



## **Notice of Permanent Rules for Mandatory Signs a Marijuana Licensee Must Post of a Licensed Premises**

**This concise explanatory statement concerns the Washington State Liquor Control Board's (WSLCB) adoption of amendments to existing rules regarding mandatory signs a marijuana licensee must post on a licensed premises.**

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

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### **Background and reasons for adopting this rule.**

Effective January 1, 2019, amendments to packaging and labeling rules removed language from accompanying material attached to a package or given separately to a consumer regarding use of marijuana during pregnancy, warnings about the effects of marijuana, and warnings about operating vehicles or machinery while under the influence of marijuana. Language regarding use of marijuana during pregnancy was removed entirely, while the language containing warnings about the effects of marijuana and operating vehicles or machinery while under the influence of marijuana was relocated to WAC 314-55-155(6) regarding advertising requirements and promotional items, and reworded in WAC 314-55-105(2)(b)(iii).

Currently, WAC 314-55-086 addresses mandatory signage that a licensee must post on a licensed premises, including a notice about the prohibition of persons under twenty-one years of age on licensed premises, and the warnings that are no longer requirements for accompanying material. As a result, the board proposes to amend and update WAC 314-55-086 by clarifying language for mandatory signage. This will provide rule clarity, and assure coordinated signage so that consumer messaging regarding the use of marijuana during pregnancy is consistent and clear. Additionally, rule language was updated and streamlined to assure structural consistency, as well as uniform, clear guidance throughout the section.



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These amendments support the overarching agency goal of ensuring the highest level of public safety by continually improving and enforcing regulations that reflect the current dynamic environment. Clarifying the rules and updating signage will not result in increased costs or administrative burden on the regulated community. Increasing consistent, clear messaging and enhancing public education efforts about the use of marijuana during pregnancy is expected to benefit the regulated community, consumers, and others.

**CR-101** – filed November 28, 2018, under WSR #18-24-033

**CR 102** – filed March 6, 2019, under WSR #19-06-085

Public Hearing held April 17, 2019

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### Public comment received on the rule proposal.

One comment was received on March 7, 2019 by email as follows:

1. “Has there been any studies done to support the statement against women using cannabis while pregnant? In no way am I saying that pregnant women should ingest any sort of drug or alcohol during their term, however, after reading over the minutes of the meetings, it seems Russ Hauge is asking for signage with nothing to support its claim.

I’m against making rules just for the sake of making rules. When you start ruling through fear versus facts, you are misleading the public based on “well, it’s better for everybody, so it’s OK”. Our government should be 100% certain of any claims that they make.

Just one person’s opinion.”

**WSLCB response:** Studies and other materials were cited in the issue paper provided to the Board and the public as part of the packet related to the proposed rule revision regarding marijuana signage. Additional materials and educational resources are publicly available through the Washington State Department of Health regarding the use of marijuana during pregnancy and breastfeeding.

Additionally, while WSLCB agrees that additional research will help decision makers, consumers, and others understand how marijuana use during pregnancy could impact the health and development of infants, evolving policies about access to marijuana, as well as significant increases over the last decade in the number of pregnant women seeking substance use disorder treatment for marijuana use supports the agency’s careful, and public safety-driven approach to the issue<sup>1</sup>. One

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<sup>1</sup> Martin CE, Longinaker N, Mark K, Chisolm MS, Terplan M. Recent trends in treatment admissions for marijuana use during pregnancy. *J Addict Med*. 2015;9(2):99-104. doi:10.1097/ADM.0000000000000095.



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study found that about 20% of pregnant women 24-years-old and younger screened positive for marijuana. However, this study also found that women were about twice as likely to screen positive for marijuana use via a drug test than they state in self-reported measures. This suggests that self-reported rates of marijuana use in pregnant females may not be an accurate measure of marijuana use.<sup>2</sup> Additionally, in one study of dispensaries, nonmedical personnel at marijuana dispensaries were recommending marijuana to pregnant women for nausea, but medical experts warn against it.

These rule amendments do not revise or increase regulatory burden related to the requirement that licensees post a sign about the use of marijuana during pregnancy and breastfeeding. Rather, these amendments allow the agency to align the language of that sign with other public health agencies. An example of the updated language to be used on these signs is, “Keep your baby as healthy as possible by avoiding cannabis while pregnant and breastfeeding.”

The WSLCB is responsible for ensuring the highest level of public safety. The agency accomplishes this by continually improving and enforcing regulations that reflect the current, and dynamic environment. This rule reflects and supports the WSLCB’s continued commitment to public health and safety.

**Was the comment reflected in the final rule?** The comment was not reflected in the final rule.

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

No changes were made from proposed rules to the adopted rules.

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<sup>2</sup> Young-Wolff KC, Tucker L-Y, Alexeeff S, et al. Trends in Self-reported and Biochemically Tested Marijuana Use Among Pregnant Females in California From 2009-2016. *JAMA*. 2017;318(24):2490. doi:10.1001/jama.2017.17225