

## Chapter [WAC 246-70](#) Medical Cannabis Product Compliance

### Oct 17, 2024 Department of Health Rulemaking Workshop

#### Summary of Feedback from Participants

#### WAC 246-70-040 Product classifications (Version 2)

##### **“Medical grade” as a term to replace “DOH Compliant”**

- **Concerns:**

- The word "medical grade" on the product isn't the best choice
- Medical grade means a device or equipment has been built, tested, and, most importantly, certified to operate safely near patients – so this term doesn't make sense.
- "Medically tested" means a person has undergone a medical procedure to detect, diagnose, or monitor a disease or condition. Medical tests can help detect a condition, determine a diagnosis, plan treatment, check to see if treatment is working, or monitor the condition over time.
- Medical grade can imply non-medical grade is lower quality

- **Ideas:**

- Meets Department of Health Quality Assurance Standards
- Department of Health Compliant Medically Tested
- DOH Tested
- Tested to DOH Standards
- Additionally Tested Cannabis
- Medical Use Cannabis (and put it in definitions as cannabis having additional quality assurance testing, labeling, etc as required by DOH/this rule).
- Medical Standard

- **Discussion:**

- "Meets Department of Health Quality Assurance Standards" is too wordy.
- Medically tested may imply it was tested for some sort of medical or therapeutic event.
- Anything like “DOH Tested/Quality Assured” could imply that DOH itself is doing the 3<sup>rd</sup>-party testing.
- DOH will take this input into consideration for final decision.

##### **High-THC classification term**

- We previously heard concerns about using this term as a classification, but we did not have time to discuss extensively.
- DOH input – this category isn't about specific potency, it's about mg of THC per serving size. Serving size and dosages may be different from patient to patient and we don't want to create a term that relates to an individual's condition. The high-THC category is meant to accommodate patients that need more THC than typical recreational products per unit/package, given their medical condition. We want the “High-THC” to relate to servings and package, not dose size.

## Labeling, Logos, Taxes, and Product Classifications (v2) – Summary of Feedback

- DOH will take this input into consideration for final decision.

### WAC 246-70-060 Labeling

#### (1) Product logos and label requirements

##### Concerns:

- Pesticides- Licensees want to remove pesticide labeling requirement
- Licensees do not want additional labeling requirements (terpenes, pesticides, etc.)-
- Retailers want smaller logos/packaging so they can package more efficiently.

##### Discussion:

- DOH will not mandate additional disclosures on labels.

#### *QR Codes*

##### Concerns:

- Retailers get confused when there are multiple codes to scan.
- Will QR code lead to relevant COA, or to a repository of COAs?
- Who hosts the COAs/repository?
  - Some labs currently do it.
  - Licensees may have trouble implementing.
  - How accessible will the repository be if there are many results?
  - Labeling/linking test results per products will be time consuming.
  - How long do you have to maintain repository? -For as long as the COA is valid at the very minimum.
  - Can DOH host COA repository?- NO
  - Patients may have difficulty navigating through repository.

##### Discussion:

- DOH will take this input into consideration for final decision.

### WAC 246-70-000 Logos

#### *Logo Size*

##### Concerns:

- Participant asked why requirement for logo size is at least a half inch. Previously the requirement for size was half an inch.
  - Reference to logo size is only on MCP website- The logo can be no smaller than 1/2 inch round.
- Producers want perfectly round labels- cheaper to print.

## Labeling, Logos, Taxes, and Product Classifications (v2) – Summary of Feedback

- Request for transition period if new logo is required so they can use their stock of old logos.

### **Discussion:**

- Size requirement not specified in –060
  - \*\* Must be half inch, remove the at least part

### ***Combining FDA Statement with Logo***

- Does adding the FDA statement around the perimeter of the DOH logo count as a modification?
  - Mixed opinions but we like the idea and can incorporate it into the log.
    - \*\* Design Logo with FDA statement along perimeter.

## **[NEW] WAC 246-70-100 Tax Exemptions**

Concerns from LCB about including language for the excise tax exemption. No other comments.