

**THE PACKAGING AND LABELING REQUIREMENTS
FOR MARIJUANA EDIBLES BY STATE
AS OF DECEMBER 2022**

The chart below shows the legal status of marijuana products by state, whether edibles are legally available, and what requirements apply to their packaging and labeling.

The phrase **“fully legal”** applies to states which allow smokeable and edible marijuana products to be possessed or purchased for both recreational and medicinal purposes. It does not mean that there are no restrictions or penalties. There are limits on the maximum amounts people may own, grow, or transport. These limits vary by state. **“Limited medical”** indicates that recreational use is prohibited, but some medical uses may be allowed. **“Liberal medical”** applies to states in which it is relatively easy to obtain a purchase permit card as well as to open a dispensary. **“Decriminalized”** means that recreational marijuana use or possession has not been legalized, but that instead of a criminal charge and potential jail time, violators receive a ticket and a fine or some other such civil penalty.

The term **“Safe container”** refers to tamper-evident and child-resistant packaging, usually going by federal guidelines applied to pharmaceuticals or OTC medicine*. **“Warnings”** indicates mandatory language on the containers, such as “Contains THC; not safe for children or pets,” or “Do not drive or operate heavy machinery.”

States **highlighted in blue** are Oklahoma’s neighboring states, for regional comparison.

Regulations **highlighted in yellow** specifically address packaging that may appeal to children.

Currently there is a great deal of flux among the states’ legal approaches to marijuana products, so this chart will soon need updating. The general trends seem to be toward some form of limited legalization and increased sensitivity to the risks marijuana edibles present to children.

STATE	LEGALITY	EDIBLES	PACKAGING REGULATIONS
ALABAMA	Limited medical		
ALASKA	Fully legal	✓	Safe container, warnings, cannot contain printed images including cartoon characters specifically targeted to minors.
ARIZONA	Fully legal	✓	Safe container, warnings, ingredients, no edibles in the shape of a human, animal, insect, fruit, cartoon, or toy.
ARKANSAS	Limited medical		
CALIFORNIA	Fully legal	✓	Safe opaque container, THC content, warnings, no imitating candy or snacks, no cartoons, no health claims
COLORADO	Fully legal	✓	The most comprehensive and detailed labeling regulations to date, including but not limited to

			standard food safety labeling, batch #, warnings, THC levels; no health claims, cartoons, shapes like bears, fish, fruit, or any known candies or snacks. Safe container except for single-serving.
CONNECTICUT	Fully legal	✓	Safe container, warnings, ingredients, batch #. No restrictions on imagery.
D.C.	Fully legal	✓	D.C.'s initiative 71 legalizes capped amounts of marijuana growing & possession, but does not directly address edibles or packaging, as actual recreational sales remain illegal.
DELAWARE	Limited medical	✓	Safe container, batch #, ingredients, warnings, plain opaque packaging, no bright or "neon" colors, cartoons, cartoonish fonts, caricatures, fruit, humans, or animals.
FLORIDA	Decriminalized, Limited medical	✓	Safe container, warnings, THC content, plain opaque packaging with no product depiction or imagery except for business logo.
GEORGIA	Med CBD only		
HAWAII	Decriminalized, medical	✓	Safe container, warnings, THC content, no pictures or graphics permitted.
IDAHO	Illegal		
ILLINOIS	Fully legal	✓	Safe container, warnings, content list. No rules on imagery.
INDIANA	Med CBD only		
IOWA	Med CBD only		
KANSAS	Illegal		
KENTUCKY	Med CBD only		
LOUISIANA	Limited medical		
MAINE	Fully legal	✓	Safe container, nutritional facts, THC levels, warnings, batch #. No labeling "designed to appeal to a person under 21."
MARYLAND	Decriminalized, Limited medical	✓	Safe plain opaque container, lot #, warnings, Poison Control Center phone #, active ingredients. No resemblance to commercial candy, snacks, baked goods, etc, no cartoon, color scheme, image, or feature that might be attractive to children.
MASSACHUSETTS	Fully legal	✓	Safe plain opaque container, THC levels, ingredients, warnings, batch #, no cartoons or images other than business logo.
MICHIGAN	Fully legal	✓	Safe container, warnings, THC levels, ingredients, batch #. No cartoons, characters, toys, colors, designs, or shapes that would apply to children.
MINNESOTA	Decriminalized, Medical	✓	Safe container, name of patient & provider, warnings, ingredients, THC levels, minimized appeal to children, no images but business logo.
MISSISSIPPI	Decriminalized, Limited medical		

MISSOURI	Decriminalized, Medical	✓	Safe container, warnings, THC levels, no health claims. May not be designed to appeal to minors.
MONTANA	Fully legal	✓	Safe container, warnings, THC levels, ingredients, lot #. No objects, images, celebrities, or cartoon figures that appeal to children or imitate packaging of commercial candy, snacks, baked goods, etc.
NEBRASKA	Illegal		
NEVADA	Fully legal	✓	Safe opaque container, lot #, harvest & packaging dates, THC levels, warnings. No health claims or cartoon characters, mascots, action figures, balloons or toys in packaging imagery.
NEW HAMPSHIRE	Decriminalized, Limited medical		
NEW JERSEY	Fully legal		Safe container, lot #, THC level, ingredients, warnings, may not look like food.
NEW MEXICO	Fully legal	✓	Safe opaque container, warnings, THC levels, no health claims or images of underage-looking people consuming, no cartoon, color scheme, image, graphic or feature attractive to children.
NEW YORK	Fully legal	✓	Safe container, lot #, THC levels, warnings, no health claims, no packages, labels, shapes, and products shall not be made to appeal to those under 21.
NORTH CAROLINA	Med CBD only		
NORTH DAKOTA	Decriminalized, Limited med		
OHIO	Decriminalized, limited medical		
OKLAHOMA	Liberal medical	✓	Safe container, warnings, batch #, THC levels. No health claims or imagery including toys, cartoon characters, and similar images. Packages should be designed to minimize appeal to children and shall not depict images other than the business logo of the medical marijuana producer and image of the product.
OREGON	Fully legal	✓	Safe container, manufacture date, warnings, THC levels, ingredients, no health claims, cartoons, no designs, brands, or names similar to items for kids or attractive to children.
PENNSYLVANIA	Limited medical	✓	Safe opaque container, batch #, THC levels, warnings, manufacture date, no health claims or images, color schemes, cartoons, or graphic features that may be attractive to children.
RHODE ISLAND	Fully Legal	✓	Safe container, lot number, ingredients, warnings, no health claims, labeling must be in black and white, no animal characters or the word "candy."
SOUTH CAROLINA	Limited medical		
SOUTH DAKOTA	Decriminalized,		

	No medical		
TENNESSEE	Med CBD only		
TEXAS	Med CBD only		Low-level THC oil for limited medical applications
UTAH	Med CBD only		
VERMONT	Fully legal	✓	Safe container, THC levels, warnings, ingredients, lot #, no health claims
VIRGINIA	Fully legal		Retail sales not set to begin until 2024
WASHINGTON	Fully legal	✓	Safe container, lot #, ingredients, no health claims, language encouraging intoxication, or images appealing to minors.
WEST VIRGINIA	Liberal medical		Edibles are not legal
WISCONSIN	Med CBD only		
WYOMING	Illegal		

The title outlining packaging requirements within the Oklahoma Medical Marijuana Statute (Title 63 O.S. § 427.18) states the following:

- "Medical marijuana packaging shall be packaged to minimize its appeal to children and shall not depict images other than the business name logo of the medical marijuana producer and image of the product."
- "A medical marijuana business shall not place any content on a container in a manner that reasonably appears to target individuals under the age of twenty-one (21) including, but not limited to, cartoon characters or similar images."
- "No container shall be intentionally or knowingly labeled so as to cause a reasonable patient confusion as to whether the medical marijuana, medical marijuana concentrate or medical marijuana product is a trademarked product or labeled in a manner that violates any federal trademark law or regulation."

Examples:



Upon notice of a packaging or labeling violation, dispensaries are given 30 days to correct it, with failure to do so resulting in a fine of \$500 per violation. Failure to pay the fine within 30 days may result in nonrenewal, suspension, or revocation of the business’s license (OAC 442:10-5-8[d]; OAC 442:10-7-1; OAC 442:10-7-2; 63 O.S. § 427.18)

“Secret Shoppers”

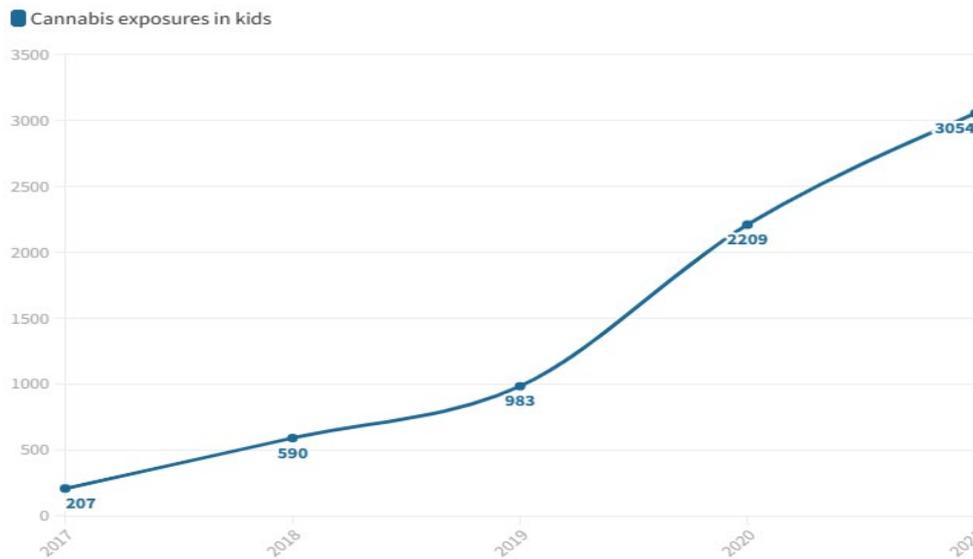
In addition to the Oklahoma Medical Marijuana Authority’s duty to inspect dispensaries, on Jan 1, 2024, a new statute (Title 63 O.S. § 427.25) will go into effect, authorizing the Oklahoma Medical Marijuana Authority to employ "secret shoppers" to purchase marijuana products from dispensaries for the purpose of sending the product to testing laboratories to verify its safety and compliance with product standards. There is no mention in this section of the secret shoppers being used to detect violations of packaging requirements.

Industry Participation

Weber® Packaging Solutions, a company that manufactures product-labeling machines, provides on its website state-by-state guidelines on the legal requirements regarding the labeling of THC products. Unfortunately they left Oklahoma out, and some of their information is dated.

The National Confectioner’s Association, a trade group dedicated to the promotion of sweets and snacks in the United States, has published its position on best practices regarding THC edibles ([National Confectioners Association Principles on Cannabis-Containing Edibles - NCA \(candyusa.com\)](https://www.candyusa.com/resources/nca-principles-on-cannabis-containing-edibles))

Exposure and Harm



Source: Source: Pediatrics, Jan. 3, 2023, National Poison Data System data, children aged less than 6

The above chart reflects only cases reported to the National Poison Data System. More than 50% of the children exposed were toddlers aged 2 and 3 years old. Over 90% were reported to have accessed the substances at home. The report did not include data on the packaging and labeling of the materials

ingested. There were no deaths reported in this 2017-2021 period, though the two pandemic years saw a substantial increase in the severity of toxicity.

*The federal standards for what constitutes "child-proof" are somewhat surprising. A container meets standards if tests on children age 1-5 show that only 15% of children are able to open it without having seen it opened before, and 20% of children can open it after having seen it done and it still be considered "child-proof" according to the Code of Federal Regulations (16 CFR § 1700.15).