



# Washington State Liquor Control Board

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## Washington State Liquor Control Board Meeting

Wednesday, December 18, 2013, 10:00 a.m.  
Headquarters Building  
3000 Pacific Avenue SE, Olympia WA 98501

### Meeting Minutes

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#### 1. CALL TO ORDER

Chair Sharon Foster called the regular meeting of the Washington State Liquor Control Board to order at 10:00 a.m. on Wednesday, December 18, 2013. Member Ruthann Kurose and Member Chris Marr were also present.

#### 2. APPROVAL OF MEETING MINUTES

MOTION: Member Kurose moved to approve the December 11, 2013, meeting minutes.

SECOND: Member Marr seconded.

ACTION: Motion passed unanimously.

#### 3. ACTION ITEMS (A-D)

##### **ACTION ITEM 3A - Board Adoption of Final Medical Marijuana Recommendations**

Ingrid Mungia, Administrative Regulations Analyst, provided an updated recommendations document (HANDOUT 1) and made a brief statement including the events to date surrounding the medical marijuana recommendations process which included the LCB, Department of Health (DOH) and the Department of Revenue (DOR). Ms. Mungia then reviewed the changes that were requested by each Board member during last week's Board meeting to include:

##### 1. Age Limits

*Amended language: Reexaminations occur at least once every year or more frequently as medically indicated.*

## 2. Authorizing Requirements for Medical Marijuana

*Notation: Authorization systems should not place an undue burden on health care providers.*

## 3. Regulations Regarding Health Care Professionals

*Amended language: require the Department of Health and medical professional stakeholders to define "debilitating" and "intractable" pain.*

*Added language: any restrictions regarding the percentage of the health care providers practice should only be related to medical marijuana and should not affect other areas of practice.*

*Added language: reexaminations should occur at least once a year or more frequently as medically indicated.*

*Added language: to continue to allow the provisions for qualifying conditions.*

*Amend statute to allow Medical Quality Assurance Commission (MQAC) to make a preliminary findings of good cause.*

## 4. Collective Gardens

*No changes.*

## 5. Possession Amounts

*Amended language: allow home grows - (6) plants (3 flowering and 3 non-flowering).*

*Amended language: to continue to allow the affirmative defense under RCW 69.51 A*

## 6. Location Requirements

*No changes.*

## 7. Requirements for Medical Marijuana Producing, Processing and Retail Licensing

*No changes.*

## 8. Taxation of Medical Marijuana in Relation to Recreational Marijuana

*No changes.*

**MOTION:** Member Marr moved to adoption the Legislative mandated medical marijuana recommendations.

**SECOND:** Member Kurose seconded.

**DISCUSSION:** Member Marr thanked Ms. Mungia for her work and as well as the agencies involved. He noted that the Board relied heavily on health care input from DOH. He stated that

DOH and DOR have been very invested and engaged in this process. He said this is a starting point for the discussions that will now take place by the Legislature. He did express concern with two areas:

- 1) Authorizations - particularly with lack of definition of pain and he suggested that the Legislators should be cautious as they move forward on that point.
- 2) Not allowing collective gardens - could become a back door to same issues

Member Kurose thanked the stakeholders, and she appreciated the excellent work of the LCB, DOH, and DOR. She stated that the policy recommendations are based on stakeholder input and Board collaboration. Member Kurose stressed the importance of maintaining the LCB mission of protecting public safety and public health. She supports the one integrated system but with distinct differences. She expressed her commitment to providing access and affordability for patients. She stated that the Legislature is the authorizing body that will determine the components of a workable system.

Chair Foster echoed her fellow Board members' statements and noted that every state that has medical marijuana program does have a registry and only one is voluntary. She stated that then they determined the (6) plant maximum it was based on what the other states are allowing. She looks forward to the Legislature moving this work forward.

Chair Foster then read a press statement noting it would be released following today's meeting. Below is a portion of that statement:

*We wish to thank the staff from the Liquor Control Board, the Department of Revenue and the Department of Health for their thorough work on this issue. This is a challenging issue considering the emotional and political concerns that surround the medical use of marijuana.*

*The Liquor Control Board has largely accepted staff's recommendations with one major exception. We are recommending that authorized medical marijuana patients be allowed to grow up to six plants for personal use. This decision is based on multiple conversations with the medical community, medical marijuana dispensary owners, medical professionals and others. Opinions are diverse. Ultimately, if a medical professional believes an authorized patient may benefit from the medical use of marijuana, we recommend that that individual may grow a limited number of plants at home for personal use.*

*These recommendations fulfill the requirement in the budget proviso found in Section 141 that requires the Liquor Control Board to make recommendations regarding the interaction of medical marijuana regulations and the emerging recreational marijuana system by January 1, 2014.*

*The process now moves to the Legislature for consideration during the 2014 legislative session.*

**ACTION:** Motion passed unanimously.

**ACTION ITEM 3B - Board Adoption of (CR 103) for Marijuana Consumption in Liquor Licensed Premises**

Karen McCall, Agency Rules Coordinator, began the briefing with a packet of materials (HANDOUTS 1, 2, 3). She provided a brief background noting that this is to amend WAC 314-11-015 prohibiting the consumption of marijuana or marijuana infused products at a liquor licenses premises. She noted that there was a public hearing held last week.

Proposed Changes

WAC 314-11-015 - What are my responsibilities as a liquor licensee? Added language that any licensee may not:

- engage in or allow any employee or other person to engage in the consumption of marijuana, useable marijuana, or marijuana-infused product in a liquor licensed business, including outdoor service areas or any part of the property owned or controlled by the licensee;
- permit any person consuming, or who has consumed, any type of marijuana, useable marijuana, or marijuana-infused product to remain on any part of the licensed premises.

Ms. McCall requested approval from the Board to file the rules.

MOTION: Member Marr moved to approve filing the rules (CR 103) for Marijuana Consumption in Liquor Licensed Premises.

SECOND: Member Kurose seconded.

DISCUSSION: Member Marr stated that this is a serious issue regarding diminished capacity and an important step. He added that this change does not stand in the way of cities making decisions about private smoking rooms (that do not sell alcohol) and it will be their issue to resolve based on their local ordinances.

ACTION: Motion passed unanimously.

**ACTION ITEM 3C - Board Adoption of (CR 103) for Spirits Sampling at Spirits Retail Premises**

Karen McCall, Agency Rules Coordinator, began the briefing with a packet of materials (HANDOUTS 1, 2, 3). She provided a brief background noting that this is to request approval from the Board to file the rules (CR 103) for Spirits Sampling by Spirits Retail Licensees and revise rules for the Beer & Wine (B/W) Tasting Endorsement for Grocery Store Licensees. Rules are needed to implement the following legislation passed in the 2013 legislative session for:

- SSB 5396 - Spirits Sampling by Spirits Retail Licensees
- SSB 5517 - B/W Tasting Endorsement for Grocery Store Licensees

Ms. McCall reviewed each change then requested approval from the Board to file the rules.

**MOTION:** Member Marr moved to approve filing the rules (CR 103) for Spirits Sampling at Spirits Retail Premises.

**SECOND:** Member Kurose seconded.

**ACTION:** Motion passed unanimously.

**ACTION ITEM 3D - Board Adoption of Olympia Alcohol Impact Area (AIA)**

JoAnne Sample, Management Analyst, began the briefing by providing the Olympia AIA Resolution (handout 1). She provided a brief background of the process including the public hearing last week.

Ms. Sample requested the Board's adoption of the Olympia AIA Resolution.

Member Marr thanked Ms. Sample for her hard work and expressed his appreciation for the dedicated effort from stakeholders which he believes has significantly re-scoped the document and the product list. He said the City of Olympia did a good job throughout the process.

Member Kurose expressed her appreciation for the efforts of all of the stakeholders and she believes this additional process will help the City will form a collaborative working relationship with the wholesalers.

Chair Foster stated that other areas where AIA's have instituted similar product bans have seen their business increase. She also applauded the City of Olympia and JoAnn Sample for their hard work during this process.

**MOTION:** Member Kurose moved to adopt the Olympia AIA Resolution.

**SECOND:** Member Marr seconded.

**ACTION:** Motion passed unanimously.

**NEW BUSINESS**

No new business reported.

**OLD BUSINESS**

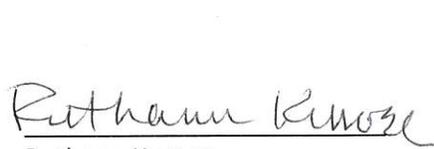
No old business reported.

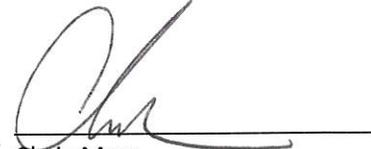
**ADJOURN**

Chair Foster adjourned the meeting at 10:40.

Minutes approved this 20th day of JANUARY, 2013

  
Sharon Foster  
Board Chair

  
Ruthann Kurose  
Board Member

  
Chris Marr  
Board Member

**LCB Mission**  
Promote public safety by consistent and fair administration of liquor and cannabis laws through education, voluntary compliance, responsible sales and preventing the misuse of alcohol, cannabis and tobacco.

Complete meeting packets will be available online following each meeting: <http://www.liq.wa.gov/board/board-information>