



CR 101 Memorandum

Regarding cannabis plant canopy.

Date: August 31, 2022

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Background

WAC 314-55-075, adopted in 2013 with the implementation of Initiative 502, outlines privileges, requirements, and fees for cannabis producer licensees, including guidelines for the maximum area that a producer licensee may dedicate to cannabis production. The area of the producer licensee's premises dedicated to live plant production is called plant canopy and is defined in WAC 314-55-010(31), and includes the area dedicated to live plant production, including maintaining mother plants, propagating plants from seed to plant tissue, clones, and vegetative and flowering areas.

Cannabis producers are limited by their license types to the amount of square footage area they can dedicate to cannabis plant production. WAC 314-55-075 designates three tiers of licenses:

- Tier 1 – Less than 4,000 square feet, increased from less than 2,000 square feet in 2021;
- Tier 2 – Four thousand square feet up to 10,000 square feet; and
- Tier 3 – Ten thousand square feet up to 30,000 square feet.

Reasons Why Rules May Be Needed

The LCB may consider amending, repealing, and creating new rules on this subject as part of a review of plant canopy at licensed cannabis producer locations. Cannabis producers utilize a wide range of techniques and configurations in plant cultivation.

Process

The rule making process begins by announcing the Board's intent to consider changes to existing rules, adding new rule sections, or both by filing a 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 the CR 101 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 pertaining to this pre-proposal inquiry. The notice will identify the public comment period and where comments can be sent.