



MARYLAND MEDICAL CANNABIS COMMISSION RESOLUTION

A Commission Resolution concerning

The Use of Coconut Oil in Capsules

FOR the purpose of clarifying that the addition of coconut oil, a food ingredient, in a capsule makes the capsule an edible cannabis product under COMAR 10.62.37.02; allowing a capsule that contains coconut oil to exceed the dosage requirements established under COMAR 10.62.37.12.B.(1) under certain circumstances; requiring a capsule seeking an exception under COMAR 10.62.37.19 to the dosage requirements of COMAR 10.62.37.12.B.(1) to otherwise comply with the receipt, storage, sanitation, delivery, and manufacture requirements of COMAR 10.62.37; authorizing the development of regulations to define capsules and regulate these products in a manner similar to tinctures, as outlined in COMAR 10.62.37.23.01; and generally relating to the regulation of the manufacture and sale of capsule and edible cannabis products.

WHEREAS, The Code of Maryland Regulations (COMAR) 10.62.37.02 states that “[f]ood or a food ingredient that is mixed, infused, or comes into contact with medical cannabis is considered and regulated as an edible cannabis product under this chapter;”

WHEREAS, On October 28, 2021, the Commission voted that the use of coconut oil or MCT oil derived from coconut oil in “tinctures” (also expressly exempt from the definition of edible cannabis products) did not present any health or safety risks and did not require a tincture to be regulated as an edible cannabis product;

WHEREAS, COMAR 10.62.37.19 excepts products from some or all of the edible cannabis regulations, if authorized by the Commission;

NOW THEREFORE BE IT RESOLVED, That the Maryland Medical Cannabis Commission hereby determines that the addition of coconut oil, a food ingredient, in a capsule makes the capsule an edible cannabis product under COMAR 10.62.37.02, but that in a similar fashion to tinctures, a capsule that contains coconut oil may exceed the dosage requirements established under COMAR 10.62.37.12.B.(1) if the product otherwise complies with COMAR 10.62.37;

BE IT FURTHER RESOLVED, That the Maryland Medical Cannabis Commission directs staff to develop regulations that define “capsule” and regulate these products in the same manner that tinctures are regulated under COMAR 10.62.23.01.

The above resolution was adopted by the Commission members at the February 24, 2022, meeting of the Maryland Medical Cannabis Commission.



Tiffany D. Randolph, Esq., Acting Chair

02/25/2022

Date