

Temporary Guidance for the Sale of Flavored Cannabis Vapor Products

The LCB has received questions related to legality of selling flavored marijuana vapor products. Currently the LCB has plans to conduct rule making for recently passed HB 2826. The LCB recognizes the need for additional clarity to the new section 4 of recently passed HB 2826 in the interim period of time until formal rulemaking is completed. This advisement is to **temporarily provide direction during that interim period** and to be used as a stopgap until rulemaking is concluded. As such, in this interim, flavored vapor products may be produced and sold under the following conditions:

- Flavored vapor product may not contain any Vitamin E Acetate
- Flavored vapor product may not contain synthetic terpenes or other added synthetic flavorings
- Flavored vapor products may not contain a different terpene profile other than one in a naturally-occurring cannabis plant strain

During this interim period before rule making is completed, the following definitions shall apply to flavored cannabis vapor product:

- Characterizing flavor: Flavors present in a naturally-occurring cannabis plant strain
 - Allowable = adding lemon botanical terpenes to a vapor product where the originating cannabis plant strain contains lemon flavors
 - Prohibited = adding flavorings such as bubble gum flavor to a vapor product or an combination of flavorings that confer such a flavor to the vapor product
- Botanical terpenes: Terpenes that are derived from natural plants, including fruit and flowers from a natural grown plant
- Terpene profile: The percentage of terpenes naturally found in a cannabis plant
 - Allowable = adding 5% lemon botanical terpenes to a vapor product where the originating cannabis plant strain contains 5% lemon flavors
 - Prohibited = adding 40% lemon botanical terpenes to a vapor product

HB 2826 Section 4 excerpt:

NEW SECTION. **Sec. 4.** A new section is added to chapter 69.50 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, marijuana processors may incorporate in marijuana vapor products a characterizing flavor if the characterizing flavor is derived from botanical terpenes naturally occurring in the cannabis plant, regardless of source, and if the characterizing flavor mimics the terpene profile found in a cannabis plant. Characterizing flavors authorized under this section do not include any synthetic terpenes.

(2) If the board determines a characterizing flavor otherwise authorized under this section may pose a risk to public health or youth access, the board may, by rule adopted under RCW 69.50.342, prohibit the use in marijuana vapor products of such a characterizing flavor.