



Washington State
Liquor and Cannabis Board

Date: May 11, 2022

To: David Postman, Board Chair
 Ollie Garrett, Board Member
 Jim Vollendroff, Board Member

From: Robert DeSpain, Policy and Rules Coordinator

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

Subject: **Approval to file a preproposal statement of inquiry (CR 101) regarding expanding definitions related to the evaluation of additives, solvents, ingredients, compounds, or concentrates used in the production or processing of cannabis products.**

The Washington State Liquor and Cannabis Board (WSLCB) is considering creating new, amending, or repealing existing rule sections as necessary to identify and further define terms including, but not limited to, additives, solvents, ingredients, compounds, or concentrates used in the production or processing of cannabis products. Additional revisions may be considered where appropriate.

Process

The Policy and Rules Coordinator requests approval to file the preproposal statement of inquiry (CR 101) for the rule making described in the CR 101 Memorandum attached to this order and presented at the Board meeting on May 11, 2022.

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

May 11, 2022	Board is asked to approve filing preproposal statement of inquiry (CR 101). CR 101 is filed with the Office of the Code Reviser. Webpage is updated and notice circulated by GovDelivery distribution list. Informal comment period begins.
June 1, 2022	Notice is published in the Washington State Register under WSR 22-11.
July 1, 2022	Informal comment period ends.

September 14, 2022	Board is asked to approve filing proposed rules (CR 102). CR 102 is filed with the Office of the Code Reviser. Webpage is updated and notice circulated by the rules distribution list. Formal comment period begins.
October 5, 2022	Notice is published in the Washington State Register under WSR 22-19.
October 26, 2022	Public hearing is held and formal comment period ends.
November 23, 2022	Board is asked to adopt rules, if no substantive changes are made (CR 103). Concise Explanatory Statement is provided to individuals offering written or oral comment at the public hearing or during the formal comment period, consistent with RCW 34.05.325. CR 103 and adopted rules are filed with the Office of the Code Reviser. Webpage is updated and notice circulated by GovDelivery distribution list.
December 24, 2022	Rules are effective 31 days after filing unless otherwise specified. See RCW 34.05.380(2).

_____ Approve _____ Disapprove _____
David Postman, Chair Date

_____ Approve _____ Disapprove _____
Ollie Garrett, Board Member Date

_____ Approve _____ Disapprove _____
Jim Vollendroff, Board Member Date

Attachment: CR 101 Memorandum.



CR 101 Memorandum

Expanding definitions related to the evaluation of additives, solvents, ingredients, compounds, or concentrates used in the production or processing of cannabis products.

Date: May 11, 2022
Presented by: Robert DeSpain, Policy and Rules Coordinator

Background

The agency adopted new WAC section 314-55-560 concerning the evaluation of additives, solvents, ingredients or compounds used in the production of cannabis products on January 5, 2022. These rules became effective on February 5, 2022, and defined the terms “additive,” “solvent,” “ingredient,” and “compound.”

During the 2022 legislative session, legislation was introduced that included additional definitions related to the production and processing of cannabis products. Although no legislation was enacted during the 2022 regular session, the agency is considering creating new definitions, and amending definitions described in WAC 314-55-560, as well as concentrates used in the production or processing of cannabis products.

Reasons Why Rules Are Needed

The production and processing of cannabis products may involve the use of potentially harmful additives, solvents, ingredients, compounds, or concentrates.

Rules are needed to further define these additives, solvents, ingredients, compounds, or concentrates used in the production or processing of cannabis products that pose or may pose a risk to public health or youth access.

Process

The rulemaking process begins by announcing the Board’s intent to consider changes to existing rules, add new rule sections, or both by filing a preproposal statement of inquiry (CR 101) form with the Office of the Code Reviser. This allows staff, stakeholders, industry partners, and all members of the authorizing environment to begin discussing possible rule changes.

At the CR 101 stage of the rulemaking process, no proposed language is offered. Any interested person may comment on the subject of this possible rulemaking during the designated comment period. Notice will be sent to all who have indicated that they want to receive notice of rule activity related to this preproposal statement of inquiry. The notice will identify the public comment period and where comments can be sent.

PREPROPOSAL STATEMENT OF INQUIRY



CR-101 (October 2017) (Implements RCW 34.05.310) Do NOT use for expedited rule making

Agency: Washington State Liquor and Cannabis Board

Subject of possible rule making: WAC 314-55-010 – Definitions, and WAC 314-55-560 – Evaluation of additives, solvents, ingredients or compounds used in the production of cannabis products. The Washington State Liquor and Cannabis Board (WSLCB) is considering creating new, amending, or repealing existing rule sections as necessary to identify and further define terms including, but not limited to, additives, solvents, ingredients, compounds, or concentrates used in the production or processing of cannabis products. Additional revisions may be considered where appropriate.

Statutes authorizing the agency to adopt rules on this subject: RCW 69.50.325; RCW 69.50.342; RCW 69.50.345; RCW 69.50.348

Reasons why rules on this subject may be needed and what they might accomplish: The production and processing of cannabis products may involve the use of potentially harmful additives, solvents, ingredients, compounds, or concentrates. Rules are needed to further define these additives, solvents, ingredients, compounds, or concentrates used in the production or processing of cannabis products that pose or may pose a risk to public health or youth access.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None..

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Collaborative rule making

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

Name: Robert DeSpain, Policy and Rules Coordinator Address: PO Box 43080, Olympia, WA 98504 Phone: 360-664-4519 Fax: 360-704-5027 TTY: Email: rules@lcb.wa.gov Web site: lcb.wa.gov Other:	(If necessary) Name: Address: Phone: Fax: TTY: Email: Web site: Other:
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Additional comments: Interested persons can participate in the rule process through open public meetings and by submitting written comments, and are encouraged to sign up for the interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WALCB/subscriber/new>. Rule-making notices and stakeholder engagement opportunities will be emailed via GovDelivery and posted to the WSLCB website at lcb.wa.gov.

Date: May 11, 2022

Name: David Postman

Title: Chair

Signature:

Place signature here