



Washington State Liquor and Cannabis Board

Date: March 6, 2019

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

From: Kathy Hoffman, Policy and Rules Coordinator

Copy: Rick Garza, Agency Director
Megan Duffy, Deputy 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.**

Effective January 1, 2019, amendments to packaging and labeling rules removed language from accompanying material attached to a package or given separately to a consumer regarding use of marijuana during pregnancy, warnings about the effects of marijuana, and warnings about operating vehicles or machinery while under the influence of marijuana. Language regarding use of marijuana during pregnancy was removed entirely, while the language containing warnings about the effects of marijuana and operating vehicles or machinery while under the influence of marijuana was relocated to WAC 314-55-155(6) regarding advertising requirements and promotional items.

Currently, WAC 314-55-086 addresses mandatory signage that a licensee must post on a licensed premises, including a notice about the prohibition of persons under twenty-one years of age on licensed premises, and the warnings that are no longer requirements for accompanying material. As a result, the board proposes to amend and update WAC 314-55-086 by clarifying language for mandatory signage. This will provide rule clarity, and assure coordinated signage so that consumer messaging regarding the use of marijuana during pregnancy is consistent and clear. Additionally, rule language was updated and streamlined to assure structural consistency, as well as uniform, clear guidance throughout the section.

These amendments support the overarching agency goal of ensuring the highest level of public safety by continually improving and enforcing regulations that reflect the current dynamic environment. Clarifying the rules and updating signage will not result in increased costs or administrative burden on the regulated community. Increasing consistent, clear messaging and enhancing public education efforts about the use of

marijuana during pregnancy is expected to benefit the regulated community, consumers, and others.

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 March 6, 2019, and is attached to this order.

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

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)

_____ 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

Mandatory Signs a Marijuana Licensee Must Post on a Licensed Premises

Date: March 6, 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 the 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, current 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?

Currently, WAC 314-55-086 addresses mandatory signage that a licensee must post on a licensed premises, including a notice about the prohibition of persons under twenty-one years of age on licensed premises, along with the warnings that are no longer requirements for accompanying material. As a result, the board proposes to amend and update WAC 314-55-086 by clarifying language for mandatory signage. This will provide rule clarity, and assure coordinated signage so that consumer messaging regarding the use of marijuana during pregnancy is consistent and clear. Additionally, rule language was updated and streamlined throughout the section to assure structural consistency, and uniform, clear guidance throughout the section.

These amendments support the overarching agency goal of ensuring the highest level of public safety by continually improving and enforcing regulations that reflect the current dynamic environment. Clarifying the rules and updating signage will not result in increased costs or administrative burden on the regulated community. Increasing consistent, clear messaging and enhancing public education efforts about the use of marijuana during pregnancy is expected to benefit both the regulated community and consumers.

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. Removed table to increase readability. Condensed former sections (1) and (2). 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) Clarified signage requirements for licensed retailers with medical marijuana endorsements.

New Section. WAC 314-55-86(3) Clarified, updated, and more clearly identified required signage for marijuana retailers regarding prohibition of opening a package of marijuana or marijuana infused products in public, and public consumption of marijuana or marijuana infused products.

Amended Section. WAC 314-55-086(4) Renumbered section, revised and updated language to conform with the remainder of the section.

New Section. WAC 314-55-086(5) Updated and renumbered section to conform with remainder of the section.

New Section. WAC 314-55-086(6) Section was renumbered; formerly section (4), with no language revisions.

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 board 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 board 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 retailers must conspicuously post a sign provided by the board regarding the use of marijuana during pregnancy and breastfeeding as follows:

- (a) At each point of sale; and
- (b) In a location easily visible to employees.

(4) All licensed marijuana retailers must conspicuously post a notice provided by the board prohibiting the opening of a package of marijuana or marijuana-infused product in public or consumption of marijuana or marijuana-infused products in public((7)). 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 licensed marijuana 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)) board enforcement officers.

~~((4))~~ (6) Firearms prohibited signs provided by the ~~((WSLCB))~~
board 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.]