



Liquor and Cannabis Board Interim Policy BIP-02-2018

Subject: Curbside Service to Allow Certain Liquor Licensed Retailers to Provide Curbside Service for Customers Using Online Ordering and Pickup (WAC 314-11-015 and chapter 314-03 WAC)

Effective Date: March 7, 2018

Ending Date: Upon the effective date of rules to implement this policy

Approved:

Jane Rushford, Chair

Ollie Garrett, Board Member

Russ Hauge, Board Member

Purpose:

This interim policy will allow liquor licensed retailers to provide curbside service to customers who order groceries online and pick them up in designated pick up areas outside of grocery stores. Drive through service is still prohibited.

Policy Statement

In an effort to accommodate online grocery ordering and pick up programs, and until rules are adopted, curbside pickup of groceries that include spirits, beer, and wine are allowed under the following conditions:

- Store employees must verify ID at pickup;
- If ID cannot be verified, or if the driver appears intoxicated, all alcohol will be removed from the order and the customer will not be charged for any removed products



**Washington State
Liquor and Cannabis Board**

Date: January 23, 2019

To: Jane Rushford, Board Chair
Ollie Garrett, Board Member
Russ Hauge, Board Member

From: Janette Benham, Policy and Rules Coordinator

Copy: Rick Garza, Agency Director
Justin Nordhorn, Chief of Enforcement
Becky Smith, Licensing Director

Subject: **Approval to file a pre-proposal statement of inquiry (CR 101) to add tribal enrollment cards for Indian tribes located outside of Washington as acceptable forms of identification**

This rulemaking will revise WAC 314-11-025 to add tribal enrollment cards from Indian tribes located outside of Washington as acceptable forms of identification. Rulemaking is being initiated as a result of legislative inquiries that began with contact from a tribal member. Revisions will also include general clarifying and technical updates if necessary.

Process

The Rules Coordinator requests approval to file the pre-proposal statement of inquiry (CR 101) for the rule making described above. An issue paper was presented at the Board meeting on January 23, 2019, and is attached to this order.

If approved for filing, the tentative timeline for the rule making process is outlined below:

January 23, 2019	Board is asked to approve filing the pre-proposal statement of inquiry (CR 101)
February 6, 2019	Code Reviser publishes notice and LCB sends notice to rules distribution list
March 8, 2019	End of written comment period
March 20, 2019	Board is asked to approve filing the proposed rules (CR 102 filing)
April 3, 2019	Code Reviser publishes notice, LCB sends notice to rules distribution list
May 1, 2019	Public Hearing held
May 1, 2019	End of written comment period
May 29, 2019	Board is asked to adopt rules
May 29, 2019	Agency sends notice to those who commented both at the public hearing and in writing.
May 29, 2019	Agency files adopted rules with the Code Reviser (CR

	103)
June 29, 2019	Rules are effective (31 days after filing)

Approve Disapprove _____
 Jane Rushford, Chair _____
 Date

Approve Disapprove _____
 Ollie Garrett, Board Member _____
 Date

Approve Disapprove _____
 Russ Hauge, Board Member _____
 Date

Attachment: Issue Paper



Issue Paper

Acceptable Forms of Identification – WAC 314-11-025

Date: January 23, 2019

Presented by: Janette Benham, Policy and Rules Coordinator

Description of the Issue

The purpose of this Issue Paper is to request approval from the board to file the CR 101 as the first stage of rulemaking to revise WAC 314-11-025. Revisions will add tribal enrollment cards from Indian tribes located outside of Washington as acceptable forms of identification. Rulemaking is being initiated as a result of legislative inquiries that began with contact from a tribal member.

Why is rule making necessary?

WAC 314-11-025 currently states that enrollment cards issued by the governing authority of a federally recognized Indian tribe located in Washington are acceptable forms of identification. Enrollment cards must incorporate security features comparable to those implemented by the Department of Licensing for Washington driver's licenses. Revisions are necessary in order to include enrollment cards from Indian tribes located outside of Washington. Revisions will also include general clarifying and technical updates if necessary.

Process

The rule making process begins by announcing the Liquor and Cannabis Board's intent to add new rules and/or make changes to existing rules by filing a CR 101 form. This allows staff and stakeholders to begin discussing rule changes. At the CR 101 stage of the process no proposed language is offered. The public may comment on the subject of this rulemaking during the designated comment period. Notice will be sent to all who have indicated that they want to receive notice of rule changes. The notice will identify the public comment period and where comments can be sent. Based on public input received, staff will draft proposed changes for presentation to the Board at the next phase of the rule making process.



**Washington State
Liquor and Cannabis Board**

Date: January 23, 2019

To: Jane Rushford, Board Chair
Ollie Garrett, Board Member
Russ Hauge, Board Member

From: Kathy Hoffman, Agency Rules Coordinator

Copy: Rick Garza, Agency Director
Justin Nordhorn, Chief of Enforcement
Becky Smith, Licensing Director

Subject: **Approval for filing proposed rules (CR 102) for WAC 314-55-086 – Mandatory signs a marijuana licensee must post on a licensed premises.**

Amendments to packaging and labeling rules that became effective January 1, 2019 removed language from accompanying material attached to a package or given separately to a consumer concerning use of marijuana during pregnancy. Since these warnings are no longer required on accompanying material, the WSLCB proposes to amend and update WAC 314-55-086 to clarify and allow for coordination of marijuana signage that will assure consistent consumer messaging regarding the use of marijuana during pregnancy. Additionally, rule language was updated throughout the section to assure consistent sentence structure, and to provide uniform, clear guidance throughout the section.

By clarifying and updating mandatory signage rules, the LCB will decrease licensee burden, and increase consistent, clear consumer messaging. These amendments support the agency goal of ensuring the highest level of public safety by continually improving and enforcing regulations that reflect the current dynamic environment.

Process

The Rules Coordinator requests approval to file proposed rules (CR 102) for the rule making described above. An issue paper on this rule was presented at the Board meeting on January 23, 2019, and is attached to this order.

If approved for filing, the tentative timeline for the rule making process is outlined below:

January 23, 2019	Board is asked to approve filing the proposed rules (CR 102 filing)
February 6, 2019	Code Reviser publishes notice, LCB sends notice to

	rules distribution list
March 6, 2019	Public Hearing held
March 6, 2019	End of written comment period
March 20, 2019	Board is asked to adopt rules
March 20, 2019	Agency sends notice to those who commented both at the public hearing and in writing.
March 20, 2019	Agency files adopted rules with the Code Reviser (CR 103)
April 20, 2019	Rules are effective (31 days after filing)

Approve Disapprove _____
 Jane Rushford, Chair Date

Approve Disapprove _____
 Ollie Garrett, Board Member Date

Approve Disapprove _____
 Russ Hauge, Board Member Date

Attachment: Issue Paper

Washington State Liquor and Cannabis Board

Issue Paper

Mandatory Signs a Marijuana Licensee Must Post on a Licensed Premises

Date: January 23, 2019

Presented by: Kathy Hoffman, Policy and Rules Coordinator

Description of the Issue

Over the last two decades, and since the inception of cannabis legalization, use of cannabis among pregnant women has increased from 2.37% of pregnant women in 2002 to 7.1% in 2017.^{1 2} At the same time, perceptions of harm or risk about cannabis use among pregnant women has increased. Research around use of cannabis efficacy or safety remains unchanged, however, and evidence suggests that cannabis use during pregnancy may be associated with low birthweight, pre-term birth, and cognitive delay. While there may be limitations on studies that associate cannabis use during pregnancy with fetal and child health risks, evidence does not suggest that use during pregnancy is advisable, and information about potential risks is important for healthcare practitioners, pregnant people, and budtenders or employees who may be transferring knowledge on the topic.

Currently, WAC 314-55-086 describes mandatory signs that marijuana licensees must post on licensed premises. Among these is a sign stating, "Should not be used by women that are pregnant or breastfeeding." This specific warning previously aligned with the language of other existing rules concerning warnings on packaging, labeling and accompanying materials. As a result of recent changes to packaging, labeling and accompanying material rules, WAC 314-55-086 must be revised and updated.

This Issue Paper requests approval from the Board to file a rule proposal (CR102) regarding revisions to WAC 314-55-086 – Mandatory signs a marijuana licensee must post on a licensed premises.

¹ Substance Abuse and Mental Health Services Administration. 2017 National Survey on Drug Use and Health. Table 6.65B-Types of Illicit Drug Use in Past Month among Females Aged 15-44 by Pregnancy Status. Accessed January 16, 2019.

² Metz T., Borgelt LM. Marijuana Use in Pregnancy and While Breastfeeding. American Journal of Obstetrics and Gynecology. 2018. 132 (5): 1198-1210.

Why is rule making necessary?

Amendments to packaging and labeling rules that became effective January 1, 2019 removed language from accompanying material attached to a package or given separately to a consumer concerning use of marijuana during pregnancy. Since these warnings are no longer required on accompanying material, the WSLCB proposes to amend and update WAC 314-55-086 to clarify and allow for coordination of marijuana signage that will assure consistent consumer messaging regarding the use of marijuana during pregnancy. Additionally, rule language was updated throughout the section to assure consistent sentence structure, and to provide uniform, clear guidance throughout the section.

By clarifying and updating mandatory signage rules, the WSLCB will decrease licensee burden, and increase consistent, clear consumer messaging. These amendments and revisions support the agency goal of ensuring the highest level of public safety by continually improving and enforcing regulations that reflect the current dynamic environment.

What changes are being made?

Amended Section. Title – WAC 314-55-086. Revised title from “What are the mandatory signs a marijuana licensee must post on a licensed premises?” to “Mandatory Signage.”

Amended Section. WAC 314-23-086(1) Required signage for marijuana processors, producers, and retailers. Clarified and more clearly identified required signage for licensed marijuana processors, producers, and retailers regarding persons under twenty-one that must be posted at the entry to all licensed premises.

New Section. WAC 314-55-086(2)(New) Clarified signage requirements for licensed retailers with medical marijuana endorsements.

Amended Section. WAC 314-55-86 (3)(New) Clarified, updated, and more clearly identified required signage for all licensed marijuana processors, producers, and retailers regarding signs provided by WSLCB addressing the use of marijuana during pregnancy and breastfeeding.

Amended Section. WAC 314-55-086 (4)(formerly (2)) Relocated language originally presented in a table to a subsection of rule to increase readability.

Amended Section. WAC 314-55-086 (5)(formerly (3)) Relocated language to conform with revised subsection numbering.

Amended Section. WAC 314-55-035 (6)(formerly (4))

Relocated language to conform with revised subsection numbering.

AMENDATORY SECTION (Amending WSR 16-11-110, filed 5/18/16, effective 6/18/16)

WAC 314-55-086 (~~(What are the mandatory signs a marijuana licensee must post on a licensed premises?)~~) Mandatory signage. (1)
~~(Notices regarding persons under twenty-one years of age must be conspicuously posted on the premises as follows:~~

Type of licensee	Sign must contain the following language:	Required location of sign
Medical marijuana retailer	"Persons under twenty-one years of age not permitted on these premises without a valid qualifying patient card. Juvenile qualifying patients must be accompanied by their designated provider at all times."	Conspicuous location at each entry to premises.
Marijuana retailer	"Warning: This product has intoxicating effects and may be habit forming. Smoking is hazardous to your health." "There may be health risks associated with consumption of this product." "Should not be used by women that are pregnant or breast feeding." "Marijuana can impair concentration, coordination, and judgment. Do not	At each point of sale.

Type of licensee	Sign must contain the following language:	Required location of sign
	operate a vehicle or machinery under the influence of this drug."	
Marijuana producer, marijuana processor, and marijuana retailer	"Persons under twenty-one years of age not permitted on these premises."	Conspicuous location at each entry to premises.

~~The WSLCB will provide the required notices, or licensees may design their own notices as long as they are legible and contain the required language.~~

~~(2) **Signs provided by the WSLCB**) All licensed marijuana processors, producers, and retailers, with the exception of licensed retailers with a medical marijuana endorsement, must conspicuously post a notice provided by the WSLCB about persons under twenty-one years of age at each entry to all licensed premises. The notice must contain all of the following language: "Persons under twenty-one years of age not permitted on these premises."~~

(2) All licensed retailers with a medical marijuana endorsement must conspicuously post a notice provided by the WSLCB regarding persons under twenty-one years of age at each entry to all licensed medical marijuana premises. The notice must contain all of the following language: "Persons under twenty-one years of age not permitted on these premises without a valid qualifying patient card."

Qualifying patients under the age of eighteen must be accompanied by their designated provider at all times.

(3) All licensed marijuana processors, producers, and retailers must conspicuously post a sign provided by the WSLCB regarding the use of marijuana during pregnancy and breastfeeding in a location easily visible to employees. Additionally, all licensed retailers must conspicuously post the provided sign at each point of sale.

(4) All licensed marijuana retailers must conspicuously post a notice provided by the WSLCB prohibiting the opening of a package of marijuana or marijuana-infused product in public or consumption of marijuana or marijuana-infused products in public((~~τ~~)). The notice must be posted ((as follows:

Type of premises	Required location of sign
Marijuana retail	Posted in plain view at the main entrance to the establishment.

~~(3) The premises' current and valid master license with appropriate endorsements must be conspicuously posted on the premises and available for))~~ in plain view at the main entrance of the marijuana retail establishment.

(5) All processors, producers, and retailers must conspicuously post on the premises and make available their current and valid master license or licenses with appropriate endorsements for inspection by WSLCB enforcement officers.

~~((4))~~ (6) Firearms prohibited signs provided by the WSLCB must be posted at the entrance of each producer, processor, and retailer licensed location.

[Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-086, filed 5/18/16, effective 6/18/16; WSR 15-11-107, § 314-55-086, filed 5/20/15, effective 6/20/15. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-086, filed 10/21/13, effective 11/21/13.]