



**Topic:** Petition for Adoption, Amendment, or Repeal of a State Administrative Rule –WAC 314-55-095 cannabis concentrate packaging requirements

**Date:** April 23, 2025

**Presented by:** Denise Laflamme, Policy & Rules Coordinator

### **Background**

On February 27, 2025, Caitlein Ryan, Executive Director of the Cannabis Alliance, submitted a petition for rulemaking to the Washington State Liquor and Cannabis Board (Board) requesting the Board initiate rulemaking to amend [WAC 314-55-095](#) to remove the requirement that a single unit of cannabis concentrate cannot exceed one gram.

See attachment for full petition request. In it the petitioner offers the following rule amendment language:

(b) **Maximum number of servings.** The maximum number of servings in any one single unit of cannabis-infused product meant to be eaten or swallowed or otherwise taken into the body is 10 servings or 100 milligrams of active THC, or Delta 9. ~~A single unit of cannabis concentrate cannot exceed one gram.~~ **A single unit of Cannabis Concentrates can be packaged up to the daily purchasing limits.**

### Rationale for rule change

The Petitioner requests a rule change to remove the existing restriction that a single unit of cannabis concentrate cannot exceed 1 gram. This could result in packaging of cannabis concentrates up to the transaction limit of 7 grams. The Petitioner provides the following rationale in their request:

1. Reduce single-use plastic and glass waste: The 1-gram unit requirement for concentrates creates unnecessary packaging waste. This change would not increase purchase limits but would reduce the number of single-use plastic and glass containers used in the industry.
2. Improve customer convenience: It would be easier and more convenient for customers to be able to access products not wrapped in 1-gram portions and to be able to use multi-gram containers.
3. Reduce the use of non-recyclable lithium-ion batteries. Reducing the use of 1-gram vape devices with multi-gram vape devices could reduce the amount of non-recyclable lithium-ion batteries used in disposable vape devices: There are hazards associated with disposing of vape cartridges containing lithium-ion batteries.
4. Existing multi-gram packaging options exist: Allows ability for processors to utilize existing, child-resistant packaging such as 9 ml concentrate jars.

5. Promotes use of better child-resistant options for packaging. Petitioner indicates that current multi-unit packaging is not child-resistant once opened. Allowing larger amounts packaged in a single jar with a child-resistant lid would offer better protection against accidental exposures.
6. Consistent with other states: Other states do not have the same restriction limiting the size of a single unit to 1 gram. Other states sell multi-gram devices such as 2-gram disposal vapes (OR).

## Current Laws and Rules

A unit is defined in [RCW 69.50.101](#) as an individual consumable item within a package of one or more consumable items in solid, liquid, gas, or any form intended for human consumption. Under [WAC 314-55-095](#), a **single concentrate unit** is defined as not exceeding 1 gram for both non-patients and patients.

The petitioner provided suggested amendments based on rule language prior to implementation of E2SSBB 5367 (“The THC Bill” filed as [WSR 24-21-051](#) which became effective January 7, 2025). The current rule language includes the requirement for a single concentrate unit under (1)(c) for persons over 21 and (2)(c) for qualifying patients:

(c) **Single concentrate unit.** A single unit of cannabis concentrate cannot exceed one gram.

Transaction limits are also described in WAC 314-55-095. The transaction limit for cannabis concentrates for inhalation is set at seven grams for persons over 21 years of age or patients not entered into the medical cannabis authorization database. For qualifying patients and designated providers entered into the medical cannabis authorization database, the transaction limit is 21 grams.

[WAC 314-55-105](#) describes cannabis product packaging and labeling requirements. This includes for (2) cannabis concentrates that must be packaged (b)(i) in child resistant packaging consistent with 16 C.F.R. Part 1700, or (b)(ii) in plastic that is two mil or greater in thickness, heat sealed without an easy-open tab, dimple, corner, or flap that will protect persons under the age of 21 from accidental exposure to cannabis concentrates.

## Issue

Whether the Board should accept or deny the petition to initiate the rulemaking process to consider amending WAC 314-55-095 to remove the restriction that a single concentrate unit cannot exceed 1 gram.

## **Statutes & Regulations**

### **Statutes**

[RCW 69.50.360](#) describes transaction limits for cannabis concentrates, useable cannabis and cannabis-infused products sold to persons 21 years of age or older.

[RCW 69.50.4013](#) describes possession limits for cannabis products.

[RCW 69.50.342](#) and [RCW 69.50.345](#) identify the Board's rulemaking authority over cannabis. This includes RCW 69.50.342(1)(c) Methods of producing, processing and packaging cannabis products, and RCW 69.50.345(7) Determining the nature, form, and capacity of all containers to be used by licensees to contain cannabis products.

[RCW 69.51A.210](#) describes transaction amounts for qualifying patients or designated providers entered into the medical cannabis authorization database.

### **Regulations**

[WAC 314-55-095](#) describes cannabis servings and transaction limits for adults > 21 and qualifying patients and their providers.

[WAC 314-55-105](#) describes cannabis product packaging and labeling requirements including that (2)(b) cannabis concentrates must be packaged with child resistant packaging, or in plastic that is two mil or great in thickness, heat sealed without an easy-open tab, dimple, corner, or flap that will protect persons under the age of 21 from accidental exposure to concentrates.

[Chapter 246-70 WAC](#) describes standards and conditions for DOH compliant cannabis products.

### **Analysis**

The 1-gram limit per unit is not in statute. The 1-gram limit for single units of concentrate has been in WAC 314-55-095 since 2013 under [WSR 13-21-104](#). Other states do not have a similar gram size limit on concentrates. Other states limit the total milligrams of THC in packages or containers, or limit the percent of THC in concentrates. For example, Connecticut and Vermont specify a 60% THC limit for concentrates. Ohio limits the THC content in extracts to 70% and 90% THC for medical and adult use, respectively.

It is uncertain whether making this change will significantly reduce packaging waste. Products containing larger amounts of concentrates would still have certain packaging requirements. Processors would still be required to package concentrates in either child-proof packaging or minimum of two mil thickness materials to prevent easy access to children. Additionally, multi-gram packages would cost more for consumers than 1-

gram products, and it is unknown how many people would switch to buying these larger, more expensive products.

Multi-gram vape devices are available in other states, which indicates the availability of these larger sizes for processors to use. Retailers in Oregon, for example, sell 2-gram disposable vapes. Multi-gram vape devices would be more expensive than 1-gram devices, and it is not clear how their availability would impact the overall number of disposable devices with lithium-ion batteries sold and disposed of.

Packaging waste appears to be an ongoing concern related to cannabis products. LCB recently received comments related to eliminating the use of plastic tubes for pre-rolls and a petition for rulemaking in 2024 requesting a ban on disposable cannabis vape devices due to their use of non-recyclable lithium-ion batteries.

### **Intra-agency Impacts**

Licensing and Regulation Division: Susan Harrell indicates that LCB currently does not review and/or approve the product, packaging, and labeling for these products, so there is no expected impact to resources.

Enforcement and Education Division: Last year over 30 million units of concentrate were sold in Washington. This includes the following product categories reported to CCRS<sup>1</sup>: cannabis and marijuana mix infused (infused pre-rolls), CO2 concentrate, concentrate for inhalation, ethanol concentrate, food grade solvent concentrate, hydrocarbon concentrate, and non-solvent based concentrate.

Public health: Kristen Haley, LCB Public Health Liaison, indicates that public health partners support reducing packaging waste and the option for increased use of child-resistant packaging. She indicated more information is needed to determine how this change might impact the use of single use vape devices, especially the single-use “disposable” devices with lithium-ion batteries.

Policy and Rules: LCB currently has four active rule projects, one paused rule project, six accepted rule petitions pending starting rulemaking, two new rule projects scheduled to begin, and up to ten potential rule projects related to 2025 legislative implementation. Legislative implementation of rule projects typically takes priority over opening non-mandated rules.

### **Conclusion**

The 1-gram limit for a single unit of cannabis concentrate is not required in statute. Other states have transaction limits set for concentrates or restrict the total percent of THC in concentrates. Removing the 1-gram limit for single units of concentrates could help reduce packaging waste to some extent, depending on what packaging changes

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<sup>1</sup> CCRS Upload Users Guide, Nov. 2024. Available at: <https://lcb.wa.gov/sites/default/files/2024-12/CCRS%20Upload%20Users%20Guide%20Nov%202024.pdf>

processors would make. The higher cost of multi-gram concentrate products may be a factor in how likely consumers would switch to these products.

The rule amendment language suggested by the petitioner does not include a requirement for resealable child-resistant packaging, which could be included in rulemaking. There may be some increased risk for over consumption or child access associated with multi-gram packaging, however concentrates will still need to meet existing packaging requirements.




LCB is currently considering opening packaging and labeling rules to include possible changes to child-resistant and other packaging and requirements and this petition would help inform that rulemaking effort. The target date for starting such a project is unknown at this time and will depend on available resources for rule development. Therefore, the likely priority for beginning the project is currently low. As available resources may be limited, accepting the rule petition may cause stakeholder frustration if opening the rule project is not as timely as expected and not a priority amongst other active and pending rule projects. At this time, it makes sense to consider this petition request as part of future packaging and labeling rulemaking efforts when those are scheduled.

**Recommendation**

The Director’s Office recommends the Board **deny** the petition to amend WAC 314-55-095 to remove the requirement that a single unit of cannabis concentrate cannot exceed 1 gram.

**Board Action**

After considering the recommendation of Director’s Office staff, the Board accepts/denies the petition for rulemaking submitted by Caitlein Ryan, February 27, 2025.

<input type="checkbox"/> Accept	<input checked="" type="checkbox"/> Deny		_____
		Jim Vollandroff, Board Chair	<u>4/23/25</u> Date
<input type="checkbox"/> Accept	<input checked="" type="checkbox"/> Deny		_____
		Ollie Garrett, Board Member	<u>4/23/25</u> Date
<input type="checkbox"/> Accept	<input checked="" type="checkbox"/> Deny		_____
		Pete Holmes, Board Member	<u>4/23/25</u> Date

Attachments:

- 1) Petition email from Petitioner, 2) Petitioner letter



## PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

In accordance with [RCW 34.05.330](#), the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <http://apps.leg.wa.gov/wac/default.aspx?cite=82-05>.

### CONTACT INFORMATION *(please type or print)*

Petitioner's Name \_\_\_\_\_

Name of Organization \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

### COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodeReviser/Documents/RClist.htm>.

### INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: \_\_\_\_\_

**1. NEW RULE - I am requesting the agency to adopt a new rule.**

The subject (or purpose) of this rule is: \_\_\_\_\_

The rule is needed because: \_\_\_\_\_

The new rule would affect the following people or groups: \_\_\_\_\_

**2. AMEND RULE - I am requesting the agency to change an existing rule.**

List rule number (WAC), if known: \_\_\_\_\_

I am requesting the following change: \_\_\_\_\_

This change is needed because: \_\_\_\_\_

The effect of this rule change will be: \_\_\_\_\_

The rule is not clearly or simply stated: \_\_\_\_\_

**3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.**

List rule number (WAC), if known: \_\_\_\_\_

*(Check one or more boxes)*

It does not do what it was intended to do.

It is no longer needed because: \_\_\_\_\_

It imposes unreasonable costs: \_\_\_\_\_

The agency has no authority to make this rule: \_\_\_\_\_

It is applied differently to public and private parties: \_\_\_\_\_

It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: \_\_\_\_\_

It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: \_\_\_\_\_

Other (please explain): \_\_\_\_\_



DEDICATED TO THE ADVANCEMENT OF A VITAL, ETHICAL, EQUITABLE, AND SUSTAINABLE CANNABIS INDUSTRY

[www.thecannabisalliance.us](http://www.thecannabisalliance.us)

27 February 2025

### Rule Amendment Change WAC-314-55-095 Petition Attachment

The Cannabis Alliance respectfully submits this addendum to the rulemaking form to propose an amendment to WAC 314-55-095, removing the restriction that limits cannabis concentrates to a 1-gram unit size. This change would allow concentrates to be packaged in multi-gram containers while maintaining compliance with existing daily purchase limits. By enabling more efficient packaging solutions, this amendment would significantly reduce single-use plastic and glass waste, enhance product sustainability, and improve consumer convenience without compromising public health or safety. Additionally, allowing multi-gram vapor hardware could reduce the volume of disposable vape batteries, mitigating the environmental and workplace hazards faced by recycling centers. We appreciate your consideration of this amendment in support of a more sustainable and responsible cannabis industry in Washington.

#### **I am requesting the following change:**

Amend WAC 314-55-095 to remove the restriction limiting cannabis concentrates to a 1-gram unit size. We propose allowing cannabis concentrates to be packaged in single containers holding multiple grams, provided the total package contents remain within the daily purchase limits set by state law. This change would reduce the number of single-use containers required for concentrate packaging without increasing purchase limits.

#### **This change is needed because:**

The current 1-gram unit size restriction for cannabis concentrates creates unnecessary packaging waste, limits product innovation, and restricts consumer choice without providing any meaningful public health or safety benefits. While enforcement has clarified that multiple 1-gram units can be sold within a single package, the lack of widely available, sustainable packaging solutions makes compliance inefficient and environmentally harmful. Removing the 1-gram unit size restriction would allow processors to utilize existing, child-resistant (CR) packaging—such as 9ml concentrate jars—to hold multiple grams in a single container without requiring costly retooling or additional materials. This change would not increase purchase limits but would drastically reduce the number of single-use plastic and glass containers used in the industry. With over 10 million units of concentrates sold annually in Washington, transitioning to



multi-gram packaging would eliminate millions of unnecessary single-use packages, reducing waste and improving environmental sustainability.

Additionally, the cannabis vapor market has shifted primarily to single-use vape devices, which contain non-recyclable lithium-ion batteries. These disposable devices are a growing environmental and occupational hazard, as improperly discarded vape batteries pose a significant fire risk at recycling facilities. The waste crisis in the industry is directly contributing to unsafe working conditions, and recycling centers have now become the fourth deadliest job in America. Allowing multi-gram vapor hardware, which is already being sold in other states, would reduce the number of devices disposed of per gram of cannabis concentrate, significantly lowering battery waste and reducing the risk to recycling center workers. With over 20 million grams of vape products sold annually, enabling larger-capacity vapor hardware would have a measurable impact on waste reduction while improving the safety and sustainability of the industry.

For example, a 7-gram unit currently being sold in Washington is excessively wasteful, requiring seven individual jars plus additional plastic blister packaging—yet it lacks CR functionality after being opened. Under our proposal, the same amount of concentrate could be packaged in a single jar with a CR lid, making it safer for child prevention while significantly reducing waste. This common-sense change would modernize packaging standards, promote environmental responsibility, and align Washington’s policies with more sustainable practices already being adopted in other states.



**The effect of this rule change will be:**

This change will drastically reduce the use of single-use plastic and glass packaging in the cannabis industry by allowing multiple grams of concentrates to be packaged in a single container. Consumers will benefit from more convenient and sustainable packaging, and reduce waste. Importantly, this change will not negatively impact public health or safety, as it maintains

the existing daily purchase limits for concentrates. A reduction in vape battery hardware will have a significant positive impact on our waste & make our recycling center workers safer. Overall, this rule change will support a more sustainable and efficient cannabis marketplace in Washington.

**Proposed Change:**

We recommend removing the restriction that limits cannabis concentrates to a 1-gram unit size. This arbitrary limitation stifles product innovation and consumer choice without meaningfully contributing to public health or safety. Expanding unit size options would significantly reduce packaging waste. By increasing the allowable unit size, we are not advocating for a higher daily purchase limit but rather enabling multiple grams to be contained in a single jar—streamlining packaging while maintaining compliance. With over 10 million concentrate units sold annually, this simple change could eliminate millions of single-use packages, making a substantial environmental impact while maintaining regulatory integrity.

(b) **Maximum number of servings.** The maximum number of servings in any one single unit of cannabis-infused product meant to be eaten or swallowed or otherwise taken into the body is 10 servings or 100 milligrams of active THC, or Delta 9. ~~A single unit of cannabis concentrate cannot exceed one gram.~~ **A single unit of Cannabis Concentrates can be packaged up to the daily purchasing limits.**

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Caitlein Ryan', with a long horizontal flourish extending to the right.

Caitlein Ryan, PhD  
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