



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: 10:52 AM

WSR 19-21-101

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: WAC 314-55-086 Mandatory Signage. The Washington State Liquor and Cannabis Board (Board) has adopted an emergency rule requiring marijuana licensees to post warning signs regarding the health risks of vapor products where vapor products containing THC are sold, as directed by Executive Order 19-03, dated September 27, 2019.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 314-55-086
- 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 licensed marijuana retailers to conspicuously post a warning sign provided by the Board regarding the health risks of vapor products where vapor products, as defined by WAC 246-80-010(12), are sold 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 healthy 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."

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.

Executive Order 19-03 orders and directs the Board to provide consumer warnings by requiring that warning signs regarding the posting of warning signs regarding the health risks of vaping at retailers where vapor products containing THC are sold. The Board worked with the industry representatives and marijuana licensees to develop these warning signs.

This emergency rule requires licensed marijuana retailers to conspicuously post a warning sign provided by the Board regarding the health risks of vapor products where vapor products, as defined by WAC 246-80-010(12), are sold. Because the outbreak of lung disease is occurring now and growing, the immediate adoption of rule requiring retailers to post a warning sign regarding the health risks of vapor products where they are sold is necessary for the preservation of public health, safety, and general welfare.

**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	___	Amended	<u>1</u>	Repealed	___

Date Adopted: October 16, 2019

Name: Jane Rushford

Title: Chair

Signature:



WAC 314-55-086 Mandatory signage. (1) All licensed marijuana processors, producers, and retailers, with the exception of licensed retailers with a medical marijuana endorsement, must conspicuously post a notice provided by the board about persons under twenty-one years of age at each entry to all licensed premises. The notice must contain all of the following language: "Persons under twenty-one years of age not permitted on these premises."

(2) All licensed retailers with a medical marijuana endorsement must conspicuously post a notice provided by the board regarding persons under twenty-one years of age at each entry to all licensed medical marijuana premises. The notice must contain all of the following language: "Persons under twenty-one years of age not permitted on these premises without a valid qualifying patient card. Qualifying patients under the age of eighteen must be accompanied by their designated provider at all times."

(3) All licensed marijuana retailers must post warning signs, provided by the board, regarding the health risks of vapor products as defined in WAC 246-80-010(12).

(4) All licensed marijuana retailers must conspicuously post a sign provided by the board regarding the use of marijuana during pregnancy and breastfeeding as follows:

- (a) At each point of sale; and
- (b) In a location easily visible to employees.

~~((4))~~ (5) All licensed marijuana retailers must conspicuously post a notice provided by the board prohibiting the opening of a package of marijuana or marijuana-infused product in public or consumption of marijuana or marijuana-infused products in public. The notice must be posted in plain view at the main entrance of the marijuana retail establishment.

~~((5))~~ (6) All licensed marijuana processors, producers, and retailers must conspicuously post on the premises and make available their current and valid master license or licenses with appropriate endorsements for inspection by board enforcement officers.

~~((6))~~ (7) Firearms prohibited signs provided by the board must be posted at the entrance of each producer, processor, and retailer licensed location.