



# Marijuana Recreational Home Grows Study

Washington State Liquor and Cannabis Board

October 4, 2017



# Legislative Directed Study

2017 legislation, ESSB 5131, directs the Washington State Liquor and Cannabis Board (WSLCB) to ...

“...conduct a study of regulatory options for the legalization of marijuana plant possession and cultivation by recreational marijuana users.”

The study must consider the federal guidelines provided by the United State Department of Justice in the Cole Memo.

**Due December 1, 2017**

- Findings
- Recommendations



# Federal Enforcement Guidelines

In addition to Washington's laws and rules, the Department of Justice issued eight enforcement guidelines for marijuana businesses. These guidelines are separate from Washington's and are enforced at the discretion of the US Department of Justice.

## Eight Guidelines

1. Preventing distribution to minors.
2. Preventing the revenue from going to criminal enterprises, gangs and cartels.
3. Preventing the diversion of marijuana from states where it is legal 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 other adverse public health consequences associated with marijuana use.
7. Preventing the growing of marijuana on public lands and the environmental dangers posed by marijuana production on public lands.
8. Preventing marijuana possession or use on federal property.



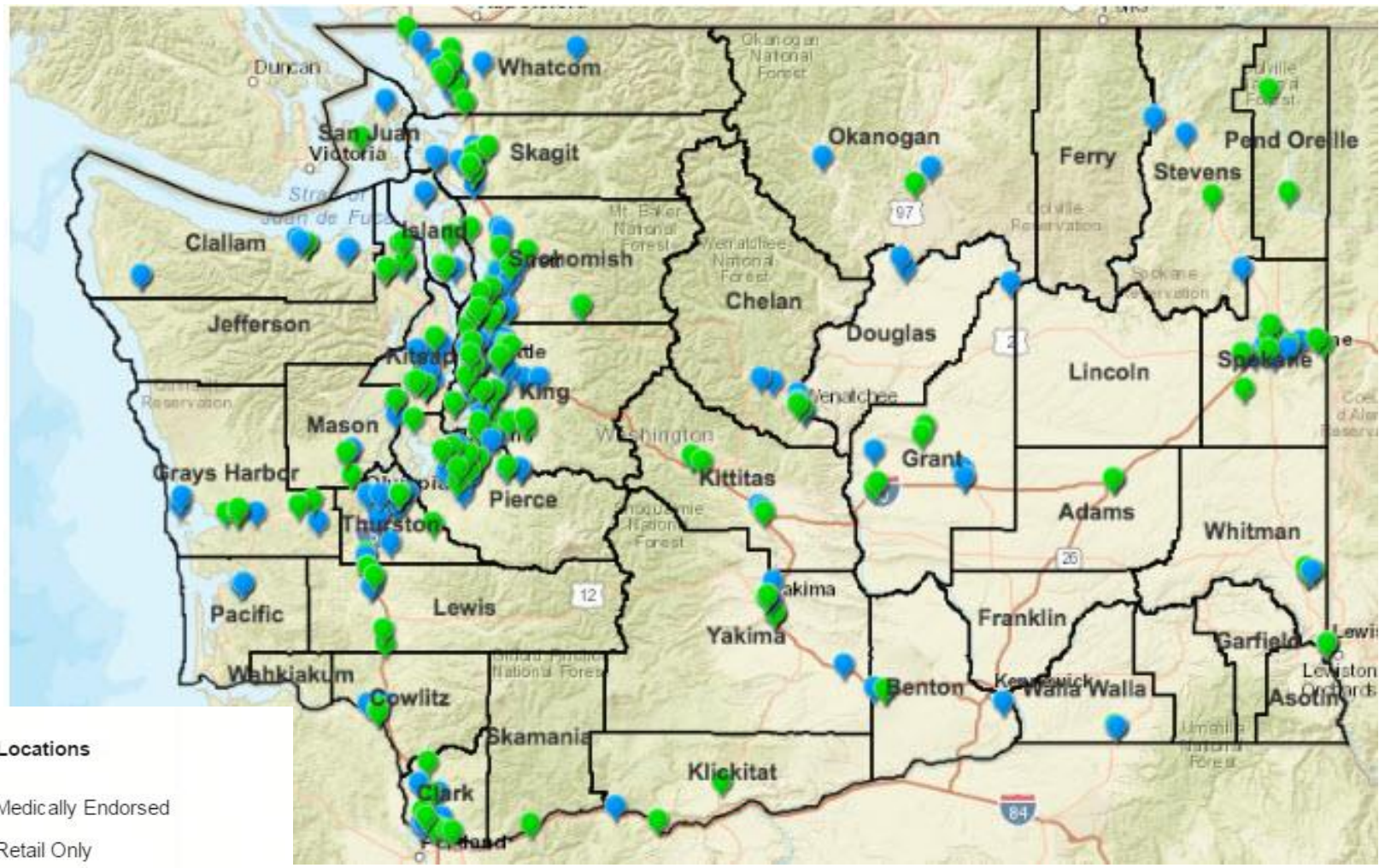
# Licenses

Issued as of August 28, 2017...

- **Producer/Processor – 1,363 total licenses**
  - 1,038 Producer/Processor
  - 153 Producer only
  - 172 Processor only
- **Retail**
  - 512 licenses statewide

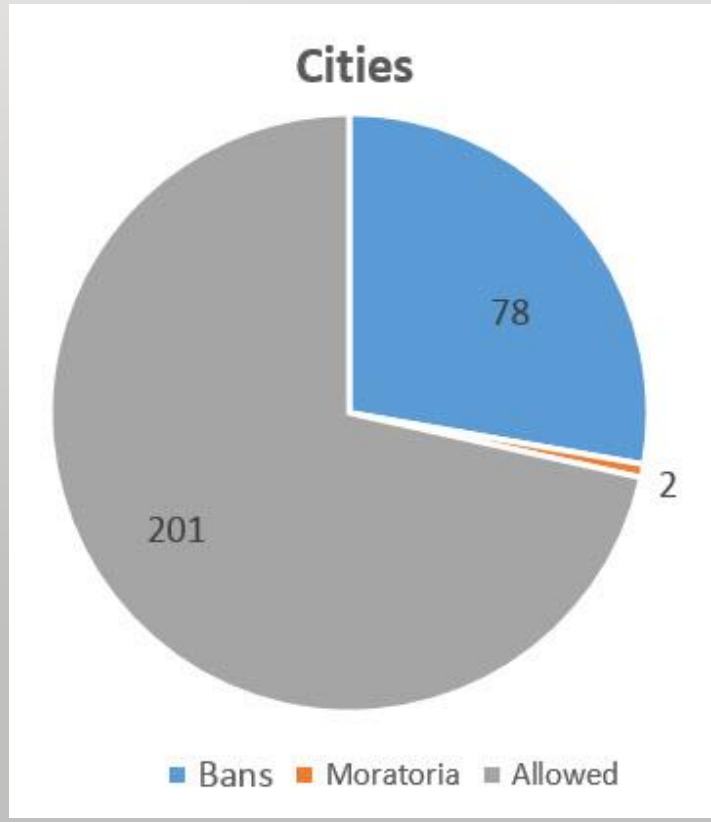


## Licensed Retail Locations





# Cities: Bans and Moratoria







# Counties: Bans and Moratoria





# Current Status of Home Grows

Washington State is the only state of eight states that does not allow for recreational home grows. Washington State does allow for medical home grows.

## Medical Home Grows

- 6 plants for qualified patients with an authorization from a medical provider.
- Up to 15 plants for authorized patients who have registered with the Dept. of Health's Medical Marijuana Authorization Database and have received a recognition card.

## Cooperatives

- Up to 15 plants per authorized patient
- No more than 4 members age 21 or over
- Must be at one cooperative member's domicile
- Must register with the WSLCB
- Local jurisdictions may ban cooperatives or veto requests





# WSLCB Fact Gathering

- Consultation with Colorado, Oregon and Rhode Island
- Survey of other states' regulatory frameworks for home grows (recreational and medical)
- Stakeholder engagement
  - Cities
  - Counties
  - Law enforcement
  - Prevention community
  - Business associations
  - State agencies
  - Cannabis industry associations
  - Tribes
  - Public input
- Public hearing on October 4, 2017



# Regulatory Options

The WSLCB is including three regulatory options in the Recreational Home Grows study detailed in the following slides.

The WSLCB will assess each option individually under the lens of the Cole Memo with attention to:

- Feasibility;
- Enforceability; and
- Resource impacts of each option.



# Home Grow Definition

The WSLCB defines recreational home grows as growing for personal use only.

- Recreational home grows apply to each household, not individuals in home;
- Product cannot be sold/traded, etc.



# Option 1: Tightly Regulated

Allow recreational home grows under a strict state regulatory framework based on the Cole Memo:

- Requires a permit;
- Four plants maximum per household;
- All plants must be entered into the state traceability system;
- Requirements for security, preventing youth access, preventing diversion, etc.;
- Jurisdiction is shared between WSLCB and local authorities
  - Statutory provision that allows law enforcement to seize and destroy all plants if beyond limit;
- Allows recreational growers to purchase plants from licensed producers as long as growers have a permit;
- Same restrictions on processing marijuana that apply to medical marijuana (no combustible processing).



## Option 2: Local Control

Allow recreational home grows under a regulatory framework:

- Based on statewide standards (Cole Memo requirements);
  - Requirements for security, preventing youth access, preventing diversion, etc.;
- Limits plants to 4 per household;
- Allows recreational growers to purchase plants from licensed producers as long as growers have a permit.
- Requires a permit to possess plants.

### **Difference from Option 1**

- Does not require plants to be entered into traceability
- State sets minimum requirements. Local jurisdictions can be more restrictive.
- Authorized, controlled, and enforced by local jurisdictions;
- Home grows are prohibited without local permission;



## Option 3: No Home Grows

This option preserves the status quo.

- Recreational home grows continue to remain prohibited:
  - A regulated market exists today with statewide access;
  - Recreational home grows may provide a cover for diversion;
  - The Cole Memo is concerned with diversion, youth access, and the criminal element;
  - Home grows for medical marijuana are allowed as well as cooperatives.





## Next Steps

We have asked specific questions to solicit input from stakeholders and the public:

1. Which of these options best protect the state from intervention by the federal government?
2. What resource impacts (work hours, costs, etc.) do you foresee for each of the regulatory options?
3. What are the challenges or benefits associated with each of the options?
4. Additional feedback for the WSLCB to consider.

**Feedback Deadline:** October 11, 2017



## Next Steps

The WSLCB will compile the research and input received as part of this study and provide its recommendations and findings to the Legislature by December 1, 2017.

Ultimately, it is up to the Legislature to determine whether to allow recreational home grows.

More information about the study is available on our website:

<https://lcb.wa.gov/marij/homegrow-study>



# Washington State Liquor and Cannabis Board

**Thank You**