



Washington State
Liquor and Cannabis Board

Date: March 1, 2023

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

From: Jeff Kildahl, Policy and Rules Coordinator

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

Subject: **Approval to file a pre-proposal statement of inquiry (CR 101) regarding cannabis samples.**

The Washington State Liquor and Cannabis Board (WSLCB) is considering changes to WAC 314-55-096 to review Cannabis Sample rules.

Process

The Policy and Rules Coordinator requests approval to file the pre-proposal statement of inquiry (CR 101) for the rule making described above. A CR 101 Memorandum was presented at the Board meeting on March 1, 2023, and is attached to this order.

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

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| March 1, 2023 | Board is asked to approve filing pre-proposal statement of inquiry (CR 101). CR 101 filed with the Office of the Code Reviser. LCB webpage updated and notice circulated by GovDelivery distribution list. Informal comment period begins. |
| March 15, 2023 | Notice is published in the Washington State Register under WSR issue #23-06. |
| April 14, 2023 | The informal comment period ends. |
| May 24, 2023 | Board is asked to approve filing proposed rules (CR 102). CR 102 is filed with the Office of the Code Reviser. |

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| | LCB webpage is updated and notice is circulated by the rules distribution list. The formal comment period begins. |
| June 7, 2023 | Notice is published in the Washington State Register under WSR issue #23-11. |
| July 19, 2023 | Public hearing is held and the formal comment period ends. |
| August 16, 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 under RCW 34.05.325. CR 103 and adopted rules are filed with the Office of the Code Reviser. LCB webpage is updated and notice is circulated by the rules distribution list. |
| September 16, 2023 | The 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 Cannabis Samples.

Date: March 1, 2023

Presented by: Jeff Kildahl, Policy and Rules Coordinator

Background

On July 8, 2022, Vicki Christopherson, on behalf of the Washington Cannabusiness Association, submitted a petition for adoption, amendment or repeal of a state administrative rule to the Washington State Liquor and Cannabis Board (Board). The petition requested that the Board amend WAC 314-55-096, concerning vendor, educational and internal quality control samples, in an effort to update and streamline requirements. The petition also referenced the amount of time the current rule had been in effect, and that an update was warranted.

On August 31, 2022, the Board accepted the petition. Consistent with RCW 34.05.330(1)(b), the Board agreed to initiate the rulemaking process and begin collaboratively engaging with stakeholders and any interested members of the public to explore potential rule revisions related to vendor, educational and internal quality control samples.

Reasons Why Rules May Be Needed

Amendments may be necessary to update and streamline WAC 314-55-096 concerning cannabis vendor, educational, and internal quality control samples. Additionally, amendment, repeal, or the creation of new rule sections in Title 314 WAC may be needed to align potential revisions to WAC 314-55-096,

Process

The rule making process begins by announcing the Board's intent to consider changes to existing rules, adding new rule sections, or both by filing a 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 the CR 101 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 pertaining to this pre-proposal 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: The Washington State Liquor and Cannabis Board (WSLCB) is considering amending WAC 314-55-096 concerning cannabis vendor, educational, and internal quality control samples, and repealing or creating new rule sections in chapter 314-55 WAC as necessary to align potential revisions.

Statutes authorizing the agency to adopt rules on this subject: RCW 69.50.342

Reasons why rules on this subject may be needed and what they might accomplish: On August 31, 2022, the Board accepted a rule petition related to cannabis vendor, educational, and internal quality control samples. Consistent with RCW 34.05.330(1)(b), the WSLCB is initiating the rulemaking process to begin collaboratively engaging with stakeholders and any interested members of the public to explore potential rule revisions.

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:

| | |
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| Name: Jeff Kildahl, Policy and Rules Coordinator | (If necessary) Name: |
| Address: PO Box 43080, Olympia, WA 98504 | Address: |
| Phone: 360-480-7960 | Phone: |
| Fax: 360-664-9689 | Fax: |
| TTY: | TTY: |
| Email: rules@lcb.wa.gov | Email: |
| Web site: | Web site: |
| Other: www.lcb.wa.gov | 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.

| | |
|---------------|---|
| Date: | Signature: Place signature here |
| Name: | |
| Title: | |



Notice of Preproposal Statement of Inquiry WSR #23-06-____

The Washington State Liquor and Cannabis Board has filed a preproposal statement of inquiry (CR 101) to consider amending WAC 314-55-096 to update cannabis sample rules.

The Liquor and Cannabis Board encourages your input on the subject of this rulemaking. Following the comment period, the agency will distribute and publish proposed rules, establish a comment period consistent with chapter 34.05 RCW on the proposed rules, and hold a public hearing before the rules are adopted.

This notice can be found at <https://lcb.wa.gov/laws/current-rulemaking-activity>.

Public Comment

Please forward your initial comments to the Liquor and Cannabis Board by mail, e-mail, or fax by **March 31, 2023**. The CR-102 with proposed new rule sections and rule amendments is anticipated to be filed on or after May 24, 2023, following collaborative rule development.

By mail: Rules Coordinator
Liquor and Cannabis Board
P.O. Box 43080
Olympia, WA 98504-3080

By e-mail:
rules@lcb.wa.gov

By fax:
360-664-9689