged in violation of a federal trademark law or regulation or in a manner that would cause a reasonable consumer confusion as to whether the marijuana or marijuana product was a trademarked product.
- ¹⁶ While packaging is not required to have poison control number, advertising is required to have this number.
- ¹⁷ This requirement applies to cannabis edibles.



¹⁸ Poison control's number must be provided on a pamphlet at point of sale but not on the packaging ([MI ADC R 420.504](#)).

¹⁹ However, Montana tries to encourage generic packaging by charging an additional fee for the use of custom product packaging.

²⁰ This restriction applies specifically to cannabis edibles.

²¹ New Jersey requires that the packaging be opaque, of a single color, and light resistant. However, the packaging may contain a logo or symbol of a different color or colors, provided the logo is no larger than one inch in length and one inch in height.

²² This section of law discusses the regulatory authority of the New York Cannabis Control Board. The Board has been instructed to draft packaging regulations. These regulations have not been drafted but the statutory guidance indicates that child-resistant packaging is required, and packaging cannot target individuals under 21. The remaining policy variables have been marked N/C (not covered in statute or regulations) in anticipation of the Board's packaging regulations.

²³ The Rhode Island Cannabis Control Commission has been instructed to draft packaging regulations. This mandate requires that the packaging be child-resistant and that packaging that targets youth be addressed. The regulations have not been drafted yet and as a result the remaining policy variables have been marked N/C (not covered in statute or regulations).

²⁴ While the Rhode Island Cannabis Control Commission is drafting regulations for the new adult-use market, hybrid retailer and hybrid cultivators are subject to the packaging requirements of the state's medical cannabis program.

²⁵ The medical packaging requirements that are in place during the transition period include: opaque packaging, plain packaging (must be a neutral color), child resistant packaging, and poison control's contact information is required.

²⁶ Washington requires that cannabis products be labeled with the Washington Poison Control's "not for kids" warning symbol. This symbol includes the poison center's contact number. See Washington Poison Center, Not for Kids, available at <https://www.wapc.org/programs/services/not-for-kids/>.