



## Washington State Liquor Cannabis Board Meeting

Wednesday, November 16, 2016, 10:00 a.m.  
LCB Headquarters - Boardroom  
3000 Pacific Avenue SE, Olympia WA 98501

### Meeting Minutes

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#### 1. CALL TO ORDER

Chair Jane Rushford called the regular meeting of the Washington State Liquor and Cannabis Board to order at 10:00 a.m. on Wednesday, November 16, 2016. Member Ollie Garrett was also present.

Chair Rushford thanked the staff for their commitment and contributions.

#### 2. APPROVAL OF MEETING MINUTES

MOTION: Member Garrett moved to approve the November 2, 2016, meeting minutes.

SECOND: Chair Rushford seconded.

ACTION: Motion passed unanimously.

#### 3. ACTION ITEMS (A-F)

##### **ACTION ITEM 3A - Board Adoption (CR 103) of AIA rules**

Joanna Eide, Rules and Policy Coordinator, began the briefing with materials (HANDOUTS 3A 1-3). She provided background noting five written comments were received on this proposed rule. Three stakeholders commented at the public hearing on November 2, 2016. Seven written comments were received from stakeholders on this rulemaking.

Chair Rushford asked what the concerns from City of Spokane were. Joanna provided the information from the concise explanatory statement:

The city of Spokane had limited objections to the revised rule. The list of required elements that needs to be submitted in a petition packet is too burdensome. The requirements are an "and" and it would be easier if it was an "or". Trash/litter surveys should not be required to identify banned products. They are too expensive and require additional resources.

WSLCB response: The list of required elements that needs to be submitted in a petition packet was created so local jurisdictions would know why type of information is needed. WAC 314-12-215 (2)(c)(ii) uses the word "or" in the list of what can be used to demonstrate a need for an alcohol impact area. WAC

314-12-215 (2)(d) explains in detail what each type of data involves. This was a request from local jurisdictions.

If a local jurisdiction is requesting products be banned that are not on the standardized banned products list a trash/litter survey is required. The Board cannot ban a product when a direct link has not been established from the product to the problem of chronic public inebriation.

Ms. Eide then requested approval from the Board.

MOTION: Member Garrett moved to approve Board Adoption (CR 103) of AIA rules.

SECOND: Chair Rushford seconded.

ACTION: Motion passed unanimously.

### **ACTION ITEM 3B - Board Adoption of a Standardized Banned Products List**

Joanna Eide, Rules and Policy Coordinator, began the briefing with materials (HANDOUT 3B 1). She provided a background noting that there was a lot of work done on this list with the stakeholders. All the items on this list would be on any newly approved AIAs. If local jurisdictions wanted to add additional items to their list they would need to show a direct link that the product is a problem. There was concern with wine being listed on the standardized banned product list, she noted there are no wines on the list. Concerns with a few other items on the list that were removed. For items included on this list there is a nexus between the existing AIAs we have.

Chair Rushford said it is interesting that we have over 15 years of experience with AIAs, and the product lists reflect this experience.

Ms. Eide then requested approval from the Board

MOTION: Member Garrett moved to approve Adoption of a Standardized Banned Products List.

SECOND: Chair Rushford seconded.

ACTION: Motion passed unanimously.

### **ACTION ITEM 3C - Board Adoption of Banned Products Lists in the city of Spokane's AIAs**

Joanna Eide, Rules and Policy Coordinator, began the briefing with materials (HANDOUTS 3C 1-2). She provided background noting the Board considered comments received from stakeholders on this amendment. Based on conversations with retail licensees and the Spokane Police Department, four products have been removed from the request for an amended banned product list within the East Central Alcohol Impact Area. The retail licensees within the East Central Alcohol Impact Area have committed to working with the Spokane Police Department relating to these products.

The new products added are:

- Bud Ice
- Smirnoff Spiked (all products)
- Cayman Jack (all products)
- Parrot Bay (all products)
- Boss (all products)
- Smith and Forge Cider
- Genesee Ice

Ms. Eide then requested the Board Adoption of Banned Products Lists in the city of Spokane's AIAs.

**MOTION:** Member Garrett moved to approve the Adoption of Banned Products Lists in the city of Spokane's AIAs

**SECOND:** Chair Rushford seconded.

**ACTION:** Motion passed unanimously.

### **ACTION ITEM 3D - Board Approval to file CR 102 for Marijuana Research License**

Joanna Eide, Rules and Policy Coordinator, began the briefing with materials (HANDOUT(S) 3D 1-4). She provided background noting rule changes are needed to implement the marijuana research license established by RCW 69.50.372. Changes to RCW 69.50.372 were passed during the 2016 legislative session making it possible for the WSLCB to proceed with implementing the new license. RCW 69.50.372 gives the WSLCB authority to adopt rules related to the implementation of the marijuana research license in RCW 69.50.372(5), including application requirement and administrative provisions relating to the license.

Security restrictions are included, as well as requirements relating to traceability. Research licensees must follow the same requirements as other licensed marijuana businesses to ensure that no marijuana is diverted to the illegal market. The rule also provides parameters that research licensees that also hold other marijuana licenses must follow to allow research to be conducted at those licensed premises where it does not conflict with the nature of the other marijuana license the research licensee holds, so long as plants or products held for research purposes are not comingled with other marijuana or plants on the premises. Research licensees must follow disposal requirements in WAC 314-55-097 for disposal of marijuana no longer needed for research purposes.

The applicant will apply through DOR's business licensing systems (BLS). Once WSLCB receives we will acknowledge receipt and provide a deadline for submitting required information to the reviewer. The scientific reviewer will then review and make a recommendation in writing to WSLCB. Applicant will pay the cost for review for the proposal must directly to the scientific reviewer. A license will not be granted if the scientific reviewer has not been paid. Each review time will be different since each project is unique. Allowing flexibility due to the individuality of projects. The draft rule includes provisions relating to administrative appeal should an application be withdrawn, denied, or revoked.

Ms. Eide then requested approval from the Board to file proposed rules.

**MOTION:** Member Garrett moved to approve the filing of proposed rules (CR 102) for Marijuana Research License.

**SECOND:** Chair Rushford seconded.

**ACTION:** Motion passed unanimously.

### **ACTION ITEM 3E - Board Adoption of Warning Symbol for MJ edible products**

Joanna Eide, Rules and Policy Coordinator, began the briefing with materials (HANDOUTS 3E 1-4). She provided background noting a new WAC section is proposed to create a warning symbol for use on marijuana products. Marijuana licensees will be required to place the warning symbol on packaging of marijuana products meant to be eaten or swallowed. The "Not for Kids" symbol developed and made available in digital form to licensees without cost by the Washington Poison Center must be placed on the principal display panel or front of the product package. The warning symbol may be found on the Washington Poison Center's website. The warning symbol must be of a size so as to be legible, readily visible by the consumer, and effective to alert consumers and children that the product is not for kids, but must not be smaller than three-quarters (3/4) of an inch in height by one-half (1/2) of an inch in width. The warning symbol must not be altered or cropped in any way other than to adjust the sizing for placement on the principal display panel or front of the product package.

Licensees may use a sticker made available by the Washington Poison Center in lieu of digital image placement of the warning symbol on labels of marijuana-infused products meant to be eaten or swallowed sold at retail. If a licensee elects to use a warning symbol sticker instead of incorporating the digital image of the warning symbol on its label, the sticker:

- Must be obtained from the Washington poison center;
- Must be placed on or near the principal display panel or on the front of the package; and
- Must not cover or obscure in any way labeling or information required on marijuana products by WAC 314-55-105.

Minor changes were made to language in the new rule as filed with the CR-102 to further clarify that licensees may print a sticker with the warning symbol on it themselves or purchase a sticker with the warning symbol from the Washington Poison Center for placement on packages of edible marijuana products in lieu of incorporating the warning symbol on the labels or packaging of products. This change is to ensure proper effect of the intent of the rule as we received comments that it was unclear as to whether this was permissible under the draft rule language filed with the CR-102. Language was also adjusted to require those that place the symbol on white packaging or labels to line the edges of the white background with a black border to ensure visibility of the symbol. Other minor changes for editing were made that do not impact the effect of the rule requirements.

Two public comments were made during the public hearing. Commenters were members of the cannabis industry and expressed concerns with the warning symbol.

Ms. Eide then requested approval from the Board Adoption of Warning Symbol for MJ edible products.

**MOTION:** Member Garrett moved to approve the Adoption of Warning Symbol for MJ edible products

**SECOND:** Chair Rushford seconded.

**ACTION:** Motion passed unanimously.

**ACTION ITEM 3F - Board Adoption (CR 103) to implement 2016 legislation regarding regulating vapor products (SB 6328).**

Joanna Eide, Rules and Policy Coordinator, began the briefing with materials (HANDOUTS 3F 1-4). She provided background noting this new rule details the records keeping and records creation requirements for each vapor product license type to ensure compliance with sales between vapor products licensees as they may not do business with an unlicensed entity. Records must be kept for a period of 5 years.

This new rule details notification requirements for those vapor products retailer licensed locations that choose to operate age-restricted (no entrance for person under eighteen) locations. Age-restricted locations must notify the WSLCB that they intend to be age-restricted either at the time of application for a license, or ten days prior to becoming an age-restricted location on a form provided by the WSLCB. The rule also requires the posting of signs provided by the WSLCB at an age-restricted vapor product retailer licensed location which must not be removed at any time during opening hours.

No public comment was received at the public hearing held on November 2, 2016.

Ms. Eide then requested approval from the Board Adoption (CR 103) to implement 2016 legislation regarding regulating vapor products (SB 6328).

**MOTION:** Member Garrett moved to approve the Adoption (CR 103) to implement 2016 legislation regarding regulating vapor products (SB 6328).

**SECOND:** Chair Rushford seconded.

**ACTION:** Motion passed unanimously.

**4. ADDITIONAL BUSINESS**

Chair Rushford then invited citizens to address the Board regarding any issues related to LCB business. There were no comments.

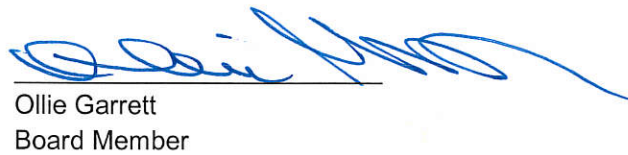
**ADJOURN**

Chair Rushford adjourned the meeting at 10:30.

Minutes approved this 30<sup>th</sup> day of November, 2016



Jane Rushford  
Board Chair



Ollie Garrett  
Board Member

Minutes prepared by: Lisa Faker, Executive Assistant to the Board

**LCB Mission** - Promote public safety and trust through fair administration and enforcement of liquor, tobacco and marijuana laws.

Complete meeting packets are available online: [http://lcb.wa.gov/boardmeetings/board\\_meetings](http://lcb.wa.gov/boardmeetings/board_meetings)  
For questions about agendas or meeting materials you may email [lisa.faker@lcb.wa.gov](mailto:lisa.faker@lcb.wa.gov) or call 360.664.1717