



CR 101 Memorandum

Regarding WAC 314-55-155 — Advertising requirements and promotional items—Coupons, giveaways, etc.

Date: August 31, 2022
Presented by: Robert DeSpain, Policy and Rules Coordinator

Background

Initiative 502 (I-502) provided the Washington State Liquor and Cannabis Board (Board) with broad rulemaking authority to create rules related to cannabis. RCW 69.50.369(10) directed the Board to adopt rules implementing statutory provisions related to advertising in cannabis. In response to this mandate, the Board first adopted rules in 2013 under WAC 314-55-155, which established rules and regulations related to advertising in cannabis. The original title of WAC 314-55-155 was "Advertising". Since the rules went into effect in 2013, several amendments have been filed, including a major substantive amendment in 2018. The cannabis advertising landscape is ever expanding across multiple advertising platforms in scope, content, and reach. As such the Board routinely reviews the current rules related to advertising to determine whether any amendment or adoption is appropriate.

Reasons Why Rules May Be Needed

The Board seeks to re-evaluate current rules related to advertising in cannabis, as provided in WAC 314-55-155. As noted in the background, since the last substantive amendments to WAC 314-55-155 in 2018, cannabis advertising has rapidly expanded in scope, content, and reach across multiple advertising platforms. Rulemaking may be appropriate to amend, repeal, or create new subsections in order to update advertising requirements to licensed cannabis businesses. Revisions may also include clarifying and technical updates to existing rules.

Process

The rulemaking process begins by announcing the Board's intent to consider changes to existing rules, adding new rule sections, or both, by filing a preproposal statement of inquiry (CR 101) form with the Office of the Code Reviser. This allows staff, stakeholders, industry partners, and all members of the authorizing environment to begin discussing proposed rule changes.

At this stage of the rulemaking process, no proposed language is offered. Any interested party may comment on the subject of this possible rulemaking during the designated comment period. Notice will be sent to all who have indicated that they want to receive notice of rule activity related to this preproposal statement of inquiry. The notice will identify the public comment period and where comments can be sent.