



Notice of Permanent Rules to implement 2018 cannabis legislation WSR # 18-22-056

This explanatory statement concerns the Washington State Liquor and Cannabis Board's adoption of rules to implement 2018 cannabis legislation,

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. This statement must be provided to anyone who gave comment about the proposed rulemaking.

Once persons who gave comment during this rulemaking have had a chance to receive this document, the Liquor and Cannabis Board will file the amended rules with the Office of the Code Reviser. These rule changes will become effective 31 days after filing (approximately December 1, 2018).

The Liquor and Cannabis Board appreciates your involvement in this rule making process. If you have any questions, please contact Karen McCall, Rules Coordinator, at (360) 664-1622 or e-mail at rules@lcb.wa.gov.

What are the agency's reasons for adopting these rules?

New rules and revisions to current rules were needed to implement 2018 cannabis legislation and other technical and clarifying revisions to rules identified by staff and stakeholders.

CR 101 WSR 18-08-092 filed April 4, 2019

CR 102 WSR 18-17-189 filed August 22, 2018

Summary of all public comments received on this rule proposal.

Three comments were received at the public hearing held October 3, 2018. Four written comments were received.

1 comment: Cannabis packaging and labeling should specify all allergens used in the product. "Pesticide-free" and "No pesticides used" mean two different things. Labels should also be required to list any pesticides used.

LCB response: All allergens are required to be on the labels of cannabis products. Any pesticides used on the product are also required on labels of cannabis products.



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2 comments: There are no labs testing for heavy metals.

LCB response: There is at least one accredited lab that has the capacity to test for heavy metals.

1 comment: It is critical to be able to import CBD.

LCB response: The proposed rules allow licensed marijuana producers and marijuana processors to use a CBD product obtained from a source not licensed by Washington State if the product meets the requirements in WAC 314-55-109.

1 comment: Opposed the requirement that CBD products be quarantined in an area separate from marijuana and marijuana products.

LCB response: The CBD is only required to be quarantined in an area separate from marijuana and marijuana products until it passes quality assurance testing.

1 comment: Oppose sample sizes for testing. 1% of the product as packaged is too large.

LCB response: No changes were made to this requirement.

1 comment: The proposed rules do not address synthetic cannabinoids. Concerned about the overall safety to consumers of these imports. Requirements for additional information needs to be added to the rules.

LCB response: No changes were made to the rules at this time. The comment will be taken into consideration for a later rulemaking.

1 comment: There is no benefit to consumers in adopting pesticide screening requirements for cannabinoid additives that are not protective of human health.

LCB response: Certified third-party labs must screen for any pesticides that are not allowed and are designated as having the potential for misuse on a list created, maintained, and periodically updated by the Department of Health in consultation with the Washington State Department of Agriculture and the WSLCB.

WAC Changes

See attachment.