



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 16, 2019

TIME: 10:49 AM

WSR 19-21-100

Agency: Washington State Liquor and Cannabis Board

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: Chapter 314-55 WAC Marijuana Licenses, Application Process, Requirements, and Reporting. The Washington State Liquor and Cannabis Board (Board) has adopted an emergency rule as new section WAC 314-55-1055 – Ingredient Disclosure, requiring manufacturers of THC vapor products to disclose all compounds, including ingredients, solvents, additives, etc. used in the production and processing as well as the source of all vapor products, as directed by Executive Order 19-03, dated September 27, 2019.

Citation of rules affected by this order:

- New: WAC 314-55-1055
- Repealed:
- Amended:
- Suspended:

Statutory authority for adoption: RCW 69.50.342; RCW 69.50.345

Other authority:

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: The immediate adoption of a rule requiring the manufacturers of THC vapor products to disclose all compounds, including ingredients, solvents, additives, etc. used in the production and processing as well as the source of all vapor products is necessary to prevent and reduce exposure to severe lung disease associated with the use of vapor products. The Washington State Liquor and Cannabis Board has the authority and responsibility to adopt rules for the preservation of public health.

On September 27, 2019, Governor Inslee issued Executive Order 19-03, Addressing the Vaping Use Public Health Crisis. Executive Order 19-03 orders and directs the Washington State Liquor and Cannabis Board (Board), Washington State Department of Health (DOH), and the Washington State Board of Health (SBOH) to engage in specific activities related to vapor products in Washington state, including direction that the SBOH to use its emergency rulemaking authority to impose a ban on all flavored vapor products, including flavored THC vapor products at its meeting on October 9, 2019. The Executive Order notes, "...in 2019, an outbreak of lung injury emerged in previously health individuals who had recently vaped THC and/or nicotine vapor products, and the cause of the injury is not yet known...Washingtonians suffering from this vaping-related lung injury have experienced severe harm to health, and...in the absence of one or more known, specific harmful substances in this vapor-product health emergency, and in the absence of the ability to fully isolate and remove harmful substances once they are identified, it is imperative that the state respond in a comprehensive and evidence-based manner to address the public health crisis."

Among other directives, Executive Order 19-03 orders and directs the Board to require manufacturers of THC vapor products to disclose all compounds (including ingredients, solvents, additives, etc.) used in the production and processing as well as the sources of all vapor products.

On October 10, 2019, the SBOH issued emergency rules as WSR 19-21-050, prohibiting the sale of flavored vapor products by persons licensed under chapter 69.50 or 70.345 RCW.

This emergency rule requires that marijuana licensees disclose all compounds, including but not limited to ingredients, solvents, additives, preservatives, thickening agents, terpenes and other substances used to produce or added to marijuana concentrates for inhalation or marijuana-infused extracts for inhalation at any point during production and processing, regardless of source and origin. Disclosure must be made to the board on forms provided by the board, and submitted to an email address or other platform provided and maintained by the board. Because the outbreak of lung disease is occurring now and growing, the immediate adoption of rule requiring disclosure of compounds and other substances added to marijuana concentrates for inhalation or marijuana-infused extracts for inhalation is necessary for the preservation of public health, safety and general welfare by assisting public health officials in isolating the compounds and products that may be connected to the recent outbreak of lung disease.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	<u>1</u>	Amended	___	Repealed	___

Date Adopted: October 16, 2019

Name: Jane Rushford

Title: Chair

Signature:



NEW SECTION

WAC 314-55-1055 Ingredient disclosure. (1) All licensed marijuana processors and producers must disclose all ingredients used in the production of marijuana concentrates for inhalation and marijuana-infused extracts for inhalation.

(2) All chemicals, compounds, additives, preservatives, thickening agents, terpenes, and other substances used at any point in the production or processing of marijuana concentrates for inhalation or marijuana-infused extracts for inhalation, regardless of source or origin, must be disclosed to the board as follows:

(a) On a form provided by the board and stored by the licensee, either electronically or in hard copy, and made available for inspection if requested by an employee of the board; and

(b) In a manner directed by the board including, but not limited to, submission to an email address or other online platform provided and maintained by the board.

(3) The complete list of all chemicals, compounds, additives, preservatives, thickening agents, terpenes, and other substances used at any point in the production or processing of marijuana concentrates for inhalation or marijuana-infused extracts for inhalation, regardless of source or origin, that is required under subsection (2) of this section must be kept and maintained, consistent with recordkeeping requirements described in WAC 314-55-087, at the facility in which the products are processed. The list must be updated whenever there is any change in product composition.