



## CR 101 Memorandum

### Allowing sale of cannabis waste.

Date: May 22, 2024  
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### Background

The Liquor and Cannabis Board is beginning rulemaking to implement Substitute Senate Bill (SSB) 5376 (Chapter 243, Laws of 2024) related to allowing the sale of cannabis waste. The legislation becomes effective on June 6, 2024. The legislation permits a licensed cannabis producer and a licensed cannabis processor to sell cannabis waste to a person(s) who is not cannabis licensee under certain conditions, as follows:

1. The cannabis waste is not designated as hazardous waste;
2. The licensee notifies the board and the Washington state department of agriculture before the sale; and
3. The licensee makes all sales available to the public on an equal and nondiscriminatory basis.

The legislation also defines “cannabis waste” as solid waste generated during cannabis production or processing that has a THC concentration of 0.3% or less. Cannabis waste does not include “hemp” or “industrial hemp,” which have existing definitions in RCW 15.140.020.

The current regulations (WAC 314-55-097) requires cannabis waste that is not classified as dangerous be made unusable before disposal. To render cannabis waste unusable, it must be ground up and mixed with other materials to at least 50% non-cannabis content. Compostable waste can be mixed with food, yard waste, or vegetable oils, while non-compostable waste can be combined with paper, cardboard, plastic, soil, or other approved materials.

### Reasons Why Rulemaking Is Needed

Rulemaking is needed to amend WAC 314-55-097 and amend, repeal, or create other sections of Title 314 WAC, as necessary, to implement SSB 5376.

### 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 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.