



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

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FILED

DATE: May 29, 2019

TIME: 11:24 AM

WSR 19-12-029

Agency: Washington State Liquor and Cannabis Board

Subject of possible rule making: WAC 314-55-077 – Marijuana processor license – Privileges, requirements and fees; and WAC 314-55-105 – Packaging and labeling requirements. The Washington State Liquor and Cannabis Board (Board) is considering: revising requirements for measuring devices for marijuana-infused liquid edibles; revising plastic package thickness for marijuana-infused edibles; implementing the requirements and directives of Engrossed Senate Substitute Bill (ESSB) 5298 (Chapter 393, Laws of 2019), and the addition of language and concepts set forth in Board Interim Policies pertaining to packaging and labeling requirements. The Board will also consider general technical and clarifying revisions to the identified rule sections.

Statutes authorizing the agency to adopt rules on this subject: RCW 69.50.342 and 69.50.345.

Reasons why rules on this subject may be needed and what they might accomplish: Rule revisions to WAC 314-55-077(8) and (9) and WAC 314-55-105 are needed for the following reasons:

1. To consider two rule making petitions that propose revising WAC 314-55-105 by:
 - Removing the current requirement that marijuana-infused liquid edible products must include a measuring device, such as a measuring cup or dropper;
 - Revising the current requirement that marijuana-infused products for oral ingestion must be packaged in plastic 4 mil or greater in thickness, and instead, reduce the requirement to plastic 2 mil or greater in thickness.

The Board will consider adding these provisions to existing rule consistent with the specific amendments offered in each petition.

2. Implementation of ESSB 5298, which RCW 69.50.345, RCW 69.50.346, and created a new section describing the legislature's intent to allow additional information on the labels and labeling of marijuana products to assist in making purchases of these products. The Board is required to align its rules with these amendments, and to the extent possible, within the timeline established by the legislature.
3. The Board approved five Board Interim Policies (BIP) on January 9, 2019 designed to clarify packaging and labeling rules. Since the specific sections of rule that these BIP pertain to (both WAC 314-55-077(8) and (9), and WAC 314-55-105) will be open for inquiry, it is appropriate and timely to consider and invite public comment regarding the language and provisions of these BIP in rule.

The Board will also consider technical and clarifying revisions and adjustments to the identified rule sections that support guideline standardization, as well as consistent, predictable decision-making.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The Board will coordinate with the Washington State Department of Health, the Washington State Health Care Authority, and other public agencies as needed.

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
☐ Pilot rule making
☐ Agency study
☒ Other (describe) Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

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Additional comments:

Date: May 29, 2019**Name:** Jane Rushford**Title:** Chair**Signature:**