



## Washington State Liquor and Cannabis Board

---

**Date:** January 5, 2022

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

**From:** Kathy Hoffman, Policy and Rules Manager

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

**Subject:** Request for approval of final rules (CR 103) regarding new rule section WAC 314-55-560 – Evaluation of additives, solvents, ingredients or compounds used in the production of marijuana products.

The Policy and Rules Manager requests that the Board adopt the final rules, and approve the CR 103 to establish a threshold review process for the Board to evaluate additives, solvents, ingredients or compounds used in the production of marijuana products.

The Board has been briefed on the rule development background for this rule making project. There were no public comments received. A CR 103 memorandum, Concise Explanatory Statement, CR 103 form, and rule text are attached.

If approved, the Policy and Rules Manager will file the rules with the Office of the Code Reviser. The effective date of the rules will be 31 days after filing, or February 5, 2022.

_____ Approve	_____ Disapprove	_____	_____
		David Postman, Chair	Date
_____ Approve	_____ Disapprove	_____	_____
		Ollie Garrett, Board Member	Date
_____ Approve	_____ Disapprove	_____	_____
		Russ Hauge, Board Member	Date

Attachments: CR 103 Memorandum  
Concise Explanatory Statement



## CR 103 Memorandum

**Regarding New Rule Section WAC 314-55-560 – Evaluation of additives, solvents, ingredients or compounds used in the production of marijuana products.**

Date: January 5, 2022  
Presented by: Kathy Hoffman, Policy and Rules Manager

---

### Background

In mid-2020, WSLCB became aware of products entering the regulated market with labeling noting the presence of cannabinoids other than delta-9 tetrahydrocannabinol (THC). In early 2021, the agency also became aware of the conversion of CBD, hemp, or both to delta-8 THC, delta-9 THC, and other marijuana compounds not currently identified or defined in the Revised Code of Washington (RCW), the Washington State Administrative Code (WAC), or both. These products include, but are not limited to marijuana infused edibles and marijuana concentrates. WSLCB also became aware of products with labeling noting the presence of THC compounds other than delta-9 THC in markets it does not regulate.

WSLCB issued Policy Statement PS-21-01 on April 28, 2021 concerning tetrahydrocannabinol (THC) compounds other than delta-9 and the conversion of CBD, hemp, or both to delta-8 THC, delta-9 THC, or any other cannabis compound not currently identified or defined in the Revised Code of Washington (RCW), the Washington Administrative Code (WAC), or both. Based on questions received concerning the policy statement, and the agency voluntarily issued a clarifying statement on May 3, 2021. Both of these communications were issued as part of an agency initiated strategic, iterative and transparent process designed to leverage the Board's limited regulatory authority concerning THC compounds, maximize stakeholder engagement, and assure that the rule development process could be meaningfully and effectively used to inform future legislation while being grounded in verifiable data, fact, and science.

### Stakeholder Engagement

The agency's stated goal of grounding this work in science and verifiable data was realized in extensive stakeholder engagement that began by hosting two Deliberative Dialogue sessions on cannabis plant chemistry. Deliberative Dialogue is a stakeholder engagement model designed to engage participants in facilitated policy discussion rather than responding to conceptual draft rules. The

first session occurred on June 3, 2021 and was empaneled by experts from the University of Washington, Washington State University, the sole cannabis research licensee in Washington State, a cannabis lab director, and doctoral level industry representative. This session was attended by well over 120 individuals, including the FDA, CDC, Health Canada, and the agency's national partners.

Based on this initial panel discussion and its subsequent question/answer session, themes and points of clarification emerged, suggesting that a follow up session may be appropriate. As a result, WSLCB hosted a second Deliberative Dialogue session on July 20, 2021, reassembling the original panel with the exception of one individual. This session was as well attended as the first, and both sessions informed the development of conceptual draft rules that eventually became the rule text of this proposal.

The WSLCB hosted one virtual Listen and Learn session on September 9, 2021 to provide an opportunity for licensees and other interested parties to respond to conceptual draft rules for the evaluation of THC compounds. Participants were invited to speak to what they liked, didn't like and offer proposed language during the session and after the session. Few substantive concepts were offered, and two revised language offerings provided. The majority of the session occurred in the chat, and consisted largely of debate around the legality of delta-8 derived from various sources rather than the substance of the conceptual draft rules. The chat, as well as a table linking rule language offerings to the conceptual draft rules are provided here as Attachments B and C.

It is important to note that attendees requested a definition for "synthetic" and "synthetic cannabinoid" in rule when the agency released potential legislation for stakeholder review the week before, placing these more complex definitions for consideration in statute. A webinar concerning that potential legislation and those specific definitions was held on September 27, 2021.

## **Rule Necessity**

As noted above, WSLCB became aware of products entering the regulated market with labeling noting the presence of cannabinoids other than delta-9 THC, and later became aware of the conversion of CBD, hemp, or both to delta-8 THC, delta-9 THC, and other marijuana compounds not currently identified or defined in statute or regulation. The agency's regulatory authority is limited to marijuana products as defined in statute. As a result, products containing cannabinoids other than delta-9 THC, and products that are the result of the conversation of CBD, hemp, or both to delta-8 THC or delta-9 THC are not subject to that same rigorous regulatory and quality standards that marijuana edibles, concentrates and other products defined in statute are.

For example, delta-8 THC is a psychoactive substance found in the *Cannabis sativa* plant, of which marijuana and hemp are two varieties. Delta-8 THC is one of over 100 cannabinoids produced naturally by the cannabis plant but is not found in significant amounts in the cannabis plant. Concentrated amounts of delta-8 THC are typically manufactured from hemp-derived cannabidiol (CBD). The Washington State Department of Agriculture (WSDA) has explicit regulatory authority over hemp.

Delta-8 products derived from hemp have not been evaluated or approved by the FDA, WSDA, or WSLCB for safe use, and may be marketed in ways that put public health at risk. As of September 14, 2021, the FDA reported an increase in adverse event reporting involving delta-8 THC- containing products. Specifically, From December 2020 through July 2021, the FDA received adverse event reports from both consumers and law enforcement describing 22 patients who consumed delta-8 THC products; of these, 14 presented to a hospital or emergency room for treatment following the ingestion. Of the 22 patients, 19 experienced adverse events after ingesting delta-8 THC-containing food products (e.g., brownies, gummies). Adverse events included vomiting, hallucinations, trouble standing, and loss of consciousness.

National poison control centers received 661 exposure cases of delta-8 THC products between January 2018 and July 31, 2021, 660 of which occurred between January 1, 2021, and July 31, 2021. Of the 661 exposure cases:

- 41% involved unintentional exposure to delta-8 THC and 77% of these unintentional exposures affected pediatric patients less than 18 years of age.
- 39% involved pediatric patients less than 18 years of age
- 18% required hospitalizations, including children who required intensive care unit (ICU) admission following exposure to these products.

Although the Board has statutory authority to engage in emergency rulemaking under certain conditions described in RCW 34.05.350 generally, this rule proposal provides a specific framework for the Board to evaluate additives, solvents, ingredients or compounds used in the production of marijuana products and prohibit use of substances determined to pose a risk to public health or youth access. The framework provides that such prohibition may occur by either emergency or permanent rule, providing an additional layer of oversight for substances that may pose risk to public health or youth access.

## **Description of Rule Changes**

### **New Section. WAC 314-55-560 – Evaluation of additives, solvents, ingredients or compounds used in the production of marijuana products.**

Creates a new section of rule to provide the Board with a framework to evaluate products other than marijuana vapor products as described in WAC 314-55-550.

**New Subsection. WAC 314-55-560(1) – Purpose and scope.** Describes the purpose and scope of the section, directly referencing the Controlled Substances Act (chapter 69.50 RCW), and more specifically, RCW 69.50.342 (1)(m) that provides that the Board may prohibit the use of any type of additive, solvent, ingredient, or compound used in the production and processing of marijuana products.

**New Subsection. WAC 314-55-560(2) – Definitions.** Provides definitions for terms that are referenced in statute, but for which there is no statutory definition, such as “additive,” “compound,” “ingredient,” “nonmarijuana additive,” and “solvent.”

**New Subsection. WAC 314-55-560(3) – Procedure.** Establishes procedures for the Board to evaluate and prohibit additives, solvents, ingredients, or compounds in the production or use of marijuana products that may pose a risk to public health. Establishes process to determine if additives, solvents, ingredients, or compounds in the production or use of marijuana vapor products should no longer be prohibited.

#### **Variance between proposed rule (CR102) and final rule:**

There is no variance between the proposed rule and the final rule.

#### **Rule Implementation**

##### Informing and Educating Persons Impacted by the Rule

To help inform and educate persons impacted by the rule, the WSLCB will:

- Email notice with the adoption materials to the rule making and licensee distribution lists, and the general WSLCB GovDelivery list;
- Post rule adoption materials, including final rule language, final analysis (Concise Explanatory Statement), and any other relevant documents on the rulemaking webpage for public access.
- Provide information and training on request.

##### Promoting and Assisting Voluntary Compliance

WSLCB will promote and assist voluntary compliance through technical assistance.

- WSLCB staff are available to respond to phone and email inquiries about the rule.
- Agency leadership and staff have actively participated in rule development, and are familiar with the final product. Internal and external

education efforts to share knowledge and assure consistent application of rule have will be supported.

- Rule and guidance documents will be available on the WSLCB website.
- WSLCB will use available and customary resources to disseminate materials and information to all persons impacted by the rules.

These actions are designed to inform and educate all persons impacted by the rule.

#### Training and Informing WSLCB Staff

Several WSLCB staff responsible for implementing these adopted rules work directly with impacted parties and are already familiar with the nuances of the rule changes. Additional internal guidance documents may be prepared as necessary. The WSLCB will also consider:

- Provision of internal and external training and education, as needed, potentially including webinars, training, and videos if appropriate;
- Coordinating and centrally locating decisions to assure consistency between agency, staff, and industry.

#### **Rule Effectiveness Evaluation**

The WSLCB will evaluate the effectiveness of these rules in the following ways, including but not limited to:

- Monitoring questions received after the effective date of these rules, and adjusting training and guidance accordingly;
- Monitoring requests for rule language revisions or changes;
- Monitoring requests for rule interpretation;
- Monitoring licensee feedback including, but not limited to, requests for assistance.



# RULE-MAKING ORDER

## PERMANENT RULE ONLY

**CR-103P (December 2017)**  
**(Implements RCW 34.05.360)**

CODE REVISER USE ONLY

**Agency:** Washington State Liquor and Cannabis Board

**Effective date of rule:**

**Permanent Rules**

- ☒ 31 days after filing.  
☐ Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- ☐ Yes ☒ No If Yes, explain:

**Purpose:** New rule section, WAC 314-55-560 – Evaluation of Additives, Solvents, Ingredients, or Compounds Used in the Production of Marijuana Products. The Washington State Liquor and Cannabis Board (WSLCB) has adopted a new rule section that would allow the WSLCB to evaluate additives, solvents, ingredients or compounds used in the production and processing of marijuana products other than delta-9 tetrahydrocannabinol (THC), as well as CBD, hemp, or both converted to delta-8 THC, delta-9 THC, or any other marijuana compound that is not currently identified or defined in the Revised Code of Washington (RCW), the Washington Administrative Code (WAC), or both, to determine whether such substances pose a risk to public health or youth access

**Citation of rules affected by this order:**

New: WAC 314-55-560  
Repealed: \_\_\_\_\_  
Amended: \_\_\_\_\_  
Suspended: \_\_\_\_\_

**Statutory authority for adoption:** RCW 69.50.342(1)(m); RCW 69.50.345

**Other authority:** N/A

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 21-21-041 on October 13, 2021 (date).

Describe any changes other than editing from proposed to adopted version: There were no changes from the proposed rules to the adopted rules.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Katherine Hoffman, Policy and Rules Manager  
Address: 1025 Union Avenue SE, Olympia WA 98501  
Phone: 360-664-1622  
Fax: 360-664-3208  
TTY:  
Email: rules@lcb.wa.gov  
Web site: www.lcb.wa.gov  
Other:



**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

**The number of sections adopted on the agency's own initiative:**

New	<u>1</u>	Amended	_____	Repealed	_____
-----	----------	---------	-------	----------	-------

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

**The number of sections adopted using:**

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	<u>1</u>	Amended	_____	Repealed	_____

**Date Adopted:** January 5, 2022

**Name:** David Postman

**Title:** Chair

**Signature:**

Place signature here

NEW SECTION

**WAC 314-55-560 Evaluation of additives, solvents, ingredients or compounds used in the production of marijuana products.** (1) **Purpose and scope.** The purpose of this section is to establish a procedure for the board to evaluate additives, solvents, ingredients or compounds used in the production of marijuana products, as those products are defined in chapter 69.50 RCW.

(2) **Definitions.** For purposes of this chapter, the following definitions apply unless the context clearly states otherwise:

(a) "Additive" means any substance the use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any marijuana product;

(b) "Compound" means a chemical substance composed from more than one separate chemical element;

(c) "Ingredient" means something that enters into a mixture or is a component part of any combination or mixture;

(d) "Nonmarijuana additive" means a substance or a group of substances that are derived from a source other than marijuana.

(i) "Nonmarijuana additive" includes, but is not limited to, purified compounds, essential oils, oleoresins, essences, or extractives, protein hydrolysates, distillates, or isolates;

(ii) "Nonmarijuana additive" does not include plant material that is in the whole, broken, or ground form.

(e) "Solvent" means a substance capable of being used in dissolving a solute with the exception of water.

(3) **Procedure.**

(a) The board may prohibit the use of any additive, solvent, ingredient or compound in the production of marijuana products that may pose a risk to public health or youth access including, but not limited to:

(i) Verifiable case report data;

(ii) Other local, state and federal agency findings, reports, etc.;

(iii) A product or substance that is the subject of a recall under WAC 314-55-225;

(iv) Any other information sourced and confirmed from reliable entities.

(b) The board may prohibit the use of a product or substance by adoption of emergency or permanent rules. The board will provide

notices of rule making consistent with the requirements of chapter 34.05 RCW.

(c) The board will maintain a list of prohibited substances prohibited by emergency or permanent rules on its website.

(d) The list of prohibited substances will be reviewed on at least an annual basis.

(e) Prohibited substances may be removed from the list of prohibited substances if the board determines, after a review consistent with (a)(i) through (iv) of this subsection, that it no longer poses a risk to public health or youth access.

[]



## **Notice of Permanent Rules**

**Regarding New Rule Section WAC 314-55-560 – Evaluation of additives, solvents, ingredients or compounds used in the production of marijuana products.**

**This concise explanatory statement concerns the Washington State Liquor and Cannabis Board's (WSLCB) adoption of new rule section WAC 314-55-560.**

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. The concise explanatory statement must be provided to any person upon request, or from whom the WSLCB received comment.

The WSLCB appreciates and encourages your involvement in the rule making process. If you have questions, please contact Kathy Hoffman, Policy and Rules Manager, 360-664-1622 or e-mail at [rules@lcb.wa.gov](mailto:rules@lcb.wa.gov).

---

### **Background and reasons for adopting these rules.**

In mid-2020, WSLCB became aware of products entering the regulated market with labeling noting the presence of cannabinoids other than delta-9 tetrahydrocannabinol (THC). In early 2021, the agency also became aware of the conversion of CBD, hemp, or both to delta-8 THC, delta-9 THC, and other marijuana compounds not currently identified or defined in the Revised Code of Washington (RCW), the Washington State Administrative Code (WAC), or both. These products include, but are not limited to marijuana infused edibles and marijuana concentrates. WSLCB also became aware of products with labeling noting the presence of THC compounds other than delta-9 THC in markets it does not regulate.

WSLCB issued Policy Statement PS-21-01 on April 28, 2021 concerning tetrahydrocannabinol (THC) compounds other than delta-9 and the conversion of CBD, hemp, or both to delta-8 THC, delta-9 THC, or any other cannabis compound not currently identified or defined in the Revised Code of Washington (RCW), the Washington Administrative Code (WAC), or both. Based on questions received concerning the policy statement, and the agency voluntarily issued a clarifying statement on May 3, 2021. Both of these communications were issued as part of an agency initiated strategic, iterative and transparent process designed to leverage the Board's limited regulatory authority concerning THC compounds, maximize stakeholder engagement, and assure that the rule development process could be meaningfully and effectively used to inform future legislation while being grounded in verifiable data, fact, and science.

The agency's stated goal of grounding this work in science and verifiable data was realized in extensive stakeholder engagement that began by hosting two Deliberative Dialogue sessions on cannabis plant chemistry. Based on this initial panel discussion and its subsequent question/answer session, themes and points of clarification emerged, suggesting that a follow up session may be appropriate. As a result, WSLCB hosted a second Deliberative Dialogue session on July 20, 2021, reassembling the original panel with the exception of one individual. This session was as well attended as the first, and both sessions informed the development of conceptual draft rules that eventually became the rule text of this proposal. Additionally, the WSLCB hosted one virtual Listen and Learn session on September 9, 2021 to provide an opportunity for licensees and other interested parties to respond to conceptual draft rules for the evaluation of THC compounds.

As noted above, WSLCB became aware of products entering the regulated market with labeling noting the presence of cannabinoids other than delta-9 THC, and later became aware of the conversion of CBD, hemp, or both to delta-8 THC, delta-9 THC, and other marijuana compounds not currently identified or defined in statute or regulation. The agency's regulatory authority is limited to marijuana products as defined in statute. As a result, products containing cannabinoids other than delta-9 THC, and products that are the result of the conversion of CBD, hemp, or both to delta-8 THC or delta-9 THC are not subject to that same rigorous regulatory and quality standards that marijuana edibles, concentrates and other products defined in statute are.

Although the Board has statutory authority to engage in emergency rulemaking under certain conditions described in RCW 34.05.350 generally, the adopted rules provide a specific framework for the Board to evaluate additives, solvents, ingredients or compounds used in the production of marijuana products and prohibit use of substances determined to pose a risk to public health or youth access. The framework provides that such prohibition may occur by either emergency or permanent rule, providing an additional layer of oversight for substances that may pose risk to public health or youth access.

**Rulemaking history for this adopted rule:**

**CR 101** – filed July 7, 2021 as WSR #21-14-117.

**CR 102** – filed October 13, 2021 as WSR #21-21-041.

Public hearing held December 8, 2021.

**The effective date of these rules is February 5, 2022.**

---

**Public comment received on the rule proposal:**

1. Oral testimony provided during the public hearing held December 8, 2021, as transcribed directly from the meeting recording:

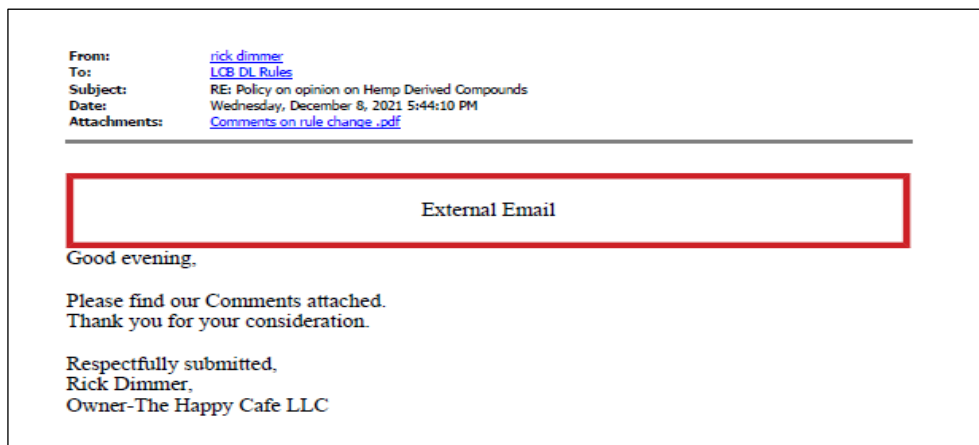
From Shawn DeNae, Washington Sun and Craft Grower's Association:

"Thank you so much for having this hearing. I am Shawn DeNae Waggenseller. I'm CEO of Washington Bud Company, a Tier 2 producer/processor up in north Snohomish County. I'm also a board of director member for the newly established Washington Sun and Craft Grower's Association. We are the only trade group association that's lead 100% by licensees, and we're really proud of that. Running a volunteer group is challenging, but we're gettin' 'er done. Our mission, so that you know, is that we are here to advance and protect the interests of sun and craft cannabis growers through the development of rule and law that supports an economically and environmentally sustainable cannabis industry. And so, in that light, I would like to offer that this set of rulemaking is a fine set of rulemaking and we're really glad that it's moved forward so swiftly, and acknowledge that the LCB does need increased authority over these newly developing compounds that are being made. The only section that we would like to see changed is in (3)(a) where it states, let me read it to you, it states under procedures that the Board may prohibit the use of any additive, solvent, ingredient or compound in the production of marijuana products that may pose a risk to public health or youth access, including but not limited to. We suggest that you change the Board may prohibit the use to the Board must prohibit the use. If there is any question that a compound, an additive, solvent or ingredient may pose a risk to public health, then we believe that the Board must prohibit its use until there's no ambiguity of its safety, and so based on that, that concludes my comments."

**Board response:** The Board appreciates this comment and the demonstration of interest in collaborative participation in the rulemaking process. Use of the word "may" in adopted rule section WAC 314-55-550(3)(a) provides the agency and Board needed flexibility to, among other things, work with other local, state and federal agencies who may have an impact or may assist in future evaluation of additives, solvents, ingredients, or compounds used in the production of marijuana products that may pose a risk to public health or youth access.

**Was the comment reflected in the adopted rule?** This comment is not reflected in the final rule.

2. Email message with attachment from Rick Dimmer, received December 8, 2021 at 5:44 PM:



The attachment, entitled “Comments on rule change” offered the following:

12/7/2021

Katherine Hoffman  
1025 Union Ave SE  
Olympia, Washington 98504  
Email: [rules@lcb.wa.gov](mailto:rules@lcb.wa.gov)

Re: Policy Opinion on Hemp Derived Compounds

Hello,

My name is Rick Dimmer. I am the owner of the Happy Café. I am a hemp retailer that sells compounds CBD, Delta 8, Delta 10 as well as additional 100% Hemp derived products. As an individual who was arrested for marijuana possession and now a Seattle based black business owner in the Cannabis industry, I would like to offer my perspective on the proposed rule changes from an equity point of view.

Were it not for the 2018 farm bill we would not have the opportunity to participate in this industry as there are currently no licenses available.

The regulated cannabis industry is 97% white owned, not just locally but nationally. In my opinion there must be an opportunity for free enterprise.

I would like the WSCLB to look at who or what group of individuals are requesting immediate action, what the asks are and if what they are asking grossly benefits one group over another. And If the WSCLB wants to participate in putting businesses out of business to the benefit of other businesses.

It is concerning that those who seek to benefit from prohibiting and regulating THC compounds would use a public health crisis as a gateway to solidify their hold on the cannabis market. In addition, 1502 business have asked the to WSCLB prohibit retailers and consumers from purchasing out of state compounds. Essentially asking the cannabis board to assist them in monopolizing the Washington state cannabis industry. It is my hope that that the WSCLB will not be bias and look at fact and laws.

#### **Synthetic vs 100% Hemp Derived**

The difference between synthetic THC and natural hemp derived cannabinoid's is the process of refinement. Synthetic cannabinoids are derived from chemicals or other artificial substances, all naturally occurring hemp-based cannabinoid's come from refined hemp material and transformed into natural delta 8 products.

#### **Product Safety**

Accredited laboratories exist throughout US that can perform tests that are in compliance with WSLCB regulations.

Product samples can be shipped directly to accredited laboratories, results are provided within three business days along with COA'S and analysis documentation. – *Product Testing is Available!*



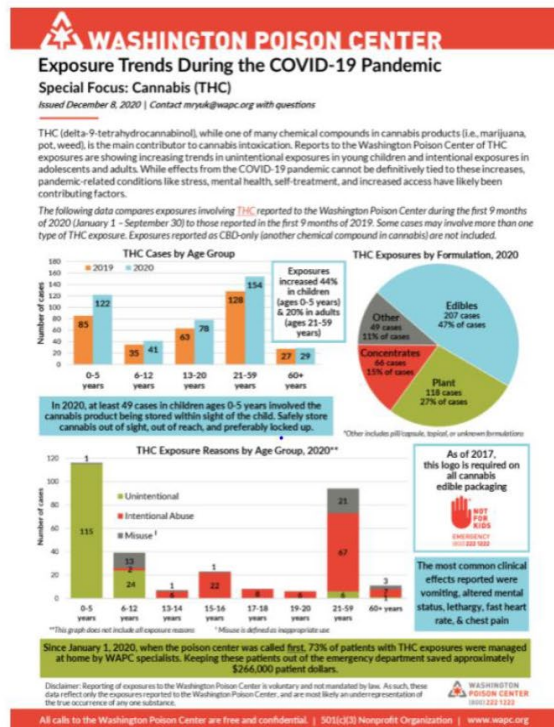
## CDC Advisory 9/14/2021

According to the CDC the FDA reported an increase in adverse event reporting in regard to Delta 8 THC. 12/2020 thru 7/2021.

According to Washington State poison control, to date they have not received one documented call regarding Delta 8 or any other THC compound in the entire Washington State.

According to Poison control in 2020 Delta 9 THC exposures increased 44% in children aged 0 to 5 and 20% in adults aged 21 to 59.

\*Please see the below graph from the Washington state poison control website\*



**The CDC recommendations for retailers selling cannabis products:**

- 1) Retailers selling cannabis products should provide information to consumers about the psychoactive qualities of delta 8 THC.
- 2) Retailers selling cannabis products should report total THC content on product labeling, including ingredients like D8 THC that may be synthetically produced to create a psychoactive effect.

It is our belief that non I502 retailers can adhere to the CDC recommendations for selling compound products. As a hemp business owner, I adhere to:

- 1) All product labeling lists milligrams, FDA disclosures, ingredients, suggested dosage display adult only, no bright colors, or characters that would appeal to children.
- 2) We use 3<sup>rd</sup> party age identification verification company
- 3) All products come from licensed farms and have COA's from accredited laboratories
- 4) All products are purchased from licensed retailers who confirm that all products are 2018 farm bill compliant.
- 5) We have product and liability insurance
- 6) All products have been audited by our insurance company, under writers, payment processor, and bank for safety and legality.
- 7) Signature of purchaser is required upon delivery.

In summary, were the WSLCB to uphold the request of I502 business owners and prevent the sales of compounds to anyone outside of the I502 market, would cause financial hardship and further inability for anyone to enter the cannabis industry, especially people of color and further perpetuate inequality within the cannabis market.

Respectfully Submitted,

Rick Dimmer

**Board response:** The Board appreciates this comment and the demonstration of interest in collaborative participation in the rulemaking process.

**Was the comment reflected in the adopted rule?** This comment is not reflected in the final rule.

**Changes from Proposed Rules (CR 102) to the Rules as Adopted:**

There were no changes between the proposed rules (CR 102) and the rules as adopted.