



Washington State Liquor and Cannabis Board

Implementation of ESB 5206 Regarding Cannabis Advertising

Stakeholder Feedback Session

Friday, January 9, 2026 10:00 a.m. – 12:00 p.m.

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Washington State Liquor and Cannabis Board

Purpose

To share and receive feedback on draft rule concepts and language being developed to implement ESB 5206 related to cannabis advertising.

For feedback or questions on draft rules, contact rules@lcb.wa.gov



Awareness and Expectations

- LCB is recording this meeting and the recording is subject to public disclosure.
- While the Teams chat feature will be ON, any written questions submitted in chat will be saved in the rulemaking file and are **subject to public disclosure**.
- Questions and comments in the session's Team chat may not be responded to in real time, but will be **addressed at the end of the session, time permitting**.



Awareness and Expectations

- Participants will be muted and will only be unmuted when the session's facilitator enables their microphone.
- To ask questions during the sessions, participants must **use the raise hand** function and they will then be unmuted to ask their question.
- If you would like to submit questions before, during or after the engagement session, feel free to email the rules team at rules@lcb.wa.gov.



Today's Agenda

1. Review of Legislation - ESB 5206
2. [Review of Draft Rule Language](#)
3. Next Steps
4. Questions / Comments



Engrossed Substitute Senate Bill 5206

- Passed by the Washington State Legislature during the 2025 session
- Amends existing law in RCW [69.50.369](#) regarding cannabis advertising
- New law went into effect January 1, 2026
- CR 101 filed for WAC 314-55-155 on August 31, 2022 as [WSR 22-18-057](#) and rule section is open for rulemaking



Summary of Changes - ESB 5206 Cannabis Advertising

- Increases from two to four the number of exterior advertising signs allowed on the exterior entrance side of a cannabis retailer's licensed building
- Limits size of these advertising signs to be no larger than 1600 square inches and must be affixed the side of the licensed building with the main entrance or displayed in the window on the side with the main entrance.



Summary of Changes - ESB 5206 (continued)

- Exempts signs less than 512 square inches from being considered as advertising signs if they do not include brand names, trade names, or images of cannabis products and indicates general information such as hours of operation, etc.
- Allows licensed retail cannabis businesses to use up to two trade name signs. Trade name signs must comply with local authority related to the size of the signs for the city, town, or county where the licensed cannabis retailer is located. One of these signs may be a double-sided sign.



Summary of Changes - ESB 5206 (continued)

- Restricts all cannabis signage, advertising, and billboard content from portraying alcohol, nicotine, or tobacco use, or any associations with motor vehicles.
- Restricts cannabis advertising from any business licensed by the LCB under Chapters 70.345, 82.24, and 82.26 RCW



Summary of Changes - ESB 5206 (continued)

- Requires any advertisement for a cannabis business or cannabis except for trade name signs to contain text indicating that only persons 21 years of age or older may purchase or possess cannabis products.



Summary of Changes - ESB 5206 (continued)

- Restricts cannabis retailers from advertising, offering for sale, or selling cannabis at less than the acquisition cost, except for medical cannabis products.
- Exempts “Adopt-a-Highway” signs installed by the Washington State Department of Transportation from consideration as advertising for the cannabis licensee.



Summary of ESB 5206 (continued)

- Updates existing definitions for the terms “billboard”, “commercial mascot”, “trade name”, and “transit advertisement” as used in RCW 69.50.369.



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Draft Proposed Rule Changes – WAC 314-55-155

Section	Draft Amendments
WAC 314-55-155 (1) Definitions	<p><u>(1) Definitions: For the purposes of this section, the following definitions apply:</u></p> <p><u>(a) "Adult only facility" means:</u></p> <p><u>(i) A location restricted to persons age 21 and older by the LCB, classifying the location as off limits to all persons under 21 years of age except for qualifying medical cannabis patients or contracted trade workers; or</u></p> <p><u>(ii) A venue restricted to persons age 21 and older and where persons under 21 years of age are prohibited from entering or remaining, including employees and volunteers.</u></p> <p><u>(b) "Billboard" means a permanent off-premises sign in a fixed location used for the display of commercial messages.</u></p>



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Draft Proposed Rule Changes – WAC 314-55-155

Section	Draft Amendments
WAC 314-55-155 (1) Definitions	<p><u>(c) "Off-premises sign" means a sign relating, through its message and content, to a business activity, product, or service available at a premises other than the location where the sign is erected.</u></p> <p><u>(d) "Trade name sign" means a sign other than a billboard which includes only the business trade name as it appears on the approved cannabis retailer license issued by the board.</u></p>



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Draft Proposed Rule Changes – WAC 314-55-155

Section	Draft Amendments
WAC 314-55-155 (2) Advertising Generally	<p>(a) All cannabis advertising, <u>trade name signs, billboards, and labels of useable cannabis, cannabis concentrates, and cannabis-infused products sold in the state of Washington</u> must not contain any statement, or illustration that:</p> <ul style="list-style-type: none">(i) Is false or misleading;(ii) Promotes over consumption;<u>(iii) Portrays alcohol or its use;</u><u>(iv) Portrays tobacco or nicotine or its use;</u><u>(v) Portrays any association with a motor vehicle or operation of a motor vehicle, or mimics or resembles logos or messaging from the LCB or other state agencies;</u>



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Draft Proposed Rule Changes – WAC 314-55-155

Section	Draft Amendments
WAC 314-55-155 (2) Advertising Generally	(vi) Represents <u>that</u> the use of cannabis has curative or therapeutic effects; (vii) Depicts a child or other person under legal <u>age consuming</u> cannabis, or includes:



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Draft Proposed Rule Changes – WAC 314-55-155

Section	Draft Amendments
WAC 314-55-155 (2)(a)(c) Advertising Generally	(c) All advertising for cannabis businesses or cannabis products, regardless of what medium is used, <u>except for trade name signs,</u> must contain text <u>at least 10 percent of the largest type used in the advertisement</u> stating that cannabis products may be purchased or possessed only by persons 21 years of age or older. Examples of language that conforms to this requirement include, but are not limited to: "21+," "for use by persons 21 and over only," etc.



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Draft Proposed Rule Changes – WAC 314-55-155

Section	Draft Amendments
WAC 314-55-155 (2)(e) Advertising Generally	<u>(e) Any cannabis-related advertising in any business licensed by the board under title 66 RCW or chapter 70.345, 82.24, or 82.26 RCW is prohibited.</u>



Draft Proposed Rule Changes – WAC 314-55-155

Section	Draft Amendments
WAC 314-55-155 (3) Outdoor advertising	(a) Except for the use of <u>trade name signs and billboards</u> as authorized under RCW 69.50.369 and as provided in this section, licensed cannabis retailers may not display any <u>cannabis-related advertising signage on the licensed premises other than four separate signs, not exceeding 1600 square inches each, that are affixed to the building, or hanging in the window of the licensed location, on the side of the building with the main entrance.</u>



Draft Proposed Rule Changes – WAC 314-55-155

Section	Draft Amendments
WAC 314-55-155 (3)(a)(i) Outdoor advertising	<p><u>(i) Any advertising signs that are clearly visible to the public from the public right-of-way, whether on the building or through a window of the building and displayed in such a manner as to be viewed fully from outside the licensed business, will be considered advertising for the purposes of this section.</u></p> <p><u>(A) For the purposes of this section, an advertisement or merchandising inside a cannabis retailer location that is not placed on the inside surface of a window facing outward, and that are clearly visible from the public right-of-way shall not be considered outdoor advertising.</u></p> <p><u>(B) For the purposes of this section, "clearly visible" means capable of being read without obstruction by a person standing or traveling on a public right of way.</u></p>



Draft Proposed Rule Changes – WAC 314-55-155

Section	Draft Amendments
WAC 314-55-155 (3)(a)(ii) Outdoor advertising	<p>(ii) All text on outdoor signs, including <u>trade name and billboards</u>, is limited to text that identifies the retail outlet by the licensee's business or trade name, states the location of the business, and identifies the type or nature of the business.</p> <p>(iii) No outdoor advertising signs, including billboards <u>and trade name signs</u>, may contain depictions of cannabis plants or cannabis products.</p> <p>(vi) <u>Outdoor signs that contain logos</u> or artwork that <u>does</u> not depict cannabis plants or cannabis products as defined in this section are permissible.</p>



Draft Proposed Rule Changes – WAC 314-55-155

Section	Draft Amendments
WAC 314-55-155 (3)(e) Outdoor advertising	<p><u>(e) Signs that are less than 512 square inches are not considered advertising for the purposes of this section if the sign does not include any brand names, trade names, or images of any cannabis product and only indicates information including, but not limited to, the following:</u></p> <ul style="list-style-type: none"><u>(i) Hours of operation;</u><u>(ii) Whether business is open or closed;</u><u>(iii) The presence of an ATM machine;</u><u>(iv) The word "welcome";</u><u>(v) Required signs or notices;</u><u>(vi) Community notices; or</u><u>(vii) Other similar informational signs not related to the products or services of the cannabis business.</u>



Draft Proposed Rule Changes – WAC 314-55-155

Section	Draft Amendments
WAC 314-55-155 (4)	<p><u>(4) In addition to the four signs described in subsection (3)(a), licensed businesses may use billboards and up to two trade name signs as described in RCW 69.50.369. All signs are required to be compliant with content restrictions pursuant to this section.</u></p> <p><u>(a) Size limitations for trade name signs and billboards is regulated and enforced by the city, town, county or tribe in which the licensed business is located.</u></p> <p><u>(b) Trade name signs may only reflect the trade name of the licensed business and may not contain cannabis products or product brand names.</u></p>



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Draft Proposed Rule Changes – WAC 314-55-155

Section	Draft Amendments
WAC 314-55-155 (4)(c)	<p><u>(c) One of the two trade name signs must be affixed on the building of the licensed location on the side of the building with the main entrance.</u></p> <p><u>(d) A second trade name sign may be a double-sided sign, such as a pylon sign or monolith sign, that contains identical content on each side. A double-sided sign that contains identical content on each side is considered one trade name sign.</u></p> <p><u>(e) Placement of pylon or monolith trade name signs, similar to the size of signs, is subject to local zoning requirements and be the responsibility of the city, town, county, or tribe to regulate through local zoning or ordinances.</u></p>



Draft Proposed Rule Changes – WAC 314-55-155

Section	Draft Amendments
WAC 314-55-155 (5)	<p><u>(5) Promotional items such as giveaways, coupons, and distribution of branded or unbranded merchandise are banned., except for limited circumstances. Giveaways that are incidental items, such as matches, may be provided free of charge so long as:</u></p> <p><u>(a) The incidental item qualifies as paraphernalia as defined in RCW 69.50.102;</u></p> <p><u>(b) The incidental item is not advertised by any means other than in-store merchandising as allowed in RCW 69.50.369;</u></p>



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Draft Proposed Rule Changes – WAC 314-55-155

Section	Draft Amendments
WAC 314-55-155 (5)(c)	<p><u>(c) The retailer must have purchased any incidental item provided to the customer at fair market value;</u></p> <p><u>(d) Any branding on the item must be only that of the licensed retailer, and may not have any brand, logo, or images of product representing a producer or processor;</u></p> <p><u>(e) The value of the incidental item must be less than one US dollar;</u></p> <p><u>(f) Incidental items provided must not be subject or conditional to other purchases;</u></p> <p>(g) For the purposes of this section, a "giveaway" does not include <u>coupons or</u> representative samples of products (edible products and topicals only) carried by a licensed retailer that are not infused with cannabis and are offered to customers on licensed cannabis retail premises for sampling purposes only.</p>



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Draft Proposed Rule Changes – WAC 314-55-155

Section	Draft Amendments
WAC 314-55-155 (6)	<p>(6) Cannabis retail licensees holding a medical cannabis endorsement may donate <u>or provide free of charge</u> product to qualifying patients or designated providers who hold a valid recognition card. Retail licensees may <u>only</u> advertise "free" or "donated" <u>cannabis concentrates, useable cannabis, or cannabis-infused products identified by the department as a compliant cannabis product in chapter 246-70 WAC and tested to the standards in chapter 246-70 WAC.</u></p>



Next steps

1. Update draft based on today's feedback
2. CR-102 Filing : March 4, 2026
 - Formal public comment period begins
3. Public Hearing: TBD - April 2026
 - Formal public comment period ends
4. CR-103 Filing: TBD - June 2026



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Contacts and Resources

- Current and upcoming engagement opportunities:
https://lcb.wa.gov/laws/outreach_and_public_engagement.
- Rules team email: rules@lcb.wa.gov.
- Learn about the rulemaking process and ways to engage:
<https://lcb.wa.gov/laws/rulemaking-overview>.



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Questions?



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Thank You!