



Advancing Legal Medical Marijuana Therapeutics and Research

June 10, 2013

Honorable Brian Dempsey  
Chair, House Committee on Ways & Means  
Room 243  
State House  
Boston, MA 02133

Honorable Stephen Brewer  
Chair, Senate Committee on Ways & Means  
Room 212  
State House  
Boston, MA 02133

Honorable Stephen Kulik  
Vice Chair, House Committee on Ways & Means  
Room 238  
State House  
Boston, MA 02133

Honorable Jennifer Flanagan  
Vice Chair, Senate Committee on Ways & Means  
Room 208  
State House  
Boston, MA 02133

Honorable Viriato de Macedo  
Room 124  
State House  
Boston, MA 02133

Honorable Michael Knapik  
Room 419  
State House  
Boston, MA 02133

Dear Senators and Representatives,

Americans for Safe Access (ASA) is the largest national member-based organization of patients, medical professionals, scientists and concerned citizens promoting safe and legal access to cannabis for therapeutic use and research. **ASA urges the Conference Committee to omit House outside section 142 from its final report. The Department of Public Health (DPH) final regulations on medical marijuana provide more effective packaging and labeling safeguards than the language of this section.**

The House amendment states that marijuana-infused products (MIPs) “shall not bear a reasonable resemblance to any product available for consumption as a commercially available candy.” ASA agrees that MIPs, should not be packaged and marketed in ways similar to existing candy products. Nor should products be marketed in a manner intended to promote them as non-medical products.

A recent study showed that seven children in Colorado over a 27-month period were taken to the emergency room after ingesting marijuana-infused edibles.<sup>1</sup> During this period, Colorado did not have a law requiring childproof containers for medical marijuana products. House outside section 142 does not provide for childproof packaging. DPH final regulations do include a requirement of childproof packaging, which is the safety measure physicians and

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1. George Sam Wang et al. *Pediatric Marijuana Exposures in a Medical Marijuana State*, JAMA Pediatr. 2013.

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**Headquarters**

1300 Clay Street, Suite 600, Oakland CA 94612  
PHONE: 510.251.1856

**National Office**

1806 Vernon St. NW, Suite 100, Washington DC 20009  
PHONE: 202.857.4272 FAX: 202.857.4273

**General Information**

WEB: [www.AmericansForSafeAccess.org](http://www.AmericansForSafeAccess.org)  
TOLL FREE: 1.888.939.4367

poison control experts recommend to best prevent children from misusing medical marijuana.<sup>2</sup>

*“Marijuana shall be packaged in plain, opaque, tamper-proof, and child-proof containers without depictions of the product, cartoons, or images other than the RMD’s logo. Edible MIPs shall not bear a reasonable resemblance to any product available for consumption as a commercially available candy.”*  
(emphasis added)<sup>3</sup>

Moreover, the regulation would create 11 specific requirements for the packaging of MIPs including an expiration date, allergy warning, active and inactive ingredients, and the following statement:

*“This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Do not drive or operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN.”*<sup>4</sup>

It is clear DPH has issued sensible and thorough regulations that will prevent the production of edible MIPs that may be misconstrued as commercially available candy. These final DPH regulations protect children and patients without opening the door to possible abuses that could lead to a disruption in the supply of non-smoked medical marijuana to patients who rely on it for their treatment regimen.

**For these reasons, we respectfully request that the House recede to the Senate, omitting outside section 142 from the final FY’14 Conference Committee report.**

For additional information, please contact Mary Ann Walsh, Governmental Strategies, Inc., 617.447.3711, [mawalsh@governmentalstrategies.com](mailto:mawalsh@governmentalstrategies.com).

Thank you.

Sincerely,



Michael Liszewski  
Policy Director

cc: Senate President Therese Murray  
Senator Stanley Rosenberg  
Senator John Keenan  
Senator Joan Lovely

Speaker Robert DeLeo  
Representative Jeff Sanchez  
Representative Frank Smizik  
Representative Liz Malia

2 Eliza Barclay, *Pot Brownies Should Be Childproofed*, Doctors Say, NPR, May 29, 2013 <http://www.npr.org/blogs/thesalt/2013/05/28/186899565/pot-brownies-should-be-childproofed-doctors-say> (last accessed June 10, 2013).

3. 105 CMR 725.105(E)(1).

4. 105 CMR 725.105(E)(2).

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### **H.3401, House FY'14 budget**

**SECTION 142.** Section 5 of chapter 94C of the General Laws is hereby amended by inserting at the end thereof the following:- The packaging of any marijuana product for dispensing or sale, as provided for in chapter 369 of the acts of 2012, shall not bear a reasonable resemblance to any product available for consumption as a commercially available candy. As used in this section, 'Commercially available candy', shall refer to any product that is manufactured and packaged for purchase from a retail market and for individual consumption in the form of bars, drops, or pieces and that includes a sweetened mixture of chocolate, caramel, nougat, nuts, fruit, cream, honey, marshmallow or any similar combination to create a dessert-like confection.

<https://malegislature.gov/Budget/FY2014/House/FinalBudget>

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