



Washington State
Liquor and Cannabis Board

Washington State
Liquor and Cannabis Board
Home Grow Report
Legislative Directed Study

Delivered: December 1, 2017

Executive Summary

The 2017 Legislature passed ESSB 5131 that directed the Washington State Liquor and Cannabis Board (WSLCB) to study regulatory options for recreational marijuana home grows and provide its recommendations and findings to the Legislature by December 1, 2017. In conducting this study, the Legislature directed the WSLCB to consider the federal guidelines under the Cole Memorandum issued by the United States Department of Justice on August 29, 2013, which allows individual states to implement marijuana legalization policies, provided such states enact strong and effective regulatory and enforcement systems that address public safety, public health, and law enforcement concerns as outlined in the memorandum. The WSLCB considered many options from tightly regulated to no regulations but ultimately dismissed any considerations not consistent with the Cole Memo.

The WSLCB diligently sought input from a variety of sources to help shape the study and any recommendations. In most cases, the WSLCB explained the expectation of the study, why their input was important, and allowed time for consideration and a written response. Some examples of outreach and research conducted include:

- **Other States** The WSLCB had active conversations with Colorado, Oregon, and Rhode Island.
- **Local Government** The WSLCB held a webinar hosted by the Association of Washington Cities and the Washington State Association of Counties.
- **Law Enforcement** The WSLCB solicited input from the Washington Association of Sheriffs and Police Chiefs as well as individual agencies.
- **Prevention and Public Health Communities** The WSLCB reached out to the Departments of Social and Health Services, the Department of Health, the Washington Healthy Youth Coalition and local prevention and public health coalitions statewide.
- **Public Comment** The WSLCB issued a press release on September 13, 2017, notifying the public of the opportunity to submit input on the study at a public hearing and in writing through October 11, 2017.
- **Public Hearing** The WSLCB held a public hearing on October 4, 2017, that was broadcast live on TVW and included dozens of public testimonial

The WSLCB is providing three options for the Legislature’s consideration. Each of these three options are consistent with the Legislature’s charge of submitting options consistent with the Cole Memo.

1. Tightly regulated recreational home grows – state framework;
2. State statute framework, local authority recreational home grows; and
3. Prohibit recreational home grows.

A summary the Cole Memo, timeline and snapshot of Washington’s system of marijuana regulation, and the details of each option and recommendations follow this summary.

The WSLCB thanks the Legislature for the opportunity to present these options and remains ready to provide the information gathered as the basis for this report and additional information or research as necessary.

Cole Memorandum

Issued on August 29, 2013, in response to cannabis legalization in Colorado and Washington the Cole Memo (named for signer then Department of Justice Deputy Director James Cole) outlined the United States Department of Justice’s enforcement priorities regarding marijuana in legalized states. The priorities lay out the federal governments concerns with marijuana and serve as a de facto checklist for states to avoid government intervention. The memo does not change federal law and can be rescinded or modified at any time.

These guidelines are separate from Washington State enforcement regulations and are enforced at the discretion of the US Department of Justice. Since its release in 2013, all of the Board’s decisions regarding cannabis have been made with the Cole Memo in mind. The regulated marijuana framework in Washington reflects that through a tight regulatory framework, a seed-to-sale traceability system, and a focus on access to minors in regulations and enforcement compliance efforts. Any substantive changes to the industry must be weighed against compliance with the memo.

Department of Justice Enforcement Priorities

1. Preventing the distribution of marijuana to minors;
2. Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
3. Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
4. Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
5. Preventing violence and the use of firearms in the cultivation and distribution of marijuana;

6. Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
7. Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
8. Preventing marijuana possession or use on federal property.

While Washington has been successful in meeting the terms of the Cole Memo, tightly regulating a marketplace, and generating needed revenue for the state, challenges remain. Most importantly, marijuana remains a Schedule I controlled substance by the federal government. The determination affects all aspects of state systems from banking to research to consumer safety.

Introduction

On Nov. 12, 2012, Washington State voters enacted Initiative 502 (I-502) regarding “marijuana reform” by a margin of 56 percent to 44 percent. By doing so, Washington and Colorado became the nation’s first two states to decriminalize the possession of limited amounts of marijuana and establishing a system for legally producing, processing, and retailing marijuana.

Washington’s system continues to evolve and mature since the passage of I-502. State laws have reigned in the unregulated medical marijuana marketplace to align with the tightly regulated recreational market, new restrictions on advertising will lessen youth exposure, and the former Washington State Liquor Control Board is now named the Washington State Liquor and Cannabis Board (WSLCB) to better represent the breadth of products under its purview.

While Washington’s system has continued to change over time, one central theme of the system that remains unchanged is the focus on public safety. The Legislature continues to add public safety measures to the system rather than making it more lax. The details included in this study reflect the thinking and effort the state has put into creating the system that exists today.

Washington State Marijuana Legalization Timeline

1998

Medical Marijuana Initiative (1-692)

- Initiative 692: Created an affirmative defense to the violation of state laws relating to marijuana usage and possession for medicinal purposes.
- Qualifying patients or their designated primary caregivers may establish the defense if they possess only the amount of marijuana necessary for their personal use, up to a 60-day supply, and if they present valid documentation from a physician to law enforcement officers.

2011

Senate Bill 5073

- Senate Bill 5073: Established a regulatory system to license the production and distribution of marijuana intended for medicinal use.
- Many portions of the bill were vetoed because of concerns regarding potential federal prosecution of state employees involved with the system.
- The authorization for patient home grows and collective gardens was not vetoed, and that provision gave rise to the statewide expansion of an unregulated gray market.

2012

Initiative 502

- Established a comprehensive regulatory structure for the licensing and taxation of marijuana production, processing and retail access.
- Authorized possession of marijuana for personal use for persons age 21 and older:
 - 1 ounce of useable marijuana;
 - 16 ounces of marijuana in solid form;
 - 72 ounces in liquid form;
 - 7 grams of marijuana concentrate.

2016

Alignment of Medical and Recreational Markets

- Per the 2015 Cannabis Patient Protection Act (SB 5052), the largely unregulated medical marijuana system (gray market) aligns with the tightly regulated, state-licensed recreational market on July 1, 2016.
- Medical patients access the products that they want through multiple channels
 - Medically endorsed retail stores
 - Four-member co-ops registered with the WSLCB
 - Homegrown (Authorized patients may grow a limited number of plants at home)

2015 Cannabis Patient Protection Act

In 2015, the Legislature passed and the Governor signed SB 5052, the Cannabis Patient Protection Act. The new law directed the WSLCB as well as the Departments of Health and Revenue one year to create regulations that align the two markets.

Preparations made by state agencies, local government, law enforcement and prosecutors helped further a smooth merger of the unregulated medical marijuana market with the tightly regulated recreational system on July 1, 2016

Department of Health Role in Medical and Recreational Systems Alignment

To help implement the new regulated system, the legislature directed Health to complete several tasks prior to July 1, including to: distribute a standard form healthcare practitioners must use when authorizing the medical use of marijuana; adopt rules setting higher quality assurance standards for products that may be beneficial to patients; establish a process to certify medical marijuana consultants and approve training programs; and create a voluntary medical marijuana authorization database.

Qualified medical patients today access marijuana in three ways:

1. Grow a limited number of plants at home;
2. Join a four-member cooperative to share in the growing and cultivating of their allowed number of marijuana plants; or
3. Purchase products from a state-licensed retail store.

WSLCB Role in Medical and Recreational Systems Alignment

The law charged the WSLCB with integrating the medical marijuana system into the tightly controlled recreational regulated system and licensing additional retail applicants using a priority-based approach. Following multiple public hearings around the state, the WSLCB adopted rules and began licensing the highest-priority retail applicants for an available 222 new retail stores. Today there are 518 licensed retail stores, 65 percent of which hold a medical endorsement which allows for the issuance of state medical recognition cards. Recognition cards allow the holders to purchase marijuana sales tax free and high THC products. All licensed marijuana retailers may carry and sell products deemed compliant (medical) products.

Enforcement of Marijuana Laws and Regulations

The WSLCB's number one priority is public safety. The agency regularly conducts compliance checks of retailers licensed to sell cannabis. The checks are a proven tool to reduce the sale of marijuana to minors. Investigative aides aged 18-20 years old assist officers with compliance checks. They attempt to purchase and must present their true identification or none at all if asked by clerk. The result has been a 92 percent no-sales-to-minors compliance rate in the last year involving over 1,200 compliance checks. This compliance rate equates with the most diligent and successful businesses that sell alcohol.

In addition to enforcing marijuana laws and regulations at licensed businesses, the agency works closely with local law enforcement agencies to enforce the law at illegal grow operations.

Sales and Revenue

Washington's tightly regulated marijuana market is a \$1.3 billion per year industry generating hundreds of millions of dollars in state revenue. Sales and revenue continue to rise, exceeding economic forecast projections. Revenues are allocated to dedicated accounts including: health, education and prevention efforts.

All retail licensees are required to remit an excise tax of 37 percent on all taxable sales of marijuana. Nonretail sales are not taxed. In addition, the Department of Revenue collects Retail Sales and Business and Occupation taxes.

Sales Activity

Total Sales to Date (July 2014 – Oct. 2017) \$2.87 billion

- Total Sales FY 2015: \$259.5 million
- Total Sales FY 2016: \$786.4 million
- Total Sales FY 2017: \$1.372 billion

Excise Tax Revenue

Total Tax to Date (July 2014 – Oct. 2017): \$684.4 million

- Total Excise Tax FY 2015: \$64.9 million
- Total Excise Tax FY 2016: \$185.7 million
- Total Excise Tax FY 2017: \$314.8 million

Retail Sales Tax (Collected by Dept. of Revenue)

Total Tax to Date (July 2014 – Aug. 2017): \$169.6 million

- State Sales Tax: \$122.3 million
- Local Sales Tax: \$47.3 million

Business and Occupation Tax on Retail Activity (Collected by Dept. of Revenue)

Total Tax FY 2015-2017: \$7.3 million

WSLCB Approach to the Study

As noted in the Executive Summary, the WSLCB gathered information for this study by researching and discussing home grow regulatory structures with states that allow recreational home grows, reviewing news media and studies related to home grows, soliciting input from stakeholders and the public, and assessing possible regulatory options under the lens of the Cole Memo.

Options that did not appear to meet the requirements of the Cole Memo were dismissed. The WSLCB also sought information from study contributors regarding enforcement, resources impacts, and feasibility of regulatory options for recreational home grows. The three regulatory options, including adjustments made to the options from information assembled throughout the study, and analyses of each regulatory option are detailed later in this report.

What We Learned from Other States

The WSLCB had several conversations with other states that have regulatory frameworks for recreational/adult-use marijuana and medical marijuana. The conversations directly informed the regulatory options developed in this study.

Colorado

- Constitutional provision regarding a right to grow marijuana at home.
- Issues with large numbers of plants in home grows. Previously allowed up to 99 plants.
- Law enforcement pressures were felt in addressing large home grows and illegal activity arising from home grows.
- In 2017, the Colorado State Legislature responded to issues with home grows by reducing the number of plants allowed to 12 plants maximum.
- Colorado expressed concerns related to enforceability of home grows in general and enforcement resource impacts.
- Many news reports of the issues of home grows over the past year.

Oregon

- Oregon has allowed for personal possession of plants long before legalization of marijuana for recreational use. Measures passed for decriminalization of possession in the 70s and 80s.
- Oregon citizens can possess 4 plants with no requirements, more plants with additional requirements (medical patient, permit, etc.)
- In our discussions, Oregon recommended a low number of plants if recreational home grows are allowed to minimize diversion risk and a cover for the illicit market.

Rhode Island

- Reviewed the medical home grows system in Rhode Island.
- Issues were present with exporting home grown marijuana.
- Rhode Island responded to the problems they were experiencing by creating a strictly regulated home grow system.
- All home grows must be permitted and all plants traced in the traceability system, similar to how Washington regulates licensed marijuana businesses.

Each state emphasized the need for clear enforcement parameters and resources for effective regulation and enforcement of recreational marijuana home grows or home grows in general due to the challenges that they have encountered with home grows.

Regulatory Options and Recommendations

Option 1 – Tightly Regulated Recreational Home Grows – State Framework

- Allow recreational home grows under a strict state regulatory framework that requires a permit and tracking of plants throughout the state, with enforcement jurisdiction shared between the WSLCB and local authorities.
- Absent a permit, growing marijuana for any purpose is illegal other than already legally sanctioned medical marijuana home growing.
- Require tracking of all plants in the traceability system to help prevent diversion.
- Limit of no more than four plants per household.
- Include a statutory provision that allows law enforcement to seize and destroy all plants possessed by a person if the person has more plants than the law allows.
- Include a statutory provision to allow recreational growers to acquire plants from licensed producers so long as the person possesses a valid permit.
- Include requirements for security, preventing youth access, preventing diversion, etc.
- Include the same restrictions that apply to medical marijuana patients on processing marijuana in recreational home grows (no extraction with combustible materials. See WAC 314-55-430).

Option 1 was developed after reviewing the tightly regulated medical marijuana home grow system in Rhode Island and after discussions about the challenges associated with the regulation and enforcement of home grows in Colorado and Oregon. The system is also a direct response to the first three enforcement guidelines in the Cole Memo, which focus on preventing the distribution to and use of marijuana by minors, preventing the criminal element in marijuana regulated activities, and preventing diversion of marijuana to other states. Limiting the plant allowance to four plants is specifically aimed at minimizing diversion to other states and the illicit market, creating a “bright line” for clear enforcement, as well as minimizing potential adverse impacts to neighbors and communities by imposing a lower, per household plant limit. Setting the plant limit at a low number was also recommended by those states that allow recreational home grows.

Benefits of this regulatory option include the ability to identify home grows to attempt to mitigate enforcement challenges through requiring permits; tracking of marijuana in home grows throughout the state in the traceability system to prevent diversion, support enforcement efforts, and guard against federal intervention; security and safety provisions to prevent youth access to home grows, theft, and dangers to communities through processing marijuana with combustible materials. Option 1 includes a limited plant count aimed at minimizing potential impacts to diversion to other states and the illicit market, as well as minimizing impacts on neighbors and communities.

Considerations and Challenges

The WSLCB assumes large costs for regulation and enforcement on both the state and local levels for regulation and enforcement of recreational home grows. Additional related costs may

arise through ripple effects of regulated systems for recreational marijuana home grows, such as public health and education costs, costs for civil enforcement, and so on. As noted in the “Critical Considerations for any Recreational Home Grow Framework” section above, enforcement will be challenging in any legally sanctioned home grow scenario. Though this regulatory option is admittedly tightly regulated, regulatory and enforcement challenges remain as these activities would occur within private residences.

Option 2 – State Statute Framework, Local Authority Recreational Home Grows

- Allow recreational home grows under a regulatory framework based on statewide standards set in statute, but authorized, controlled, and enforced by local jurisdictions (counties, cities).
- Include statutory requirements for security, preventing youth access, preventing diversion, etc.
- Require a permit to possess plants. Absent a permit, growing marijuana for any purpose is illegal other than already legally sanctioned medical marijuana home grows.
- Limit of no more than four plants per household.
- Include a statutory provision to allow recreational growers to acquire plants from licensed producers so long as the person possesses a valid permit.
- Include a statutory provision that allows law enforcement to seize and destroy all plants possessed by a person if the person has more plants than the law allows.
- Include the same restrictions that apply to medical marijuana patients on processing marijuana in recreational home grows (no extraction with combustible materials. See WAC 314-55-430).
- Allow local jurisdictions to “opt-in” for or “opt-out” of allowing recreational home grows.

Similar to Option 1, Option 2 carries with it a statewide regulatory framework that would set a baseline for recreational home grows throughout the state that would be authorized, controlled, and enforced by local jurisdictions. This is similar to the construct for criminal laws and the regulation of land use in Washington, which include statewide standards but may be enforced by local jurisdictions. In this option, the state would set the baseline or “floor” for the minimum requirements for recreational home grows. Local jurisdictions (cities, counties) would be able to set stricter requirements by ordinance if they wished, and would be able to “opt in” or “opt out” of allowing recreational home grows, similar to how cooperative grows by medical marijuana patients is handled under state law. Option 2 carries many of the benefits and goals of Option 1, while focusing more on local control and enforcement of home grows.

Considerations and Challenges

In addition to the considerations listed for Option 1 above, the following particular items are important to note for Option 2.

- Risk of a “patchwork” approach throughout the state. This could create confusion, but also could allow for local communities to determine what activity is preferable in their jurisdictions.

- More of a resource and cost impact on the local level. Costs are likely to be high and an assessment of costs impacts to local jurisdictions is recommended.

Option 3 – Prohibit Recreational Home Grows

- Do not allow recreational home grows. Maintain current status.
- A regulated system is in place and widely available throughout the state.
- Home grows for medical purposes, including cooperatives, are currently allowed under state law.
- Allowing recreational home grows may provide a cover for the illicit market. This has been seen in other states that permit home grows for both medical and recreational purposes.
- Recreational home grows may contribute to diversion, youth access, etc.; primary considerations under the guidelines set in the Cole Memo.

The WSLCB includes maintaining no allowed recreational home grows as an option for consideration as it meets the tenets of the Cole Memo. Maintaining the status of no recreational home grows allowed in Washington does carry resource impacts and costs, but these are costs that are already known and in play. Enforcement concerns are still present with recreational home grows under the current status, as well as challenges to prosecution of those who do not follow the current legal parameters.

Additional Considerations and Recommendations

As seen from gathering information for this study in news reports and in discussions with other jurisdictions and law enforcement, home grows have operated as a cover for the illicit market and diversion and could undermine the regulated system, especially those for recreational purposes where little to no requirements exist. This also operates contrary to the guidance of the Cole Memo in deterring diversion into the illicit market and into other states.

However, from the views shared with the WSLCB, if the maximum plant number is kept very low, the less of an overall impact there may be to a regulated system and diversion to feed the illicit market and marijuana being exported to other states. While the majority of people may likely follow the rules, there may be those who will intentionally not stay within legal requirements with the goal of engaging in the illicit market. Evidence of this is present in Washington State, including medical marijuana home grows, as well as in other states. Simply having plant limits does not mean that all will follow those requirements. From what we've learned from other states and from the law enforcement community, this challenge also goes hand in hand with the need for adequate enforcement provisions and resources.

The more clearly and simply the parameters are drawn – how many plants a person may have, definitions of a plant and the level of maturity of plants a person may have, restrictions on when a person is illegally growing vs. legally growing – the less overall impact to the regulated

system and the greater the enforceability of home grows, thus supporting the tenets of the Cole Memo. This greater enforceability does not completely abate enforcement concerns.

Home Grows and Enforcement/Prosecution

WSLCB Enforcement met with representatives from sheriff's offices across the state. Meetings occurred with 16 of 39 county Sheriff's Offices, a mix of large and small counties, some with very limited resources. The feedback in all areas was unanimous in their opinion that recreational home cultivation should not be legal in Washington State. Questions were asked about current observation relating to youth access, impaired driving, illicit growing, calls for service, general community concerns; and if home growing becomes legal, what type of regulatory structure made the most sense, and who should have primary oversight over the regulatory issues associated with recreational home grows. Some sheriffs indicated that maintaining the prohibition on home grows was the only option that made sense. Others participating indicated it only made sense for the state to govern the regulated oversight if recreational home grows are allowed.

The sheriffs interviewed provide several reasons for their opposition to legalized recreational home growing of marijuana. These included public safety concerns, civil concerns, lack of adequate resources, and unfunded mandates. Sheriffs stated the impacts of current legalization already pose difficulties, and increased access and availability of marijuana due to recreational home grows will create additional challenges to manage. Though many local jurisdictions expressed a desire for "opt-in" or "opt-out" provisions for local jurisdictions for recreational home grows, concerns were raised about the risk of a patch-work approach. Local authorities that allow the activity may contribute to negative and unintended consequences to those neighboring communities who do not wish to see recreational home growing of marijuana. Sheriffs and their representatives also believed a regulated structure would provide more gray areas in state law, which may contribute to unenforceable laws, rules, and general restrictions. Sheriffs of counties bordering on Idaho and Oregon stated several concerns related to diversion and impacts on state border issues, which are directly identified in the enforcement guidelines in the Cole Memo.

Summary of Potential Impacts Communicated by Local Law Enforcement

- Increased youth access;
- Increased illegal growing and illicit market activity;
- Increase with firearms related issues, as citizens will want to protect their property;
- Increased challenges with enforcement due to gray areas with plant count and allowable amounts of marijuana, and public perception impacting prosecutions;
- Negative impact on resources;
 - Increased calls for service for home growing activity related to:
 - Too large of grows;
 - Civil issues related to odor and nuisance complaints;
 - Burglaries and robberies, as marijuana is still a high value commodity on the illicit market;

- Traffic impact in communities if the citizen home production expands to various types of distribution;
 - Time spent on general calls for service will likely increase if home growing is observed (ex: a domestic violence call extends into a recreational homegrow investigation based on on-scene observations.);
- Potential increase in gang homicides; and
- Civil issues with devaluation of home property resulting from marijuana grows by/near homes.

Due to the high level of privacy in private residences under Article I Section 7 of the Washington State Constitution, considerations for inspections and enforcement should be considered should they be incorporated into a regulated system for home grows. There are also issues with identifying whether a marijuana grow in a home is occurring legally or illegally without the ability to inquire or without a permit system to assist in that determination.

Home Grows and Youth Access

A review of studies and literature related to public health, substance abuse, and access of marijuana by minors has shown that minors who live in homes where home grows are present have increased access to marijuana and a higher likelihood to use marijuana at a younger age. The Cole Memo is concerned with access to minors as one of its top guidelines. This information suggests that recreational home grows may cause concerns about continued compliance with that guideline. Recreational home grows do not have the same prohibitions and restrictions in place as constructed in the regulated system to prevent access to minors. Because home grows are contained within the home or at a person's residence, issues with access to minors will be present whether it may be for the minor's personal use or to sell in the illicit market due to the high value of the commodity.

While we have not seen a marked increase with access to minors after the passage of I-502 and the regulated system implementation through the Washington Healthy Youth Surveys (likely due to high restrictions of access and large penalties for those who sell to minors), the risk of increased access to minors exists if home grows of marijuana are allowed.

Limits to Plants

- The WSLCB heard concerns about plant limits from local jurisdictions, as well as in public input received.
- Clarity was desired on what constitutes a "plant" for purposes of the plant number limitations, including whether this maximum plant count would only apply for mature plants and what would be considered a mature plant vs. an immature plant or clone.
- Questions as to whether immature, non-flowering plants would be allowed in addition to the plant maximum limit.
- WSLCB included household maximum plant counts for simplicity and to reduce risk of large home grows due to cohabitation.

- An issue remains on how to handle the plant limits in condominiums, apartments, and other locations where multiple, close-proximity housing is involved. The household limit included in the regulatory options identified by the WSLCB does not differentiate between single family homes and other residence types.
- If outdoor growing is allowed, considerations surrounding plant limits are recommended as plants growing outdoors can be very large and still be considered a single plant.

Odor Issues and Security

- We have already heard concerns about odors from licensed marijuana grows and medical home grows. These concerns were reiterated in the input received for this study from a variety of sources.
- Local jurisdictions have expressed concerns about odor issues as they are responsible for nuisance issues. There is no statewide standard for marijuana odors specifically – these items are handled by Regional Air Authorities, local jurisdictions, or the Department of Ecology.
- Concerns were raised about both indoor and outdoor growing related to odors and related to security issues due to the value of marijuana.

Recreational Home Grows Support and Disapproval

- While it is unclear whether the public input received by the WSLCB is representative of the general population in Washington, the WSLCB received many comments in support of home grows.
- Many who support home grows do not feel that any regulation is necessary, and ranged in the number of plants they should be able to grow at home from 4 to 16. Individuals frequently used the analogy that growing marijuana at home should be viewed similarly to growing tomatoes or brewing beer at home.
- The WSLCB also received many comments from the general public who did not support home grows. They expressed concerns about impacts to youth through access and normalization, the current regulated system goes far enough or too far, and that odors would have an impact on their neighborhoods and home grows would diminish property values.
- See Appendix 1 for a matrix of comments received related to this study.

Recommended Considerations if the Legislature Allows Recreational Marijuana Home Grows

- Any approach that allows for private citizens to grow marijuana at home will carry considerable resource impacts and costs for regulation and enforcement.
- Clearly identifying plant limits and requirements for possessing and obtaining plants will be important for people to comply with requirements and for impacts to be minimized.
- Without a permit requirement, enforcement will be challenging as legal home grows will be difficult to determine.
- People wishing to grow plants at home would have no legal pathway to obtaining plants as licensed marijuana producers are not able to legally sell plants to persons other

than qualifying patients, designated providers, and members of a registered cooperative.

- Possession limits in statute may need to be modified to accommodate for increased marijuana possessed by a person produced in a recreational home grow. If a person is a decent grower and grows indoors allowing for multiple harvests per year, it is possible to grow one pound of marijuana per plant per quarter of a year. If a person is limited to four plants, this means the person could conceivably produce 16 pounds of marijuana per year.
- An assessment of potential impacts to state revenue generated by the marijuana excise tax and the sales and use tax is recommended.

Conclusion

In summary, the WSLCB's recommendations include any of the three regulatory options included in this report. The WSLCB encourages the Legislature to focus on the additional considerations identified within this document when assessing whether to allow for recreational home grows in Washington State. The WSLCB thanks the Legislature for the opportunity to present these options, recommendations, and findings. The WSLCB remains ready to provide the information gathered as the basis for this report and additional information or research as necessary.

**Appendix 1
Stakeholder and Public Comments**

Option 1	Option 2	Pro Home Grow	Option 3 / Oppose	No Stance Listed/Other	Total Comments
21	44	282	93	26	466

Glossary

Option 1: Tightly regulated recreational marijuana home grows

Option 2: Local control of recreational marijuana home grows

Pro Home Grow: Support for recreational home grows, but no option listed or preferred/supported.

Oppose/Option 3 (No home grows): Opposed home grows generally or preferred Option 3.

No stance listed/Other: General comments, information, or no stance listed.

###