



Washington State Liquor and Cannabis Board

To: David Postman, Board Chair
Ollie Garrett, Board Member
Russ Hauge, Board Member

From: Kathy Hoffman, Policy and Rules Manager

Date: September 15, 2021

Copy: Rick Garza, Agency Director
Toni Hood, Deputy Director
Justin Nordhorn, Policy and External Affairs Director
Chandra Brady, Director of Enforcement and Education
Becky Smith, Licensing and Regulation Director

Subject: Request for approval to rescind Board Interim Policy (BIP) 01-2017 concerning registered cooperatives purchasing direct from licensed producers.

Senate Bill (SB) 5052 passed during the 2015 legislative session, creating medical marijuana cooperatives that allowed up to four medical marijuana patients to grow marijuana for their own use. It also provided that medical marijuana patients and their designated providers could grow plants for personal medical use. However, SB 5052 did not provide a legal pathway for cooperatives, medical marijuana patients, or designated providers to acquire plants to grow in a cooperative or for personal medical use, and I-502 did not contemplate direct retail sale of marijuana plants to consumers. Legislation passed in 2016 allowed members of a registered cooperative to purchase plants from licensed marijuana producers but remained silent on the ability of other medical marijuana patients to acquire plants.

Engrossed Second Substitute Senate Bill (ESSB) 5131 passed during the 2017 legislative session amended several sections of chapter 69.50 RCW to allow members of a registered cooperative, qualifying patients and designated providers to purchase immature marijuana plants or clones and seeds directly from licensed producers, providing legal access to immature marijuana plants or clones and seeds. The bill became effective on July 23, 2017, and BIP 01-2017 provided guidance and clarity to licensed producers, members of registered cooperatives, qualifying patients, and designated providers about the requirements for sales of immature marijuana plants, or marijuana clones and seeds.

The policy went into effect on July 23, 2017, and was designed to end on the date rules became effective to implement the policy. To that end and to implement the legislation, WAC 314-55-075 was amended and new section WAC 314-55-417 was created concerning the sale of immature plants or clones and seeds from licensed producers to members of cooperatives, qualifying patients, and designated providers. The Board subsequently adopted the rules on October 31, 2018 as WSR #18-22-055, effective December 1, 2018. For these reasons, BIP 01-2017 is no longer necessary.

If the Board approves rescission of BIP 01-2017, the agency will send notice to stakeholders, and remove the BIP from the LCB website.

The Board approves/disapproves the rescission of BIP 01-2017.

_____ Approve	_____ Disapprove	_____	_____
		David Postman, Chair	Date

_____ Approve	_____ Disapprove	_____	_____
		Ollie Garrett, Board Member	Date

_____ Approve	_____ Disapprove	_____	_____
		Russ Hauge, Board Member	Date