



Washington State  
**Liquor and Cannabis Board**

---

**Date:** August 31, 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 advertising in cannabis.**

The Washington State Liquor and Cannabis Board (WSLCB) is considering creating new, amending, or repealing existing rule sections as necessary to update advertising requirements for licensed cannabis businesses. Revisions may also include clarifying and technical updates to existing rules.

**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 August 31, 2022.

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

August 31, 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.
September 21, 2022	Notice is published in the Washington State Register under WSR 22-18.
October 21, 2022	Informal comment period ends.
December 7, 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.
December 21, 2022	Notice is published in the Washington State Register under WSR 22-24.
January 18, 2023	Public hearing is held and formal comment period ends.
February 15, 2023	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.
March 18, 2023	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

### Regarding WAC 314-55-155 — Advertising requirements and promotional items—Coupons, giveaways, etc.

Date: August 31, 2022  
Presented by: Robert DeSpain, Policy and Rules Coordinator

---

#### Background

Initiative 502 (I-502) provided the Washington State Liquor and Cannabis Board (Board) with broad rulemaking authority to create rules related to cannabis. RCW 69.50.369(10) directed the Board to adopt rules implementing statutory provisions related to advertising in cannabis. In response to this mandate, the Board first adopted rules in 2013 under WAC 314-55-155, which established rules and regulations related to advertising in cannabis. The original title of WAC 314-55-155 was "Advertising". Since the rules went into effect in 2013, several amendments have been filed, including a major substantive amendment in 2018. The cannabis advertising landscape is ever expanding across multiple advertising platforms in scope, content, and reach. As such the Board routinely reviews the current rules related to advertising to determine whether any amendment or adoption is appropriate.

#### Reasons Why Rules May Be Needed

The Board seeks to re-evaluate current rules related to advertising in cannabis, as provided in WAC 314-55-155. As noted in the background, since the last substantive amendments to WAC 314-55-155 in 2018, cannabis advertising has rapidly expanded in scope, content, and reach across multiple advertising platforms. Rulemaking may be appropriate to amend, repeal, or create new subsections in order to update advertising requirements to licensed cannabis businesses. Revisions may also include clarifying and technical updates to existing rules.

#### Process

The rulemaking process begins by announcing the Board's intent to consider changes to existing rules, adding 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 proposed rule changes.

At this stage of the rulemaking process, no proposed language is offered. Any interested party 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 314-55-155 – Advertising requirements and promotional items—Coupons, giveaways, etc. The Washington State Liquor and Cannabis Board (WSLCB) is considering creating new, amending, or repealing existing rule sections as necessary to update advertising requirements for licensed cannabis businesses. Revisions may also include clarifying and technical updates to existing rules.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 69.50.342; RCW 69.50.345; RCW 69.50.369

**Reasons why rules on this subject may be needed and what they might accomplish:** The Board seeks to re-evaluate current rules related to advertising in cannabis, as provided in WAC 314-55-155. Since the last substantive amendments to WAC 314-55-155 in 2018, cannabis advertising has rapidly expanded in scope and content, across multiple advertising platforms. Rulemaking may be appropriate to amend, repeal, or create new subsections in order to update advertising requirements to licensed cannabis businesses. Revisions may also include clarifying and technical updates to existing rules.

**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:**

	(If necessary)
Name: Robert DeSpain, Policy and Rules Coordinator	Name:
Address: PO Box 43080, Olympia, WA 98504	Address:
Phone: 360-664-4519	Phone:
Fax: 360-704-5027	Fax:
TTY:	TTY:
Email: <a href="mailto:rules@lcb.wa.gov">rules@lcb.wa.gov</a>	Email:
Web site: <a href="http://lcb.wa.gov">lcb.wa.gov</a>	Web site:
Other:	Other:

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](http://lcb.wa.gov).

<b>Date:</b> August 31, 2022	<b>Signature:</b>
<b>Name:</b> David Postman	
<b>Title:</b> Chair	