



JANET T. MILLS
GOVERNOR

STATE OF MAINE
OFFICE OF MARIJUANA POLICY
162 STATE HOUSE STATION
19 UNION STREET
FIRST FLOOR
AUGUSTA, MAINE 04333-0162

ADMINISTRATIVE & FINANCIAL SERVICES

KIRSTEN LC FIGUEROA
COMMISSIONER

OFFICE OF MARIJUANA POLICY

ERIK GUNDERSEN
DIRECTOR

To: Current and Prospective AUMP Marijuana Store and Products Manufacturing Licensees
From: Director Erik Gundersen, Office of Marijuana Policy
Date: April 12, 2022
Subject: Guidance on the Use of Maine's Universal Symbol by Licensees

Background

This guidance is provided by the Office of Marijuana Policy (OMP) to prospective and current adult use licensees in response to issues identified by OMP during routine inspections of adult use licensees. Specifically, OMP has found that some edible marijuana products produced and sold by adult use licensees are not appropriately marked, stamped, or otherwise imprinted with the Department-approved universal symbol in a manner that makes the universal symbol distinguishable and easily recognizable as is required by the Adult Use Marijuana Program (AUMP) Rule, 18-691 C.M.R., ch. 1.

Additionally, OMP has received inquiries from licensees regarding the practicability of marking some kinds of edible marijuana products, like potato and corn chips, popcorn, pretzels and loose granola with the universal symbol.

Guidance

Section 8.2 of the AUMP Rule requires “...*each single standardized serving of [an edible marijuana product] shall be marked, stamped or otherwise imprinted with the Department-approved universal symbol directly on at least one side of the edible marijuana product in a manner to cause the universal symbol to be distinguishable and easily recognizable.*” This is a vital public health and safety standard which ensures that individuals can readily identify whether products contain cannabis. Included in Section 8.2 is a list of “per se practicable” edible marijuana products that have been determined practicable to be marked with the required universal symbol. Generally, the items included on the “per se practicable” list are edible marijuana products that are manufactured, or can be manufactured, in a manner that results in each piece or serving of the edible product being relatively uniform in shape, size and texture.

When an edible marijuana product is not manufactured in a manner that produces uniform shape, size and texture among each piece or serving of the edible marijuana product, OMP has worked with licensees to determine whether it is still practicable to mark the edible marijuana product with the universal symbol using edible product molds, edible food dyes, edible heat transfers that include the universal symbol or other food-safe means. Through this work OMP has determined that the following edible marijuana products are impracticable to mark with the universal symbol, because the shape, size or texture of the edible marijuana products are inconsistent and cannot be standardized: **potato and corn chips, popcorn, pretzels and loose granola.**

Whether or not an adult use edible marijuana product is marked with the universal symbol is an inspection point for OMP Compliance Division staff conducting routine inspections of adult use

products manufacturing facilities and marijuana stores. OMP Field investigators have observed inconsistent compliance with this requirement.

Licenses manufacturing and/or selling edible marijuana products must comply with this important public health and safety requirement. Licenses may comply with this requirement through any food-safe means that ensures that the universal symbol is distinguishable and easily recognizable on every serving of an edible marijuana product, including without limitation, the use of edible product molds, edible food dyes, or edible heat transfers that include the universal symbol.

Conclusion

Through routine inspections by OMP compliance staff, the department has identified a pattern of non-compliance with the requirements in Section 8.2 of the AUMP Rule. This requirement is imperative to ensuring the mission of OMP and is considered by OMP to be a vital public health and safety requirement.

Licenses manufacturing and/or selling edible marijuana products must ensure that each serving, if practicable, is conspicuously marked with the universal symbol. It is the responsibility of both products manufacturing and marijuana store licenses to ensure that edible marijuana products are appropriately marked with the universal symbol in accordance with the AUMP Rule and this guidance. Ensuring compliance with Section 8.2 of the AUMP Rule is and will continue to be a priority during facility inspections by OMP. Failure to mark, stamp or otherwise imprint the universal symbol on individual servings of edible marijuana products, in a way that is distinguishable and easily recognizable, may result in compliance action by the Department, including recalls of products not appropriately marked with the universal symbol.

Questions regarding this guidance and compliance with the Section 8.2 should be directed to Compliance.OMP@maine.gov.