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To: Current and Prospective AUCP Products Manufacturing and Cannabis Store Licensees
From: Director John Hudak, Office of Cannabis Policy
Date: May 11, 2023
Subject: Guidance for Packaging Single-Serve Adult Use Cannabis Drinks

Background

The Office of Cannabis Policy (OCP) has received inquiries from cannabis beverage manufacturers regarding whether a “stay tab” can by itself is considered “child-resistant” for the purposes of satisfying the packaging requirements of section 9.4.1 of the Adult Use Cannabis Program Rule, 18-691 CMR, ch. 1 (AUCP Rule). OCP is providing the following guidance to provide clarification in response to that question.

Guidance

In accordance with 18-691 CMR, ch. 1, 9.4.1, all edible cannabis products sold to consumers at adult use cannabis stores must be packaged, before sale to consumers, in a container “that is child-resistant in accordance with 16 C.F.R. Part 1700 (2018)”. Section 9.4.1 goes on to describe various kinds of packaging that are acceptable as long as they meet the child-resistant standard. Section 9.4.1(D) describes the packaging requirements for single-serving cannabis drinks that do not contain more than 10 milligrams of THC. Because of the way that section is structured, questions have arisen regarding whether packaging single-serve cannabis drinks in a stay tab can satisfies the child-resistant requirement or whether single-serve cannabis drinks packaged in these cans are exempt from the child-resistant requirement. The answer to both of these questions is “no”.

Licensees that manufacture single-serve cannabis drinks may package those drinks in stay tab cans, but those cans do not satisfy the child-resistant standards of 16 C.F.R. Part 1700. Therefore, licensees manufacturing and packaging these drinks in stay tab cans must add a cap or other acceptable child-resistant device to the can in order to make the product child-resistant and prevent accidental ingestion of the cannabis drink by children.

Conclusion

Licensees that are manufacturing or selling single-serve adult use cannabis drinks to consumers must ensure that **all stay tab cans used to package those drinks include a child-resistant cap, cover, or other device over the stay tab** to prevent accidental ingestion of the cannabis drink by children. Licensees with questions regarding this guidance should contact OCP’s Compliance Team at Compliance.OCP@maine.gov.