



Washington State Liquor and Cannabis Board

Conceptual Rule Framework Discussion Minors on non-retail premises

Stakeholder Input Sessions

Monday, Sept. 16, 10 a.m. – Noon

Thursday, Sept. 19, 2 p.m. – 4 p.m.

Presenter: Denise Laflamme, Policy & Rules Coordinator

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rules@lcb.wa.gov



Washington State Liquor and Cannabis Board

Agenda

- 1. First hour** - Topic area: Children and grandchildren of licensees
 - Welcome and background *(15 min.)*
 - Review & discuss conceptual draft conditions to consider in rulemaking *(40 min.)*
 - Conditions from Covid allowance
 - Other conditions
 - Wrap up and next steps *(5 min.)*
- 2. Second hour** - Topic area: Employees of contractors
 - Welcome and background *(15 min.)*
 - Review conceptual draft conditions to consider in rulemaking *(40 min.)*
 - Conditions from Covid allowance
 - Definitions of trade employees from WA Labor & Industries (L&I)
 - Other conditions
 - Wrap up and next steps *(5 min.)*



Washington State Liquor and Cannabis Board

Objective

To gather insights and feedback on
draft proposed conditions for permitting minors on premises.

For feedback or questions, contact rules@lcb.wa.gov



Washington State Liquor and Cannabis Board

Purpose

- To involve stakeholders in the development of rules that help determine when and how minors can be present on non-retail cannabis premises, to ensure final regulations reflect public input, public safety, and industry needs.



Washington State Liquor and Cannabis Board

Session Notes

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Washington State Liquor and Cannabis Board

Rulemaking Project Timeline Minors on Non-Retail Premises

Date		Stage
February 28, 2024		CR 101 Filed – Rulemaking officially begins, filed as WSR 24-06-026
September 16 & 19, 2024	<u>WE ARE HERE</u>	Stakeholder Engagements
October 9, 2024	Tentative	CR 102 Filed – Draft Rules Proposed
October 9 – December 4, 2024	Tentative	Public Feedback Period on Draft Rules
December 4, 2024	Tentative	Public Hearing
December 18, 2024	Tentative	CR 103 Filed – Final Rules filed
January 18, 2025	Tentative	Rules effective



Washington State Liquor and Cannabis Board

Background

- Board accepted two rulemaking petitions in 2022 requesting to:
 - [Adopt COVID allowance for children & grandchildren of licensees](#)
 - [Allow employees of contractors who are under 21](#)
- CR-101 initiating rulemaking filed Feb. 28, 2024
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Washington State Liquor and Cannabis Board

Minors on Premises COVID Allowance (through Dec. 31, 2022)

Applied to: Cannabis Producers and Processors

Due to the related COVID – 19 impacts, the LCB is temporarily relaxing enforcement of WAC 314-55-015 involving the prohibition of minors being present on premises of licensed cannabis producers/processors in limited circumstances. This temporary allowance is to accommodate families that have been impacted by school closures. Effective immediately the LCB will not enforce the provisions of WAC 314-55-015 for families who have children under the age of 16 on the licensed premises, so long as the following conditions are met:



Washington State Liquor and Cannabis Board

Minors on Premises COVID Allowance (through Dec. 31, 2022)

Conditions:

- The person under 16 years of age is a child or grandchild of the licensee,
- The person under 16 years of age is not engaging in any work or act of employment for the licensed business,
- The person under 16 years of age does not possess any products associated with the production, processing, or sales of cannabis,

This advisement covers only the licensed cannabis facility for producers and processors, and does not include or cover retail locations or transportation vehicles.



Washington State Liquor and Cannabis Board

Statutes and Rules



Washington State Liquor and Cannabis Board

WAC 314-55-015

General information about cannabis licenses.

(2) All applicants, licensees, and employees working in each licensed establishment must be at least 21 years of age. No one under 21 years of age may enter or remain on a cannabis licensed premises except as provided in RCW [69.50.357](#).



Washington State Liquor and Cannabis Board

[RCW 69.50.357](#) **Retail outlets—Rules.**

(2) Licensed cannabis retailers may not employ persons under twenty-one years of age or allow persons under twenty-one years of age to enter or remain on the premises of a retail outlet. However, qualifying patients between eighteen and twenty-one years of age with a recognition card may enter and remain on the premises of a retail outlet holding a medical cannabis endorsement and may purchase products for their personal medical use. Qualifying patients who are under the age of eighteen with a recognition card and who accompany their designated providers may enter and remain on the premises of a retail outlet holding a medical cannabis endorsement, but may not purchase products for their personal medical use.



Washington State Liquor and Cannabis Board

[WAC 314-55-086](#)

Mandatory signage

- (1) All licensed cannabis processors, producers, and retailers, with the exception of licensed retailers with a medical cannabis endorsement, must conspicuously post a notice provided by the board about persons under 21 years of age at each entry to all licensed premises. The notice must contain all of the following language: "Persons under 21 years of age not permitted on these premises."



Washington State Liquor and Cannabis Board

WAC 314-55-521

Category II

Violations That Create a Direct or Immediate Threat to Public Health, Safety, or Both

Violation Type	1st Violation	2nd Violation in a Two-year Window	3rd Violation in a Two-year Window	4th Violation in a Two-year Window
Furnishing to persons under twenty-one years of age, except as allowed in RCW 60.50.357. RCW 69.50.354 WAC 314-55-079(1)	5-day suspension or \$1,250 monetary option	10-day suspension or \$7,500 monetary option	30-day suspension	License cancellation



Washington State
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Children & Grandchildren of Licensees

First Hour of Session



Washington State Liquor and Cannabis Board

Children and Grandchildren of Licensees Conditions for Discussion

- Topics for discussion:
 1. Use all or part of COVID Allowance
 2. Types of operations
 3. Restricting certain areas
 4. Requirements for supervision
 5. Other?



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Children and Grandchildren of Licensees Conditions for Discussion

1. COVID Allowance – Should we keep all or parts?

The person under 16 years of age:

1. Is a child or grandchild of the licensee,
2. Is not engaging in any work or act of employment for the licensed business,
3. Does not possess any products associated with the production, processing, or sales of cannabis.



Children and Grandchildren of Licensees

Conditions for Discussion

2. Should minors be permitted on all types of producer and processor operations?
 - Any licensed premises regardless of operation type or activities?
 - Only on specific types of licenses (e.g. small-scale producers, family-owned operations, etc.)?
 - Other?



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Children and Grandchildren of Licensees Conditions for Discussion

3. Should certain areas be restricted? e.g., areas with:
 - Live plants
 - Harvested/Post-harvest cannabis
 - Unpackaged products
 - Lighting equipment (grow rooms)
 - Chemicals, including pesticides or solvents, that are used or stored
 - Other?



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Children and Grandchildren of Licensees Conditions for Discussion

4. Should supervision be required?
 - Liquor regulations include parent supervision language- for craft distilleries – use as a template?



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Children and Grandchildren of Licensees

Use supervision language from craft distillery (RCW 66.24.145)?

- Craft distillery- on-premises and off-premises consumption – tasting room age restrictions
 - (7)(a) No person under twenty-one years of age may be on the premises of a craft distillery tasting room, including an off-site tasting room licensed under RCW 66.24.146, unless they are accompanied by their parent or guardian.
 - (d) Notwithstanding the limitations in (c) of this subsection, persons under twenty-one years of age who are children of owners, operators, or managers of a craft distillery or an off-site tasting room licensed under RCW 66.24.146, may be in any area of a licensed craft distillery, tasting room, or an off-site tasting room licensed under RCW 66.24.146, provided they must be under the direct supervision of their parent or guardian while on the premises.



Children and Grandchildren of Licensees

- Input we heard today will help us develop draft rule language
 - Another round of stakeholder input may be helpful
- Tentatively File CR 102 October 9
- Questions and comments to rules@lcb.wa.gov



Washington State
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Employees of Contractors

Second Hour of Session



Washington State Liquor and Cannabis Board

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Second hour - Topic area: Employees of contractors

- Welcome and background (*15 min.*)
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Washington State Liquor and Cannabis Board

RCW 69.50.357

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Employees of Contractors Conditions for Discussion

1. Should we use COVID allowance language?
2. Use L&I definitions for employees:
 - Types of trades
 - Keep between 18-20 years old?
3. Use liquor laws as template?
 - Supervision
 - Onsite only to conduct work



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Employees of Contractors Conditions for Discussion

- Use COVID Allowance language?
 - Not engaging in any work or act of employment for the licensed business,
 - Does not possess any products associated with the production, processing, or sales of cannabis.



Employees of Contractors Conditions for Discussion

- Specify that employees are 18-20 years old?
 - Additional L&I requirements if under 18
- L&I has provided definitions for “contractors”
 - Differs by trade
 - L&I provided following language:

Qualified contractor means a licensed **plumbing contractor** under Chapter 18.106, a licensed **electrical contractor** under Chapter 19.28 RCW, or a **registered contractor** under Chapter 18.27 RCW. Qualified contractors utilizing certified plumbing trainees under Chapter 18.106, certified electrical trainees, or registered apprentices under chapter 49.04 RCW to perform work on cannabis-related sites where the trainee or apprentice is under 21 years of age, the trainee must be **supervised** on the same job site at all times at a ratio consistent with the trainee or apprentice standards.



Washington State Liquor and Cannabis Board

Employees of Contractors

Conditions for Discussion – Liquor rules language

- [WAC 314-11-040](#) Permissible duties of an employee under 21 years of age on a licensed premises.

A person must be 21 years of age or older to be employed in the sale, handling, or service of liquor, except as provided in this chapter.

- (1) Per RCW [66.44.340](#) and RCW [66.44.350](#), persons between 18 and 21 years of age may perform the following duties:

- (c) In an establishment that sells liquor for on-premises consumption:

Enter areas designated as off-limits to persons under 21 years of age to perform duties such as picking up liquor for service in other parts of the establishment; cleaning up, setting up, and arranging tables; delivering messages; serving food; and seating patrons; provided the employee does not remain in the area any longer than is necessary to perform the duties.



Washington State Liquor and Cannabis Board

Employees of Contractors

Conditions for Discussion – Liquor rules language

- [WAC 314-11-040](#) Permissible duties of an employee under 21 years of age on a licensed premises.
 - (2) Per RCW 66.44.316 and 66.44.318, the following persons that are 18, 19, or 20 years of age may remain on licensed premises or portions of premises that are restricted from persons under 21 years of age, but only during the course of his or her employment:
 - (a) Persons performing janitorial services during the hours when there is no sale, service, or consumption of liquor on the premises;
 - (b) Employees of amusement device companies for the purpose of installing, maintaining, repairing, or removing any amusement device;



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