



STATE OF RHODE ISLAND

560 Jefferson Boulevard
Warwick, Rhode Island 02886

Cannabis Control Commission

Open Meeting Minutes

DATE: Tuesday July 30, 2024

TIME: 1:00 PM

PLACE: Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02886

MEMBERS PRESENT: Chair Kimberly R. Ahern, Esq.
Commissioner Robert B. Jacquard, Esq.
Commissioner Olayiwola Oduyingbo, Esq.

MEMBERS ABSENT: None

OTHERS PRESENT: Michelle Reddish, MS, MPH, Administrator, Cannabis Office
Mariana Ormonde, Esq., Chief of Legal Services, Cannabis Control Commission
Kelsey McQueeney, Administrative Officer, Cannabis Control Commission
Carla Aveledo, Esq., Policy Liaison and Legal Support, Cannabis Control Commission
Erica Ferrelli, Chief of Strategic Planning, Monitoring and Evaluation, Office of Cannabis Regulation

Chairperson Ahern called the meeting to order at 1:00 pm.

The first item of business was:

Introductory remarks from Chairperson Ahern, which included:

- Moving from introductory remarks straight into the next agenda item.

The next item of business was:

Motion to approve the minutes of the Open Session Meeting held on June 28, 2024.

Upon motion made by Commissioner Jacquard and duly seconded by Commissioner Oduyingbo, it was unanimously

VOTED: To approve the minutes of the open session meeting held on June 28, 2024.

The next item of business was:

Introduction to the annual reporting requirement on diversity in the medical and adult use cannabis industry, to be submitted to the General Assembly by September 1, 2024, which included:

- Chairperson Ahern explained the statutory reporting requirement on diversity in the medical and adult-use cannabis industry.
- Noted the report is due on September 1, 2024 to the Governor and General Assembly.
- Highlighted parts of the report that are not able to be reported on at present, but will be reported in future iterations.
- Indicated that Commission staff would send out information to licensees on how to report on barriers to entry present in the industry.

The next item of business was:

Update on the regulatory drafting and regulation presentation process, which included:

- Noted that the Cannabis Advisory Board has been holding meetings to discuss and decide important topics and that the Commission is working diligently to finish drafting the regulations.
Explained that presentations on draft regulations will be presented at future public meetings and will highlight the current regulations, proposed changes to those regulations, and the reasoning behind proposed changes to existing regulations.

The next item of business was:

Presentation on the Proposed Packaging and Labeling Requirements for Adult Use and Medical Cannabis which included:

- Noted changes to future requirements, which included the transfer of oversight authority from the Department of Business Regulation to the Cannabis Control Commission.

- Highlighted future packaging regulation changes, which included:
 - Requiring tamper-evident packaging.
 - Allowing all colors to be used in cannabis packaging with the exclusion of fluorescent and neon colors.
 - That all cannabis products, both medical and adult-use, must comply with these regulations.
- Discussed packaging regulations that will remain the same, which included:
 - Certified child resistant packaging.
 - Resealable packaging required when applicable, for example, a package that contains multiple servings.
- Noted that small container guidance will continue to be separate from the regulations, due to evolving product developments in the industry.
- Reviewed compliance requirements for cannabis licensees, which included:
 - All licensees will have 90 days from effective date of the promulgated regulations to comply with new requirements set forth in the rules and regulations.
 - That both medical and adult-use cannabis products will have to adhere to these requirements.
 - That the requirements will apply to all cannabis establishment licensees.
- Highlighted policy considerations for changes to packaging regulations, which included:
 - Allowing for more colors on packages will provide for more branding freedom and recognition.
 - Proposed changes will bring Rhode Island in line with the practices of other adult-use states.
 - Changes will allow local brands to be more competitive with neighboring states.
- Highlighted proposed labelling regulation changes, which included:
 - Removal of the requirement for pre-approval of logos and/or graphics.
 - Allowing for colored text, so long as text is legible and clearly visible.
 - Allowing for the use of data matrices, such as QR codes, while not required.
 - Allowing for the label to identify product remediation and method of remediation used, while not required.
 - Addition of warning language.
 - Requiring the name of the testing facility and date of product test date to be on the label.
 - Requiring the label to identify the cannabinoid profile, instead of only requiring THC and CBD content.
- Highlighted the importance of the regulations reflecting the Commission’s goal of safety, including protecting children.
- Reviewed regulatory requirements that promote child safety measures of cannabis products, which included:

- Requiring the THC symbol on packaging to be at least 1”x 1”.
- That resealable packaging be certified child resistant packaging.
- Prohibition of attractive child-like cartoons on packaging.
- Requiring that logo and/or graphic not be larger than the THC symbol.
- That required warnings must be placed in bright yellow box on the label.
- Prohibition on the shape of cannabis products resembling animals or being attractive to children, and any other labeling that appeals to children.
- Prohibition on imitating or resembling any existing branded consumer products (foods, snacks, candies).

The next item of business was:

Public Comment:

Two people provided public comment, which included:

- Requested more retail stores be opened as soon as possible.
- Asking whether it is permitted to use cannabis leaves as part of logo design.
- Requested more details about the use of animals/cartoons for edibles.
- Questioned whether the Commission planned to release regulations all at once or as they are drafted and approved.
- Inquired if regulations being promulgated would be separate from new dispensary applications.
- Questioned what exactly is required as far as the cannabinoid profile that will be included on packaging.
- Questioned whether adding the requirement of tamper resistant packaging would create more waste.
- Asked if individual packaging of single serve edibles and labeling of “contains THC” would be better than imprinting the symbol on the edible itself, suggesting that it may be easier for consumer and producer to individually wrap each serving.
- Noted market imbalance in Rhode Island, stating that there are approximately sixty cultivators and only seven retailers, five of which produce roughly 40% of their product.

The next item of business was:

Executive Session

At 1:34 p.m., upon motion made by Commissioner Jacquard and duly seconded by Commissioner Oduyingbo it was unanimously voted:

Motion to go into Executive Session, pursuant to R.I. Gen. Laws § 42-46-5(a)(2), for the purpose of:

- a. Vote to approve the minutes of the Executive Session Meeting held on May 31, 2024.
- b. Update and discussion on pending litigation in *Justyna Jensen v. Rhode Island Cannabis Control Commission, et al.*, 1:24-cv-00191-MSM-LDA.
- c. Update and discussion on pending litigation in *John Kenney v. Rhode Island Cannabis Control Commission, et al.*, 1:24-cv-00252-MSM-LDA.

At 1:45 p.m. the Commission reconvened in Open Session.

The next item of business was:

Motion to seal the minutes of the Executive Session on July 30, 2024.

Upon motion made by Commissioner Oduyingbo and duly seconded by Commissioner Jacquard, it was unanimously:

VOTED: To seal the minutes of the Executive Session held on July 30, 2024 pursuant to R.I. Gen. Laws §§ 42-46-5(a)(2)

The next item of business was:

Report out on actions and votes taken in Executive Session.

Chair Ahern reported the following Commission action(s):

1. That the Commission received an update from legal counsel on *Justyna Jensen v. Rhode Island Cannabis Control Commission, et al.*, 1:24-cv-00191-MSM-LDA.
2. That the Commission received an update from legal counsel on *John Kenney v. Rhode Island Cannabis Control Commission, et al.*, 1:24-cv-00252-MSM-LDA.

Adjournment:

Upon motion made by Commissioner Jacquard and duly seconded by Commissioner Oduyingbo, it was unanimously

VOTED: To adjourn the meeting at 1:49 pm.

Next Meeting Date: To be determined.