



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

June 20, 2016

DMS NOTICE
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RETAIN

TO: WEIGHTS AND MEASURES OFFICIALS

SUBJECT: Medical Cannabis Regulatory Requirements Brochure

The Division of Measurement Standards (DMS) has created the enclosed informational brochure on medical cannabis. It is intended to provide guidance to cannabis dispensaries, cultivators, distributors, transporters, and product manufacturers in the areas of:

- Scale Selection
- Scale Registration and Testing
- Service Agencies
- Packaging and Labeling Inspections
- Weighmasters

Your office may receive inquiries from persons associated with the medical cannabis industry since this brochure includes information about device registration and testing; packaging and labeling requirements and inspections; weighmasters; and contains a link to all county departments of weights and measures.

The brochure is available online on the DMS home page under “Quick Links,” and on the DMS webpages for Device, Quantity Control, and Weighmaster programs under “More Resources.”

If you have questions or comments about the brochure, please contact Clark Cooney, Chief, Enforcement Branch, by email at clark.cooney@cdfa.ca.gov or by phone at (916) 229-3000.

Sincerely,

Kristin J. Macey
Director

Enclosure

cc: Gary Leslie, County/State Liaison, CDFA
Amber Morris, Medical Cannabis Cultivation Program, CDFA



California Weights and Measures Regulatory Requirements for Medical Cannabis in the Areas of:

Scale Selection
Scale Registration and Testing
Service Agencies
Packaging & Labeling Inspections
Weighmasters

“Ensuring fair competition for industry and accurate value comparison for consumers.”



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Enforcement of California weights and measures laws and regulations is the responsibility of the Division of Measurement Standards (DMS). The Division's activities are designed to:

- Ensure the accuracy of commercial weighing and measuring devices;
- Verify the quantity of both bulk and packaged commodities; and
- Enforce package labeling standards in the [Uniform Packaging and Labeling Regulation \(UPLR\)](#) published by the National Institute of Standards and Technology (NIST). These regulations and subsequent amendments are parallel to the requirements in the U.S. Food and Drug Administration [Fair Packaging and Labeling Act](#) enacted in 1967. **NOTE:** Other agencies such as the California Departments of Food and Agriculture (CDFA) [Medical Cannabis Cultivation Program \(MCCP\)](#) and Department of Consumer Affairs (DCA) - [Bureau of Medical Marijuana Regulation \(BMMR\)](#) may have additional labeling requirements pursuant to the Medical Marijuana Regulation and Safety Act.

This brochure is intended for use by:

- Retail dispensaries that weigh medical cannabis and cannabis products for sale in the presence of, and directly to, consumers to ensure the use of suitable scales that are approved and tested for retail use to weigh unpackaged cannabis and cannabis products;
- Medical cannabis cultivators, product manufacturers and other persons that package and label the net quantity of cannabis products; and
- Cultivators, distributors, transporters, manufactures or other persons that weighs, measures, or counts cannabis or cannabis products and issues a statement or memorandum of the weight, measure, or count which is used as the basis for either the purchase or sale of that commodity.

SCALES

GENERAL REQUIREMENTS FOR COMMERCIAL SCALES



All scales used for commercial transactions must meet strict standards for accuracy and customer visibility in NIST Handbook 44 and the California Code of Regulations (CCR).

Scales must be of a type approved by CDFA DMS, and issued either a California Type Evaluation Program (CTEP) Certificate of Approval (COA) or a National Type Evaluation Program (NTEP) Certificate of Conformance (CC) before commercial use. This process is known as "Type Evaluation." Please see the CTEP Information Guide for further details.

Type approved commercial scales are classified into groups and marked with an accuracy class (Class I, II, III, IIIL, or IIIL). The nameplate on the scale will indicate the accuracy class.

A Class II scale is suitable for weighing medical cannabis due to the small quantities typically sold (8 oz/0.5 lb is the limit that a person can legally possess) and the high price of the commodity (at \$320/ounce, the price of medical cannabis is over \$5000/pound).

Class II scales also have a higher resolution and are 10 times more accurate than the Class III scales used in most retail food stores. Use of a Class III scale can result in dramatic overcharges (or undercharges):

WEIGHING MEDICAL CANNABIS USING A TYPICAL CLASS III GROCERY SCALE COULD RESULT IN AN ERROR OF \pm 25%, CAUSING SERIOUS FINANCIAL LOSS TO EITHER BUYER OR SELLER.

For this reason, CDFA DMS recommends that medical cannabis dispensary scales should have a weighing capacity of 1 kg (2.2 lb) or less, and a resolution no greater than 0.05 grams (0.005 oz / 0.001 lb).

If the scale is being used to package products in advance of sale, the Class II scale will result in

more accurate filling and labeling of packages. This is important because retail packages are subject to a net contents regulatory inspection by weights and measures officials.

If you are a cultivator, producer or processor weighing larger amounts of cannabis, you are also required to use type-approved scales. The resolution of the scale you select should be at least 1/20th of the minimum amount of cannabis that will be weighed on the scale.

SCALE REGISTRATION AND TESTING

Your local county [Agricultural Commissioner's Weights and Measures Office](#) can assist you before purchasing a scale to make sure the scale is approved and will be suitable for your business. They can also advise you on their county scale registration fees and official scale inspections.

Caution should be used when purchasing scales over the internet since out-of-state or foreign companies are not familiar with state and local requirements.

For additional information regarding internet sales, please read “**Buying Commercial Scales on the Internet – Tips Before You Buy**” at: https://www.ncwm.net/resources/dyn/files/1461467z8b9c0d07/fn/Buying_Scales_Fact_Sheet_v2.pdf

SERVICE AGENCIES

You should be able to purchase CTEP or NTEP approved Class II scales from registered service agencies that sell and service scales. These companies can install and place into service commercial scales. They can also service your scale on a regular basis, to assure continued accurate measurements between official inspection by the county weights and measures inspector. A list of registered service agencies can be found on the DMS website at: cdfa.ca.gov/dms/programs/ras/rsalistsings/rsalistsings.html

PACKAGING AND LABELING

GENERAL REQUIREMENTS

Packages and their labels should enable consumers to obtain accurate information as to the quantity of the contents and should facilitate value comparisons between similar products. Packaged products must be labeled with the information specified in CCR – Title 4, Division 9, Chapter 10 and published in the [CDFA DMS Field Reference Manual](#). Like most other products, the package shall meet UPLR labeling requirements which include the net content in weight (ounces and grams), liquid volume (fluid ounces and milliliters) or count; the product identity (name); and the name and contact information of the manufacturer or distributor responsible for the information on the label. You will find more specific details listed in the CCR.

The California Department of Public Health (DPH) may have additional labeling requirements. Some of these are specified in the California Business and Professions Code (BPC) Section [19347 of the BPC Division 8, Chapter 3.5, Article 10](#) and are not under the authority of weights and measures enforcement.

The following terms and definitions are provided and used for the enforcement of package labeling and accuracy of quantity statements:

Standard Package is a package in which a commodity is offered for sale in specific sizes (e.g., the same quantity) with identical labels. Some examples of standard packages are bottled water, cereal, and candy bars.

Random Package is a package that is one of a group or “lot” of packages of the same commodity with varying net weights. Meat and cheese are examples of products sold in packages of varying net weights.

Random weight packages sold at retail outlets must have a declaration of net quantity, price per single unit of weight, measure, or count, and the

total selling price of the package. If not packed on-site, the packages must also state contact information of the manufacturer or person responsible of packing the product.

Tare weight is the weight of a container, wrapper, bag, label or other packaging material that is not part of the product. Examples of tare are the bag used for potato chips, or the tray, soaker pad, and plastic wrap used to package chicken.

Net quantity or net content is the quantity (weight, liquid volume or count) of product remaining after making all deductions for tare.

Package error is the difference between the actual net quantity of a package and the declared net quantity on the package label. Reasonable variations in the quantity of products are permitted within values established in [NIST Handbook 133](#), provided the average quantity of the inspection lot complies with the quantity statement on the label.



During the scale inspection, the inspector may find that your scale is inaccurate and/or fails to meet other technical standards. Depending on the problem, the inspector will inform you of the necessary corrective actions or the scale may be rejected/tagged “out of order.” If your scale is rejected, you will have to contact a service agency registered with CDFA DMS to have the device repaired and corrected before you are able to use the scale again.

During the package inspection, the inspector may open a number of packages during a “net content” inspection. The product and packaging that are in compliance with net content requirements will be returned for retail sale. The inspector will work with you to minimize any disruption to your business.

Packaged commodities found to be short-weight or missing information required by the UPLR will be ordered “Off Sale.” Potential solutions include relabeling the packages with the correct net content or missing information either at the dispensary or by returning them to the distributor or manufacturer to be relabeled. The weights and measures inspector will work with you on corrective actions.

Measurement Equivalents	
Weight	Volume
1 gram = .035 ounce	1 fluid ounce = 29.573 milliliters
1 ounce = 28.35 grams	1 liquid quart = 32 fluid ounces
1 pound = 453.59237 grams	1 liquid quart = 946.35 milliliters
1 kilogram = 2.205 pounds	1 liter = 33.814 fluid ounces

INSPECTIONS

Weights and measures officials often conduct unannounced inspections. The inspector will bring precisely calibrated test equipment such as test weights and volumetric measures to test your scales and packages containing liquid products. The inspector may also test your scale and then use it to verify “net content” during package inspections.

STATES AND COUNTY INSPECTORS MAY ASSESS CIVIL PENALTIES FOR SCALE, LABELING, ADVERTISING, AND NET CONTENT VIOLATIONS

WEIGHMASTERS

GENERAL INFORMATION, LICENSING

Weighmasters are individuals or firms who weigh or measure bulk commodities and issue a statement of quantity that is used as the basis for purchase or sale of that commodity or a charge for service. Weighmasters must license with CDFA DMS. Licensing assures that the commercial transactions which are based on quantities and certified on a weighmaster certificate are accurate.

Businesses that are licensed as weighmasters may include, but are not limited to, agricultural medical cannabis cultivators, transporters, distributors, manufacturers, and dispensaries.

Additional information regarding weighmaster laws, regulations, licensing, and certificate requirements can be found in the Weighmaster Enforcement Program Information Guide on the CDFA DMS website at: <https://www.cdfa.ca.gov/dms/programs/wm/wm.html>.

Additional Resources	Link
California Department of Consumer Affairs - Bureau of Medical Marijuana Regulation FAQs - Subscribe to E-mail Alerts at: https://www.dca.ca.gov/webapps/bmmr/subscribe.php	http://bmmr.dca.ca.gov/
CDFA - Medical Cannabis Cultivation Program (MCCP) Subscribe to receive email notifications of MCCP regulatory updates. (CDFA.MCCP@cdfa.ca.gov)	https://www.cdfa.ca.gov/is/mccp/
CDFA – Division of Measurement Standards (CDFA DMS) E-mail - DMS@cdfa.ca.gov	https://www.cdfa.ca.gov/dms/
California County Agriculture/Weights & Measures Departments	cdfa.ca.gov/exec/county/countymap/
National Conference on Weights and Measures (NCWM)	www.ncwm.net/
NCWM - Buying Commercial Scales on the Internet	ncwm.net/resource/consumer-information
National Type Evaluation Program (NTEP) Certificate Search Database	ncwm.net/ntep/cert_search
California Type Evaluation Program (CTEP) Certificate Search Database	cdfa.ca.gov/dms/ctep.html
CDFA DMS Publications	cdfa.ca.gov/dms/publications.html
CDFA DMS Listing - Registered Service Agencies / Agents	cdfa.ca.gov/dms/programs/rsa/rsalistings/rsaListings.html
National Institute of Standards and Technology – Office of Weights and Measures (NIST-OWM) NIST Handbooks	NIST Handbook 44 - http://nist.gov/pml/wmd/pubs/hb44.cfm NIST Handbook 130 - http://nist.gov/pml/wmd/pubs/hb130.cfm NIST Handbook 133 - http://nist.gov/pml/wmd/pubs/hb133.cfm