

Washington State Liquor Cannabis Board Meeting

Wednesday, March 6, 2019, 10:00 a.m.
LCB Headquarters - Boardroom
3000 Pacific Avenue SE, Olympia WA 98501

Meeting Minutes

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, March 6, 2019. Member Ollie Garrett and Member Russ Hauge were also present.

2. APPROVAL OF MEETING MINUTES

MOTION: Member Hauge moved to approve the January 23, 2019, meeting minutes.

SECOND: Member Garrett seconded.

ACTION: Motion passed unanimously.

3. ACTION ITEMS (A)

ACTION ITEM 3A - Board Adoption of CR 102 for MJ Signage

Kathy Hoffman, Policy and Rules Coordinator, began the briefing with materials (HANDOUTS 3A 1-3).

Ms. Hoffman: I'm requesting approval to file proposed rules, or a CR 102, to amend WAC 341-55-086 regarding mandatory signs that a marijuana licensee must post on a licensed premises. Before you is an issue paper, a request for approval to file these rules and a draft set of rules. I also want to publically thank Trecia Ehrlich for the help she provided in the substantive background statement that is a part of the issue brief. I hope that framing the issue this way in the future helps provide both the Board and the public with relevant information regarding the "why" of our rulemaking going forward.

The amendments to packaging and labeling rules that became effective January 1 of this year removed warning language from accompanying material or material attached to a package of marijuana product about the use of marijuana. This included removal of warnings about the use of marijuana during pregnancy and while breastfeeding. The majority of that warning language was relocated to the advertising rules under WAC 314-55-155. This did not include warnings about marijuana use during pregnancy and while breastfeeding. All of this warning language appears in 314-55-086, those are the signage rules. Since the language around marijuana use during pregnancy is no longer prescribed in the packaging and labeling rules, amending language in 314-55-086 (086) regarding pregnancy allows the

LCB to coordinate with other public health agencies such as the Department of Health to assure public health messaging regarding use of marijuana during pregnancy is coordinated, consistent, and clear.

These proposed amendments support our overarching agency goals of public health and safety and additionally the proposal won't result in any increased costs or administrative burden to the regulated community. We anticipate these amendments will increase consistent clear messaging, enhance public health and education efforts about the use of marijuana during pregnancy.

Timeline

March 6, 2019	Board is asked to approve filing the proposed rules (CR 102 filing)
March 20, 2019	Code Reviser publishes notice, LCB sends notice to rules distribution list
April 17, 2019	Public Hearing held
April 17, 2019	End of written comment period
May 1, 2019	Board is asked to adopt rules
May 1, 2019	Agency sends notice to those who commented both at the public hearing and in writing.
May 1, 2019	Agency files adopted rules with the Code Reviser (CR 103)
June 1, 2019	Rules are effective (31 days after filing)

Member Hauge: What is the status of the warnings now? Are there currently no warnings about the use during pregnancy?

Ms. Hoffman: We still have warnings about use during pregnancy, but they are restricted only to what is in 086. That way we can't coordinate with the Department of Health and make that messaging consistent across the spectrum.

MOTION: Member Hauge moved to approve the filing of CR 102 for MJ Signage

SECOND: Member Garrett seconded.

ACTION: Motion passed unanimously.

4. GENERAL PUBLIC COMMENT

Chair Rushford invited citizens to address the Board regarding any issues related to LCB business.

Eric Gaston – Evergreen Market

I want to talk a little about signage in general, orthogonal to what we are discussing with the pregnancy warning. I think our industry has existed now for five years, we're at a place where we have a better understanding of how we fit in with our communities so it might be time to readdress issues of signage in general.

I know the Board has broad rulemaking authority with regard to content and images, and I think that is appropriate. I think language with regards to pregnancy is important. I think controlling the images that

are seen in public is super important. But you have field officers that are spending significant periods of time investigating complaints that are typically peer to peer with regard to whether or not a sign is 1,600 square inches, or whether or not a store has one too many signs than they should have. I think it takes a lot of time away from what the focus of the LCB really should be which is on enforcing important issues such as diversion, true parties of interest and issues with regard to images and language that might not be appropriate. Moreover you've got local authorities and ordinances that are already set up to address the size of signs, the number of signs and where you can put signs.

It seems like now might be a time to think about abdicating some of that enforcement to local authority, putting it in the hands of the cities to decide what type of sign a store can have on their building and how big it can be.

We have three stores. I have a store in Auburn right now that is deep in a strip mall. It's a big building and we occupy the endcap, meaning that from a certain vantage point you wouldn't know what kind of store we are. You wouldn't even know we were there; you can't see us from the street. So, we have to choose between having two signs on the building which would be normal, but nothing on the street or a sign on the street and just one on the building. Those are choices that are important and impact our business. I think that even having to discuss that is a little absurd. Trying to tell people where we are and what kind of business we are is important. Again, that's the type of issue that is specifically within the purview of the city of Auburn. They have rules and ordinances that specifically address what kinds of signs we can have on our buildings, how big they are and how many we can have. It seems a little odd to me that you would be putting that into the purview of the LCB when really what the focus should be, in my opinion, is the types of images that are on signage and the types of things that we need to tell people, like if you are pregnant you probably shouldn't consume cannabis or think about consuming cannabis. If we have a sign with a cartoon character smoking a joint, that's probably not a good thing. Those are the sorts of things that I think are well within the purview of your rulemaking. I think right now, as you said, you have the ability to decide whether or not to take on the number of signs, size of signs and those types of issues that fall directly within the purview of local authority. I have spoken with several field officers, they are frustrated with having to respond to all these specious complaints.

Again, thank you for your time today. I know it's a little bit different than the issue that you were discussing today but I thought it was important to plant that flag. Thank you.

Chair Rushford: This completes the orders of the day. We look forward to seeing many of you on March 20. Thank you for your contributions and ongoing participation in the work we have underway.


ADJOURN

Chair Rushford adjourned the meeting at 10:09 am.

Minutes approved this 20 day of MARCH, 2019


Jane Rushford
Board Chair

NOT PRESENT
Ollie Garrett
Board Member


Russ Hauge
Board Member

Minutes prepared by: Dustin Dickson, Executive Assistant to the Board

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

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