



Topic: Petition for Adoption, Amendment, or Repeal of a State Administrative Rule –WAC 314-55-105 packaging of cannabis edibles

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 314-55-105](#) to remove the requirement that LCB approve cannabis infused edibles packaged loosely on a case-by-case basis. The petition requests to maintain that edibles packaged loosely may be packaged in resealable child resistant packaging in accordance with the federal Poison Prevention Packaging Act.

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

- (3) **Cannabis edibles in solid form.** The following standards apply to all packaging and labeling of cannabis edibles in solid form:
- (a) Containers or packaging containing cannabis edibles in solid form must protect the product from contamination. Containers or packaging must not impart any toxic or harmful substance to the cannabis edibles in solid form.
 - (b) Cannabis edibles in solid form must be packaged:
 - (i) In child resistant packaging consistent with 16 C.F.R. Part 1700, Poison Prevention Packaging Act; or
 - (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 edibles in solid form.
 - (c) ~~Cannabis-infused edibles in solid form, such as capsules, lozenges, and similar products approved by the board on a case-by-case basis may be packaged loosely within a resealing outer package that is child resistant in accordance with Title 16 C.F.R. 1700 of the Poison Prevention Packaging Act.~~
- All Cannabis-infused edibles in solid form, may be packaged loosely within a resealable CR package or container that is a reclosable child resistant packaging in accordance with Title 16 C.F.R. 1700 of the Poison Prevention Packaging Act.**

Rationale for rule change

The Petitioner requests a rule change to remove the existing requirement for a case-by-case review of cannabis infused edibles packaged loosely. Cannabis infused edibles would still be required to be packaged in child resistant packaging per (3)(b)(i) or in

plastic that is two mil or greater thickness, heat sealed without an easy-open tab, dimple, corner, or flap to protect against accidental exposures to persons under the age of 21 per (3)(b)(ii). The Petitioner provides the following rationale in their request:

1. Reduce plastic waste: Removing packaging of individual edibles would reduce plastic waste generated by the industry.
2. Enhance child safety: Possibly would increase use of child-resistant resealable packaging.
3. Streamline regulatory process: Suggests that removing the case-by-case review would reduce LCB review time.

Current Laws and Rules

Under [WAC 314-55-105](#) LCB reviews all packaging for cannabis edibles in solid form. Packaging of edibles must comply with certain requirements; (3)(b) they must be packaged in (i) child resistant packaging, or (ii) in plastic of certain thickness and sealed to protect persons under the age of 21 from accidental exposures.

Issue

Whether the Board should accept or deny the petition to initiate the rulemaking process to consider amending WAC 314-55-105 to remove the requirement that LCB approve cannabis infused edibles in solid form packaged loosely on a case-by-case basis.

Statutes & Regulations

Statutes

[16 CFR Part 1700](#) – U.S. Poison Prevention Packaging Act (PPPA) describes standards for packaging under the authority of the U.S. Consumer Product Safety Commission. [Section 1700.15](#) describes poison prevention packaging standards for “special packaging” to protect children. [Section 1700.20](#) describes testing procedures for special packaging, including reclosable packages.

[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.

Regulations

[WAC 314-55-105](#) describes cannabis product packaging and labeling requirements. This includes cannabis edibles in solid form (3)(b) that must be packaged in (i) child resistant packaging, or (ii) in plastic of certain thickness and sealed to protect persons under the age of 21 from accidental exposures.

[ASTM D3475](#) describes voluntary standards for special packaging for PPPA-regulated substances.¹

Analysis

LCB currently doesn't receive many requests to approve edibles packaged loosely. Licensing division estimates less than 1% of packages of edibles submitted for review are packaged loosely. Making this suggested change would have no impact on the LCB packaging review process as all edible products are reviewed currently, regardless of the type of packaging.

It is unclear how much removing the case-by-case review of edibles packaged loosely would impact the overall amount of packaging waste. Manufacturers will still be required to comply with other packaging requirements. If processors move to loosely packaged edibles, they would still need to incorporate resealable outer packaging, which may require additional costs.

There may be some concern that switching to resealable packaging for loose edibles may result in over-consumption among adults and more accidental exposures to children. The Washington Poison Center posted on their social media accounts on April 17, 2024, that "One of the most common calls we receive about cannabis is about little kids mistaking an edible for candy."

Other states have additional packaging requirements related to child resistant packaging or define "child-resistant" in their rules. These additional requirements include:

- packaging be opaque (including CO, MN, MT, NJ).
- child-resistant effectiveness is maintained for multiple openings (including NV, NJ, and NY),
- packaging is certified as child-resistant by third-party firm (MT, MA, OR),
- includes "tamper proof" language (CT, ME).

Rulemaking to remove the case-by-case basis may consider these other factors or similar language used by other states related to child resistant features.

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 licensing currently reviews all submissions of cannabis-infused edibles regardless of how they are

¹ CPSC, Guide to Special Packaging: <https://www.cpsc.gov/Business--Manufacturing/Business-Education/Business-Guidance/PPPA/Guide-to-Special-Packaging>

packaged. Therefore, removing the “case-by-case” requirement wouldn’t change the review process or workload. Currently licensing gets very few submissions (less than 1%) for loosely packaged items. Licensing currently receives about 40 – 60 cannabis infused edible submissions a month. All products whether packaged loosely or individually in child-resistant packaging require formal review and approval.

Enforcement and Education Division: No impact identified.

Public health: Kristen Haley, LCB Public Health Liaison, indicates that public health partners support reducing packaging waste and any increased use of child-resistant packaging. There may be concern from some public health partners about increased risk of overconsumption among adults and an increased risk of accidental consumption by youth. There is ongoing discussion with public health partners about other changes needed to improve packaging and labeling rules that may result in rulemaking in the future.

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

Cannabis product packaging waste appears to be an ongoing concern among the industry and consumers. Currently very few (on average < 1 product a month) products containing loosely packaged cannabis-infused edibles are submitted to LCB for review. As it stands now, removing the case-by-case approval of loosely packaged cannabis-infused edibles would not streamline LCB’s product review as all cannabis edibles currently must be submitted for review and approval regardless of packaging type.

Eliminating the case-by-case approval for reclosable, loosely packaged cannabis-infused edibles would likely have some impact on packaging waste depending on whether industry switches to using more reclosable packaging. Last year around 11 million units of edibles, including liquid products, were sold to consumers in Washington. Incorporating approaches that other states have taken to prevent child access to loosely packaged edibles may be warranted. Regardless, removing this requirement provides processors more options for packaging their products with the opportunity to save on packaging waste and costs.

LCB is currently considering opening packaging and labeling rules to include possible changes to child-resistant and other packaging 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 314-55-102 to remove the requirement that LCB must approve cannabis-infused edibles packaged loosely on a case-by-case basis.

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

Attachments:

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

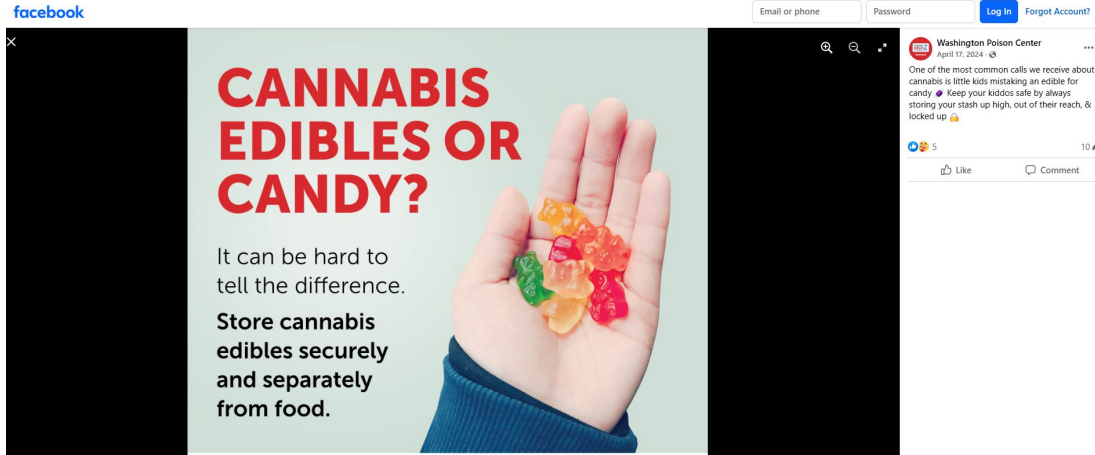
References:

Consumer Healthcare Products Association, Child-Resistant Packaging:
<https://www.chpa.org/public-policy-regulatory/regulation/regulation-otc-medicines/child-resistant-packaging>

U.S. Consumer Product Safety Commission (CPSC) Guide to Special Packaging:
<https://www.cpsc.gov/Business--Manufacturing/Business-Education/Business-Guidance/PPPA/Guide-to-Special-Packaging>

Oregon Liquor and Cannabis Commission, [Packaging and Labeling Pre-approval Process: 845-025-7160](#): (2)(b)(A) Documentation that the package has been certified as child resistant as defined by 16 CFR 1700 by a qualified third-party child-resistant package testing firm.

Washington Poison Center, Facebook, April 17, 2024.





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

27 February 2025

Rule Amendment Change WAC-314-55-105 Petition Attachment

The Cannabis Alliance respectfully submits this petition to amend WAC 314-55-105 to allow cannabis-infused edibles in solid form to be packaged loosely in multi-use, resealable, child-resistant (CR) packaging without requiring individual wrapping or case-by-case approval from the Liquor and Cannabis Board (LCB). This change will reduce plastic waste, enhance child safety, and streamline the regulatory process. Detailed justifications, environmental impact data, and proposed rule language are provided in the attached document as responses to the request form. We appreciate your consideration of this amendment in support of a more sustainable and efficient cannabis industry in Washington.

I am requesting the following change:

Amend WAC 314-55-105 to allow cannabis-infused edibles in solid form to be packaged loosely in multi-use, resealable, child-resistant (CR) packaging without requiring individual wrapping or case-by-case approval from the Liquor and Cannabis Board (LCB). Multi-use CR packaging options, such as tins, resealable bags, boxes, and tubes, should meet the Poison Prevention Packaging Act standards to ensure public safety.

This change is needed because:

The current rule requiring individually wrapped edibles generates an excessive amount of single-use plastic waste, contributing to significant environmental harm without significantly improving child safety. With over 8.5 million edibles sold in 2024 that is up to 85 million single use plastic pouches used annually going into our landfills, streets, and waterways. Individually wrapped edibles are less secure once the outer package is opened, whereas multi-use CR packaging retains child-resistant functionality over time. Additionally, the current case-by-case approval process for non-individually wrapped packaging creates unnecessary delays and burdens to both businesses and the LCB, making the regulatory process inefficient and costly.

The effect of this rule change will be:

This change will reduce plastic waste by eliminating the need for individually wrapped edibles, aligning with Washington's environmental sustainability goals. It will enhance public safety by

ensuring that cannabis edibles remain secured in child-resistant packaging even after repeated use. Furthermore, it will streamline the regulatory process, reducing compliance costs and administrative burdens on both cannabis businesses and the LCB. Ultimately, the rule change will create a more efficient, sustainable, and competitive cannabis industry in Washington.

Proposed Changes:

We advocate for the removal of the requirement for individually wrapping cannabis-infused edibles, which is currently permitted only on a case-by-case basis. Eliminating this requirement will significantly reduce approval times for the Liquor and Cannabis Board (LCB) and help curb the massive plastic waste generated by the industry. Instead, we propose a clear mandate that non-individually wrapped edibles must be placed in multi-use, child-resistant (CR) packaging that meets Poison Prevention Packaging Act standards.

Many states, including Oregon, California, and Colorado, have already adopted multi-use CR packaging solutions, demonstrating its effectiveness in maintaining product safety while reducing environmental impact. The cannabis industry has access to a wide range of compliant packaging options, such as tins, resealable bags, boxes, and tubes, which ensure child resistance even after multiple uses. By aligning Washington's regulations with other leading cannabis markets, this change will not only reduce waste but also strengthen consumer safety and regulatory consistency. Adopting this approach supports Washington's sustainability goals while maintaining a secure and responsible marketplace.

(3) **Cannabis edibles in solid form.** The following standards apply to all packaging and labeling of cannabis edibles in solid form:

(a) Containers or packaging containing cannabis edibles in solid form must protect the product from contamination. Containers or packaging must not impart any toxic or harmful substance to the cannabis edibles in solid form.

(b) Cannabis edibles in solid form must be packaged:

(i) In child resistant packaging consistent with 16 C.F.R. Part 1700, Poison Prevention Packaging Act; or

(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 edibles in solid form.

~~(c) Cannabis infused edibles in solid form, such as capsules, lozenges, and similar products approved by the board on a case by case basis may be packaged loosely within a resealing outer package that is child resistant in accordance with Title 16 C.F.R. 1700 of the Poison Prevention Packaging Act.~~

All Cannabis-infused edibles in solid form, may be packaged loosely within a resealable CR package or container that is a reclosable child resistant packaging in accordance with Title 16 C.F.R. 1700 of the Poison Prevention Packaging Act.

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.

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