



Washington State Liquor and Cannabis Board Meeting

Wednesday, December 20, 2023, 10:00 am
This meeting was held in a hybrid environment

Meeting Minutes

1. CALL TO ORDER

Chair David Postman called the regular meeting of the Washington State Liquor and Cannabis Board to order at 10:00 am on Wednesday, December 20, 2023. Member Ollie Garrett and Member Jim Vollendroff were also present.

2. CONSIDERATION OF AMENDMENT TO THE CANNABIS COMPACT BETWEEN THE LIQUOR AND CANNABIS BOARD AND THE SAMISH INDIAN NATION

Marla Conwell, DIDA, Tribal and Government Liaison

Marla Conwell: Good morning, LCB Board Members and staff present. I am happy to present the Cannabis Compact from the Samish Nation. It is an amendment to the existing compact. It updates the language, mainly "marijuana" to "cannabis". It includes some provisions with our dispute resolution process that were included and updated and just minor amendments with that. Are there any comments or questions?

Jim Vollendroff: Marla, thank you for your work. The government-to-government contracts with the Tribes are an important part of what we do, and I appreciate your work with them and our partnership with the Tribes.

Marla Conwell: Thank you.

Chair Postman: Absolutely. And we actually have a Member of the Samish Indian Nation Council with us, Jenna Burnette. Good morning.

Jenna Burnette: [Samish language]. Good morning, honored ones. My name is Jenna Burnette. I am a Samish Councilmember with the Samish Indian Nation, and I want to thank you so much for the opportunity to be here this morning to thank you for doing this good work with us. It is just another example of the continued partnership and collaboration with have with the great State of Washington that we hope to continue for all the generations to come. And as you know, this will bring much needed economic benefit to our Nation and to the State and serve our people with much needed medicine, so we thank you for this good work today. [Samish language].

Chair Postman: Thank you for joining us. It means a lot to us. And as Member Vollendroff was saying, this government work is so important and really rewarding for us as well and to be able to help with that economic independence and accessibility to the products. So thank you for sharing those thoughts with us, and good luck with the endeavor. Okay. And now what we need is a motion to approve the amendment to the Cannabis Compact from the LCB and the Samish Indian Nation.

Member Garrett made a motion to accept the amendment to the Cannabis Compact. Member Vollendroff seconded. The motion was approved.

3. CANNABIS RELATED RULEMAKING

Jeff Kildahl, Policy and Rules Coordinator

ACTION ITEM 3A – Rules Petition Review and Consideration Requesting to Amend WAC 314-55-102(9) to Extend the 12-month Quality Assurance Testing Expiration to 18-months

Jeff Kildahl: Good morning, Chair Postman and Board Members Garrett and Vollendroff. Thank you for the chance to be on the agenda here today. This morning I am presenting the agency response to a rulemaking petition that was received on October 30, 2023 from Jeremy Moberg. And in addition to the petition, the Cannabis Alliance and the Washington Sun and Craft Growers provided a letter in support of the petition that provided some additional information about the reasons for the request. So, in brief, the petition for rulemaking requests a change in LCB administrative rules in our WAC, which is Chapter 314-55, and this request is to extend the expiration date for cannabis testing certificates of analysis or as they are known commonly, COAs, by six months from the current expiration of 12 months to an expiration of 18 months, and this rule change as requested in the petition would affect WAC 314-55-102, directly impacting subsection 9, which specifies the COA expiration.

The current rules in this section 102 require all cannabis products sold at retail in Washington to pass a panel of quality control tests done by an accredited testing laboratory. These are tests for pesticides, biological contaminants, moisture, potency, and other tests depending on the type of cannabis product. The certified testing labs have to provide licensees a copy of the COA report that they generate to provide them with the record of the test results. Having these COA expirations, whether they are 12 months or other, is considered a good manufacturing process across other industries in the United States, such as pharmaceuticals and cosmetics. So in the accompanying information provided with the petition, which was provided by the Cannabis Alliance and the Washington Sun and Craft Growers, they asked for the extension of the expiration to provide financial relief to cannabis growers who produce cannabis outdoors or in light deprivation grows, and as a result of these natural conditions, they experience variable planting and harvest cycles, and these cycles could vary depending on the strains of products they grow and other factors such as weather and the various factors that affect all farmers. The information provided with the petition explains how outdoor cannabis producer processors experience gaps between natural seasonal harvest cycles annually that leave the processor

without tested products, and those being products that are tested and have a current COA that can be sold from a licensed processor to a licensed retailer.

So in this process we should note here that accepting the rule petition does not mean that the agency can begin developing rules to extend the COA to 18 months, but rather if we have the opportunity to consider rulemaking, it will give us a chance to solicit and gather feedback from the public to assess whether this regulation should be revised to ensure the most favorable outcomes. And if the Board accepts a petition, the rulemaking process must be consistent with the Administrative Procedures Act. And because the Administrative Procedures Act dictates the rulemaking process, we are limited by the code reviser's calendar for rulemaking. So it should be noted that any rulemaking that we would initiate takes a minimum, I believe, of four and a half months to complete. And with stakeholder work and with the rotation of the calendar and Board meetings, it makes the effectiveness of finding a remedy to a request through rulemaking a more significant and long-term project than an immediate decision. So of primary concern, when we look at a petition, we consider the statutory authority to make the change, which clearly the Board has the authority; the alignment with the agency's goals and priorities such as simplifying the rules and reducing regulatory burden; and the immediacy of safety, environmental or security concerns. We consider that there is potential for public health outcomes; the potential impact on illicit activity; the level of public interest; whether the problems are already under consideration; and also the social equity impacts of the request.

Since this is a request related to cannabis testing, the LCB staff reviewed research studies related to public quality including information about product degradation, stability, and microbial contamination to understand how time affects the different types of products. And based on the literature, it was found that a variety of factors can affect the quality of the products including storage conditions, temperature, pH conditions, and light exposure. So if the Board votes to accept the petition and rulemaking is initiated, it will be critical to involve the research team and collaboration between the other divisions to evaluate the request or the science and the research. So we did have several public comments as this petition was posted on the LCB website. We have more than a dozen comments supporting the extension of the expiration date, and we had two or three now, I believe, comments from members of the public who expressed concern about possible health and safety impacts from older products, particularly concerns of biological contamination and mold and mycotoxin contamination.

So in conclusion, based on the reasons described above, the Director's office staff recommends that the Board accept the petition and initiate rulemaking to consider this request to amend 314-55-102(9) to extend the COA expiration date for cannabis from 12 months to 18 months. So I would be happy to answer any questions or provide more background developing the request. I think that this is something that we can consider and incorporate into future rulemaking to have the time to engage the public in the industry. So thank you.

Chair Postman: Thank you. Okay. Any questions for Mr. Kildahl or comments on the petition from the Board.

Jim Vollendroff: I have a quick comment.

Chair Postman: Okay.

Jim Vollendroff: You know, quality testing, of course, is important; however, I think that your request from my perspective is reasonable and given the fact that we are not required to take action even if we do move forward, I would support us considering this.

Chair Postman: Good. Yeah, I agree completely with that. I think it is a question worth asking. If there is something we can do along these lines that would help, I would be really open to that. But I appreciate the questions that have come about. You know, degradation, what happens with moisture, potency, these things, and you mentioned the research team, and there is a great opportunity for us to lean on them a little bit and see if the science that is available would support something, either this at the request or something along these lines if there is something we could do to help. I agree, and with that I would entertain a motion to accept the staff recommendation on the rules petition to extend the quality assurance testing expiration.

Member Vollendroff made a motion to accept the rule petition extending the Cannabis Certificate of Analysis expiration date. Member Garrett seconded. The motion was approved.

4. GENERAL PUBLIC COMMENT

Chair Postman invited citizens to address the Board regarding any issues related to LCB business. The Board heard from the following people:

Mike Asai: Good morning, Chair Postman and Board Member Garrett and Vollendroff and those in the audience. Mike Asai with the Emerald City Collective Gardens unjustly shut down in 2016. I am Vice President of Black Excellence in Cannabis fighting for inclusion. Hey, you know, been in long haul with the social equity program. You know where I stand and how I feel about it, and it's not just me. Understand? You know, you guys have heard from us a lot. We talked to a lot of people in the community. We talked to a lot of people that applied. A lot of people are upset with things, and we just come and just speak on behalf of them. But I want to end this year on a good note in essence of just saying next year we got a lot of work to do in working with the LCB ensuring the social equity program is a success, not only under 2070 but also under 5080.

I know this Board was not there during 2015, but there is a lot of pain from Senate Bill 5052 and also a lot of pain from Senate Bill 5131. And Senate Bill 5131 took away the merit-based language from 5052, and what that means is that it took the language away in prioritizing cannabis pioneers, and the agency has to make up for that. The agency needs to make the wrongs that were done -- that was an agency-led bill by the way, 5131, and it is really disheartening to see that had happened, but this Board and this agency can make it right. So hey, I don't want to take up too much of anyone's time. I hope everybody has a happy holiday,

happy new year, and everyone is healthy and well going into the new year. And that's it. Thank you.

Christopher King: Great day, guys. Happy holidays and all the jazz. Just a couple of things here that I wanted to get straight. The first thing pertained to the ongoing litigation against the so-called Black Excellence in Cannabis. I found it interesting. Of course it takes judicial notice of media accounts. And Mr. Postman, I know we had that rile a little bit ago about whether or not people were journalists, but you would agree that, like Cannabis Observer, those guys are journalists. Right? Right?

Chair Postman: Yep.

Christopher King: Okay.

Chair Postman: We're not going to do that. Go ahead.

Christopher King: Okay. What we are going to do, though, is we are going to assume *arguendo* that Cannabis Observer are journalists, and they observed that Peter Manning is a "co-founder" of Black Excellence in Cannabis. This logically means, if I may infer, that there are other co-founders. And then Peter Manning went off on my birthday in 2022 and got a corporate entity without telling these other partners, there is a problem there. So that is going to be discussed. That is the first thing. The next thing is, in 1972, my uncle, Otis Anderson, was an aerospace engineer out here, and he told me -- I said, "Uncle Otis, I came out to visit. I'm gonna move to Seattle." And he said, "Son, let me tell you something. It's kind of an anti-nigger machine out here." You know? And I said, "Wow." And he said, "Yeah. You may think it's a lot of tree huggers and it's all fair and good and all that, but it really isn't." and I took that to heart. But I, nonetheless, moved out here, and I've had a great time in general.

But I look forward to the things that are happening now and what happened in cannabis, and no matter what kind of glad-handing you guys are all doing out here in this so-called transparency you are having now, I know Director Lukela still hasn't really shown his face much at all. That's the first thing, and I'm ready to congratulate him. I may be potentially setting up a loan program out there in Colorado that I talked about, but, hey, he's like Mr. Snuffleupagus, can never see that brother. Next, Vicki Kristofferson and her merry band of pranksters while all of this whole thing was set up so horribly 12 years ago that no matter what happens now, if these licenses ever get issued, if the people ever actually start making money, people of color and some white folks who got shafted by the establishment, it doesn't change the 12 years that just happened to these people and the loss of all that generational wealth.

What about that, you know? Because when the whole social equity thing started it was all about that, and now, instead, I am seeing people like Hollingsworth in bed with Ian Eisenberg, who had the nerve to say that I was full of shit -- literally -- and then started following me quietly on my Facebook page. And people at Ian Eisenberg sat there and played games with daycare centers and video game centers just to get his stores where he wanted his stores. All right? And

now I see my black people partnering with that. Okay? I don't like that, and I don't have to like that, and I'm allowed to tell you that I don't like that, and that is what I'm doing. So whatever happens next with this whole game that is going on with these 12 missing years where my people got treated like niggers -- they did -- and some white folks, too, got treated like niggers as well. I'm not leaving them out. But the bottom line is when the feds roll in here, heaven help them in whatever they have got -- or allegedly got with these licenses, all the gap of 12 years while an elite bunch of largely white people clocked all those dollars. All right?

I'm in the middle of physical therapy. I just had my hip replaced. Okay? I got a resurfacing so I could still hit tennis. But I'm taking my time out and my therapist was, like, "Yeah, I agree with you. Go tell them." All right? It's ridiculous. So anyway, that is what going on with that piece. And I look forward to seeing where the litigation goes as far as the cease and desist that Peter Manning had the nerve to send to Aaron Barfield. That is just so abusive, and I can't even believe it. Anyway, I'm going back to therapy. I wish you all a happy new year, Merry Christmas, and all that stuff. Cheers.

Damian Mimms: Good morning. So I want to speak to you today about my experience going through the process. Once I made it to the long-awaited application process, I received a request for cure, pages of them. Once I read through everything, I realized documents requested approximately 90% were already submitted. They already had them. What I had to do is resubmit the requested documents, point out where they were already at in the application file, and request a call back from the manager if there were any additional questions, which I did receive. I asked for the call back from the manager. I did get that, and I ended up walking through all of my application process with the manager so that they could see where the documents were located. Once everything was done, I was told, "Hey, you got everything. You're good. We verified everything." Moved on.

Then I got an email back saying, "Hey, your application is complete. We're scoring it. We're going to send it off. Whatever. I asked for my score. I was told via email that, "We can't give you your score. We're not authorized to do that." So once that happened, I sat back and waited and made it through the process. But the issue was the score that I had wasn't the score I should have had. I didn't get all of the points that I was supposed to be -- you know -- and there was no way for me to go through and verify that because everything had been done. There was a mix up in that process. I don't know, if you guys do this in the future, maybe there needs to be some adjustment in that, but I have moved past that.

And now the new issue is, where is the assistance? Where is the help? We have been waiting on it. We have had these licenses be issued to the applicants, but there is no way to really open up because the people who are getting these licenses obviously need assistance. That was supposed to be available the minute the licenses were available. And now we are struggling to figure out where we are going to open up. How are we going to pay for all of this? And it is like a waiting game all over again. This process is taking way longer than it should and help that is supposed to be available to the people is not available. So I think there needs to be some adjustments in your guys' process as far as handling that. And that is all I got.

Bailey Hirschburg: Thank you. Bailey Hirschburg here with Washington NORML and also Cannabis Observer. As you guys close out the year you have completed 10 years of actually regulating cannabis in Washington even though it was passed in 2012. You have collected hundreds of millions of dollars, and a lot of that has gone towards healthcare, substance prevention, and research and all types of local and state services. But you guys have also had to be where, I guess you would say, the rubber meets the road in trying to reconcile a really long legacy of a generational war on drugs that was waged along class and racial lines along with a push for an equitable, accountable, and thriving legal industry. A lot of what I have to say might be better regarded for the Department of Commerce, but they don't have public meetings with open comments, so you guys have faced the brunt of a lot of questions about the technical assistance, grant program mentorship, and now financing.

I am kind of known for taking a cursory look at subjects that come up in these meetings, and when I took a cursory look at how small businesses are financed for women and minority-owned businesses, I found time and again almost all programs are federal. Almost all the money that would help these businesses, even in state-level programs, is intermixed with federal money, making it -- I would almost argue an insurmountable obstacle to having access to any of those types of programs, and this means that our equity applicants are being shut out. So I don't know what information exactly Commerce is telling applicants or what your social equity staff is telling them, so hopefully what I am about to say will be a bit redundant. I hope that staff are aware and are making applicants aware that there are some state-level organizations which may have business grants that help.

There is the Office of Minority and Women Business Enterprises. I understand that is focused on business who would be doing business or contracting with the state as opposed to more general business licensing. But they actually have a really good resource page called Free Money and Services, and not all of those are again the same sort of federal programs. A lot of them are state organizations that may have business grants as well as things like the Washington Small Business Development Center, which I know probably almost certainly does get the federal money that I have just been talking about but also does focus on state-level small business development. So I understand that every program or grant that these groups offer may not be available to social equity applicants, but some of them might be. And so if they haven't already, I would hope that agency staff will consider reaching out to these groups the way that they did with local governments and simply giving them a letter that communicates that, yes, this is a real state program and that your understanding is probably that they are not going to get access to a lot of other small business development options.

And so that may not change the judgement of these organizations, but I think it is one more thing that the LCB can do to make options available without picking winners or trying to give money directly to applicants but can create some opportunities for them to get started. And with 30 second left, I will just say that I was happy to contribute to the review of educational materials. I hope to see those updated. I know you guys are waiting to get a survey back, hopefully get some good consumer opinion on that. And I would just ask that once that is

completed, we see the full survey spreadsheet or dataset. I know you will get some top-level advice and feedback, but I think for transparency's sake and as data nerd, I'd like to see the full set. Thank you.

5. ADJOURN

Meeting adjourned at 10:33 am.

Minutes approved this 13th day of August 2025



Jim Vollendroff
Board Chair



Ollie Garrett
Board Member



Peter Holmes
Board Member

Minutes Prepared by: Deborah Soper, Administrative Assistant to the Board

LCB Mission - Promote public safety, public health, and trust through fair administration, education, and enforcement of liquor, cannabis, tobacco, and vapor laws.
