



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: March 06, 2019

TIME: 10:33 AM

WSR 19-06-085

Agency: Washington State Liquor and Cannabis Board

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 18-24-033 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) WAC 314-55-086 – Mandatory signs a marijuana licensee must post on a licensed premises.

Hearing location(s):

Date: **Time:** **Location:** (be specific) **Comment:**

April 17, 2019	10:00 am	3000 Pacific Ave SE, Olympia, WA 98504	
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Date of intended adoption: May 1, 2019 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Katherine Hoffman

Address: 3000 Pacific Ave SE, Olympia, WA 98504

Email: rules@lcb.wa.gov

Fax: 360-664-9689

Other:

By (date) April 17, 2019

Assistance for persons with disabilities:

Contact Claris Nhanabu, ADA Coordinator, Human Resources

Phone: 360-664-1642

Fax: 360-664-9689

TTY: 7-1-1 or 1-800-833-6388

Email: Claris.Nhanabu@lcb.wa.gov

Other:

By (date) April 10, 2019

Purpose of the proposal and its anticipated effects, including any changes in existing rules: 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.

Reasons supporting proposal: . Recent 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. 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.

Statutory authority for adoption: RCW 69.50.342, and 69.50.345.

Statute being implemented: RCW 69.40.331

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: (person or organization) Washington State Liquor and Cannabis Board

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting: Coordinator	Katherine Hoffman, Rules	3000 Pacific Ave SE, Olympia, WA	360-664-1622
Implementation: Liaison	Mary Segawa, Public Health	3000 Pacific Ave SE, Olympia, WA	360-664-1622
Enforcement: Enforcement Chief	Justin Nordhorn,	3000 Pacific Ave SE, Olympia, WA	360-664-1726

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:
Phone:
Fax:
TTY:

Email:

Other:

No: Please explain: A cost benefit analysis is not required under RCW 34.05.328 because of the subject of proposed rulemaking does not qualify as a significant legislative rule or other requiring a cost benefit analysis under RCW 34.05.328(5).

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)
(Internal government operations)

RCW 34.05.310 (4)(e)
(Dictated by statute)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW ____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: March 6, 2019

Name: Jane Rushford

Title: Chair

Signature:



~~WAC 314-55-086 ((What are the mandatory signs a marijuana licensee must post on a licensed premises?))~~ **Mandatory signage.** (1) ~~((Notices regarding persons under twenty-one years of age must be conspicuously posted on the premises as follows:~~

Type of licensee	Sign must contain the following language:	Required location of sign
Medical marijuana retailer	"Persons under twenty-one years of age not permitted on these premises without a valid qualifying patient card. Juvenile qualifying patients must be accompanied by their designated provider at all times."	Conspicuous location at each entry to premises.
Marijuana retailer	"Warning: This product has intoxicating effects and may be habit forming. Smoking is hazardous to your health." "There may be health risks associated with consumption of this product." "Should not be used by women that are pregnant or breast feeding." "Marijuana can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery under the influence of this drug."	At each point of sale.
Marijuana producer, marijuana processor, and marijuana retailer	"Persons under twenty-one years of age not permitted on these premises."	Conspicuous location at each entry to premises.

The WSLCB will provide the required notices, or licensees may design their own notices as long as they are legible and contain the required language.

~~(2) Signs provided by the WSLCB))~~ 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 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) 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((τ)). The notice must be posted ((as follows:

Type of premises	Required location of sign
Marijuana retail	Posted in plain view at the main entrance to the establishment.

~~(3) The premises' current and valid master license with appropriate endorsements must be conspicuously posted on the premises and available for)) in plain view at the main entrance of the marijuana retail establishment.~~

(5) 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 ((WSLCB)) board enforcement officers.

~~((4))~~ (6) Firearms prohibited signs provided by the ((WSLCB)) board must be posted at the entrance of each producer, processor, and retailer licensed location.