

WAC 314-55-077 Marijuana processor license—Privileges, requirements, and fees. (1) A marijuana processor license allows the licensee to process, dry, cure, package, and label useable marijuana, marijuana concentrates, and marijuana-infused products for sale at wholesale to marijuana processors and marijuana retailers.

(2) Application and license fees.

(a) The application fee for a marijuana processor license is two hundred fifty dollars. The applicant is also responsible for paying the fees required by the approved vendor for fingerprint evaluation.

(b) The annual fee for issuance and renewal of a marijuana processor license is one thousand three hundred eighty-one dollars. The board will conduct random criminal history checks at the time of renewal that will require the licensee to submit fingerprints for evaluation from the approved vendor. The licensee is responsible for all fees required for the criminal history checks.

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

(c) The application window for marijuana processor licenses is closed. The board may reopen the marijuana processor application window at subsequent times when the board deems necessary.

(3) Any entity and/or principals within any entity are limited to no more than three marijuana processor licenses.

(4) (a) A marijuana processor that makes marijuana-infused solid or liquid product meant to be ingested orally (marijuana edibles) must obtain a marijuana-infused edible endorsement from the department of agriculture as required under chapter 15.125 RCW and rules adopted by the department to implement that chapter (chapter 16-131 WAC). A licensee must allow the board or their designee to conduct physical visits and inspect the processing facility, recipes, and records required under WAC 314-55-087 during normal business hours or at any time of apparent operation without advance notice.

(b) A marijuana processor licensed by the board must ensure marijuana-infused edible processing facilities are constructed, kept, and maintained in a clean and sanitary condition in

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

accordance with rules and as prescribed by the Washington state department of agriculture under chapter 15.125 RCW and rules promulgated to implement chapters 16-131, 16-165 and 16-167 WAC.

(5) (a) A marijuana processor may blend tested useable marijuana from multiple lots into a single package for sale to a marijuana retail licensee so long as the label requirements for each lot used in the blend are met and the percentage by weight of each lot is also included on the label.

(b) A processor may not treat or otherwise adulterate useable marijuana with any organic or nonorganic chemical or other compound whatsoever to alter the color, appearance, weight, or smell of the useable marijuana.

(6) Recipes, product, packaging, and labeling approval.

(a) A marijuana processor licensee must obtain label and packaging approval from the board for all marijuana-infused products meant for oral ingestion prior to offering these items for sale to a marijuana retailer. The marijuana processor licensee must submit a picture of the product, labeling, and packaging to the board for approval. More information on the

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

product, packaging, and label review process is available on the board's web site at lcb.wa.gov.

(b) All recipes for marijuana-infused products meant for oral ingestion (marijuana edible products) must be approved by the department of agriculture under chapter 16-131 WAC.

Licensees must obtain recipe approval from the department of agriculture prior to submitting any marijuana edible products, packages, and labels for review and approval by the board. The recipe for any marijuana-infused solid or liquid products meant to be ingested orally must be kept on file at the marijuana processor's licensed premises and made available for inspection by the board or its designee.

(c) If the board denies a marijuana-infused product for sale in marijuana retail outlets, the marijuana processor licensee may request an administrative hearing under chapter 34.05 RCW, Administrative Procedure Act.

(7) With the exception of the marijuana, all ingredients used in making marijuana-infused products for oral ingestion

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

must be a commercially manufactured food as defined in WAC 246-215-01115.

(8) Marijuana-infused edible products in solid or liquid form must be homogenized to ensure uniform disbursement of cannabinoids.

(9) A marijuana processor may infuse food or drinks with marijuana, provided that:

- (a) The product or products do not require cooking or baking by the consumer;
- (b) Coatings applied to the product or products are compliant with the requirements of this chapter;
- (c) The product and package design is not similar to commercially available products marketed for consumption by persons under twenty-one years of age, as defined by WAC 314-55-105(1)(c).

(10) To reduce the risk to public health, potentially hazardous foods as defined in WAC 246-215-01115 may not be infused with marijuana. Potentially hazardous foods require time-temperature control to keep them safe for human consumption

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

and prevent the growth of pathogenic microorganisms or the production of toxins. Any food that requires refrigeration, freezing, or a hot holding unit to keep it safe for human consumption may not be infused with marijuana.

(11) Other food items that may not be infused with marijuana to be sold in a retail store include:

(a) Any food that has to be acidified to make it shelf stable;

(b) Food items made shelf stable by canning or retorting;

(c) Fruit or vegetable juices (this does not include shelf stable concentrates);

(d) Fruit or vegetable butters;

(e) Pumpkin pies, custard pies, or any pies that contain egg;

(f) Dairy products of any kind such as butter, cheese, ice cream, or milk; and

(g) Dried or cured meats.

(c) Vinegars and oils derived from natural sources may be infused with dried marijuana if all plant material is

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

subsequently removed from the final product. Vinegars and oils may not be infused with any other substance, including herbs and garlic.

(d) Marijuana-infused jams and jellies made from scratch must utilize a standardized recipe in accordance with 21 C.F.R. Part 150, revised as of April 1, 2013.

(12) Consistent with WAC 314-55-104, a marijuana processor may infuse dairy butter or fats derived from natural sources, and use that extraction to prepare allowable marijuana-infused solid or liquid products meant to be ingested orally. Marijuana-infused dairy butter or fats derived from natural sources may not be sold as stand-alone products.

(a) The board may designate other food items that may not be infused with marijuana.

(13) Marijuana processor licensees are allowed to have a maximum of six months of their average useable marijuana and six months average of their total production on their licensed premises at any time.

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

(14) **Processing service arrangements.** A processing service arrangement is when one processor (processor B) processes useable marijuana or an altered form of useable marijuana (marijuana product) for another licensed processor (processor A) for a fee.

(a) Processor A is the product owner. However, processor B may handle the product under its license as provided in chapter 69.50 RCW and this chapter. Processor B is not allowed to transfer the product to a retailer and may only possess marijuana or marijuana products received from processor A for the limited purposes of processing it for ultimate transfer back to processor A.

(b) Processing service arrangements must be made on a cash basis only as provided in WAC 314-55-115 and payment for the service and return of the processed product must be made within thirty calendar days of delivery to processor B. Failure to do so as provided by the preceding sentence is a violation of this section and any marijuana or marijuana product involved in the transaction will be subject to seizure and destruction. Payment

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

with any marijuana products, barter, trade, or compensation in any form other than cash for processing service arrangements is prohibited under processing service arrangements.

(c) Each processor that enters into a processing service arrangement must include records for each service arrangement in recordkeeping documents which must be maintained consistent with this chapter.

(15) Marijuana may not be returned by any retail licensee to any processor except as provided in this section.

(a) Every processor must maintain on the licensed premises for a period of five years complete records of all refunds and exchanges made under this section including an inventory of marijuana and marijuana products returned to the processor by any retail licensee.

(b) Marijuana may be returned by a retail licensee in the event a retailer goes out of the business of selling marijuana at retail and a cash refund, as defined by WAC 314-55-115, may be made upon the return of the marijuana or marijuana products,

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

so long as WSLCB approval is acquired prior to returns and refunds under this subsection.

(c) Marijuana products different from that ordered by a retailer and delivered to the retailer may be returned to a processor and either replaced with marijuana products which were ordered or a cash refund, as defined by WAC 314-55-115, may be made. These incorrect orders must be discovered and corrected within eight days of the date the delivery was made to be eligible for returns and refunds under this subsection.

(d) A marijuana processor may accept returns of products and sample jars from marijuana retailers for destruction, but is not required to provide refunds to the retailer. It is the responsibility of the retailer to ensure the product or sample jar is returned to the processor.

[Statutory Authority: RCW 69.50.325, 69.50.342, 69.50.345, and 69.50.369. WSR 18-22-055, § 314-55-077, filed 10/31/18, effective 12/1/18. Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-077, filed 5/18/16, effective 6/18/16; WSR 15-11-107, § 314-55-077, filed 5/20/15, effective 6/20/15; WSR 14-10-044, § 314-55-077, filed 4/30/14, effective 5/31/14. Statutory Authority: RCW 69.50.325, 69.50.331,

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

69.50.342, 69.50.345. WSR 13-21-104, § 314-55-077, filed
10/21/13, effective 11/21/13.]

WAC 314-55-105 Marijuana product packaging and labeling.

(1) The following definitions apply to this section, unless the
context clearly indicates otherwise:

(a) "Cartoon" means any drawing or other depiction of an
object, person, animal, creature, or any similar caricature that
meets any of the following criteria:

(i) The use of comically exaggerated features;

(ii) The attribution of human characteristics to animals,
plants or other objects;

(iii) The attribution of animal, plant, or other object
characteristics to humans;

(vi) The attribution of unnatural or extra-human abilities.

(b) "Child resistant packaging" means packaging that is
used to reduce the risk of poisoning in persons under the age of
twenty-one through the ingestion of potentially hazardous items,
including but not limited to marijuana concentrates, usable
marijuana, and marijuana infused products.

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

(c) "Especially appealing to persons under the age of twenty-one" means a product or label that includes, but is not limited to:

(i) The use of cartoons;

(ii) Bubble-type or other cartoon-like font;

(iii) A design, brand, or name that resembles a noncannabis consumer product that is marketed to persons under the age of twenty-one;

(iv) Symbols or celebrities that are commonly used to market products to persons under the age of twenty-one;

(v) Images of persons under the age of twenty-one; or

(vi) Similarities to products or words that refer to products that are commonly associated or marketed to persons under the age of twenty-one.

(d) "Marijuana concentrates" means products consisting wholly or in part of the resin extracted from any part of the plant *Cannabis* and having a THC concentration greater than ten percent, consistent with RCW 69.50.101(z).

(e) "Marijuana edible" means a marijuana-infused product as defined in RCW 69.50.101(ff) in solid or liquid form meant to

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

be ingested orally with a THC concentration of no greater than ten percent.

(f) "Marijuana topical" or "topical" means any product containing parts of the cannabis plant that is intended for application to the body's surface, including, but not limited to lotions, ointments, salves, gels, or cream that:

- (i) Contain a THC concentration of not more than 0.3 percent;
- (ii) Will not cross the blood-brain barrier; and
- (iii) Are not intended for ingestion, inhalation or insertion by humans or animals.

(iv) "Structure and function claims" mean a description of the role of a marijuana product intended to affect normal structure and function in humans, characterized by the means by which a marijuana product acts to maintain such structure or function, or describe the general well-being from consumption of a marijuana product.

(v) "Usable marijuana" means dried marijuana flowers consistent with RCW 69.50.101(w). The term "usable marijuana" does not include either marijuana-infused products or marijuana concentrates.

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

(2) **Marijuana concentrates.** The following standards apply to all packaging and labeling of marijuana concentrates:

(a) Containers or packaging containing marijuana concentrates must protect the product from contamination. Containers or packaging must not impart any toxic or harmful substance to the marijuana concentrate.

(b) Marijuana concentrates must be packaged:

(i) In child resistant packaging consistent with Title 16 C.F.R. 1700 of the Poison Prevention Packaging Act; or

(ii) In plastic that is two mil or greater in thickness, heat sealed without an easy-open tab, dimple, corner, or flap that will protect persons under the age of twenty-one from accidental exposure to marijuana concentrates.

(c) Marijuana concentrates must not be labeled as organic unless permitted by the United States Department of Agriculture consistent with the Organic Foods Production Act.

(d) Marijuana concentrate labels must comply with the version of NIST Handbook 130, Uniform Packaging and Labeling Regulation adopted in chapter 16-662 WAC.

(e) Marijuana concentrate labels must clearly and visibly provide all of the following information:

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

(i) The business or trade name and the nine digit Washington state unified business identifier (UBI) number of the marijuana producer and processor;

(ii) The lot numbers of the product;

(iii) The unique identifier number generated by the board's traceability system. This must be the same number that appears on the transport manifest;

(iv) The serving or draw size and the number of servings contained with the unit. If more than one serving is in a package, the label must prominently display the serving size, the number of servings in the package and the amount of product per serving;

(v) Net weight in ounces and grams or volume as applicable;

(vi) THC concentration (delta-9 tetrahydrocannabinol) listed as total THC and activated THC-A and CBD concentration (cannabidiol) listed as total CBD and activated CBD-A;

(vii) Medically and scientifically accurate and reliable information about the health and safety risks posed by marijuana use;

(viii) If solvents were used to create concentrate or extract, a statement that discloses the type of extraction method, including any solvents or gases used to create the concentrate; and

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

(ix) A complete list of any other chemicals, compounds, additives, thickening agents, terpenes or other substances used to produce or added to the concentrate or extract at any point during production. A copy of the complete list of chemicals, compounds, additives, thickening agents, terpenes or other substances must be kept and maintained at the facility in which the marijuana concentrates are processed.

(f) Marijuana concentrate labels may not contain any statement, depiction, or illustration that:

(i) Is false or misleading;

(ii) Promotes over consumption;

(iii) Represents that the use of marijuana has curative or therapeutic effects;

(iv) Depicts a person under the age of twenty-one consuming marijuana; or

(v) Is especially appealing to persons under twenty-one years of age as defined in WAC 314-55-105(1)(c).

(g) The following statements must be included on all marijuana concentrate labels:

(i) "Warning - May be habit forming";

(ii) "Unlawful outside Washington State";

(iii) "It is illegal to operate a motor vehicle while under the influence of marijuana";

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

(iv) The marijuana universal symbol as provided in WAC 314-55-106; and

(v) "Smoking is hazardous to your health."

(h) Product labeling for marijuana concentrates identified as compliant marijuana product under RCW 69.50.375(4) and chapter 246-70 WAC may include:

(i) A structure or function claim describing the intended role of the product to maintain the structure or any function of the body; or

(ii) Characterization of the documented mechanism by which the product acts to maintain such structure or function, provided that the claim is truthful and not misleading.

(iii) Any statement made under this subsection may not claim to diagnose, mitigate, treat, cure or prevent any disease. (i) Where there is one statement made under WAC 314-55-105(2) (h), or there is a warning describing the psychoactive effects of the marijuana product that is not false or misleading, the disclaimer must state, "This statement has not been evaluated by the State of Washington. This product is not intended to diagnose, treat, cure, or prevent any disease."

(j) Where there is more than one statement made under WAC 314-55-105(2) (h), or there is a warning describing the psychoactive effects of the marijuana product that is not

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

false or misleading, the disclaimer must state, "These statements have not been evaluated by the State of Washington. This product is not intended to diagnose, treat, cure, or prevent any disease."

(3) **Marijuana edibles in solid form.** The following standards apply to all packaging and labeling of marijuana edibles in solid form:

(a) Containers or packaging containing marijuana edibles in solid form must protect the product from contamination. Containers or packaging must not impart any toxic or harmful substance to the marijuana edibles in solid form.

(b) Marijuana edibles in solid form must be packaged:

(i) In child resistant packaging consistent with Title 16 C.F.R. 1700 of the Poison Prevention Packaging Act; or

(ii) In plastic that is two mil or greater in thickness, heat sealed without an easy-open tab, dimple, corner, or flap that will protect persons under the age of twenty-one from accidental exposure to marijuana edibles in solid form.

(c) Marijuana edibles in solid form must not be labeled as organic unless permitted by the United States Department of Agriculture consistent with the Organic Foods Production Act.

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

(d) Labels for marijuana edibles in solid form must comply with the version of NIST Handbook 130, Uniform Packaging and Labeling Regulation adopted in chapter 16-662 WAC.

(e) Labels for marijuana edibles in solid form must clearly and visibly provide all of the following information:

(i) The business or trade name and the nine digit Washington state unified business identifier (UBI) number of the licensees that produced and processed the marijuana or marijuana products;

(ii) The lot numbers of the product;

(iii) The unique identifier number generated by the board's traceability system. This must be the same number that appears on the transport manifest;

(iv) The serving size and the number of servings contained within the unit. If more than one serving is in a package, the label must prominently display the serving size, the number of servings in the package and the amount of product per serving;

(v) Net weight in ounces and grams or volume as applicable;

(vi) THC concentration (delta-9 tetrahydrocannabinol) listed as total THC and activated THC-A and CBD concentration (cannabidiol) listed as total CBD and activated CBD-A;

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

(vii) Medically and scientifically accurate and reliable information about the health and safety risks posed by marijuana use;

(viii) A list of ingredients in descending order of predominance by weight or volume as applicable and a list of major food allergens as defined in the Food Allergen Labeling and Consumer Protection Act of 2004;

(ix) If solvents were used, a statement that discloses the type of extraction method, including any solvents, gases, or other chemicals or compounds used to produce or that were added to the extract.

(f) Labels for marijuana edibles in solid form may not contain any statement, depiction, or illustration that:

(i) Is false or misleading;

(ii) Promotes over consumption;

(iii) Represents that the use of marijuana has curative or therapeutic effects;

(iv) Depicts a person under the age of twenty-one consuming marijuana, or is especially appealing to persons under twenty-one years of age as defined in WAC 314-55-105(1)(c).

(g) The following warning statements must be included on all labels for all marijuana edibles in solid form. The

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

following warning statements must legible, unobscured, and visible to the consumer:

- (i) "Warning - May be habit forming";
- (ii) "Unlawful outside Washington State";
- (iii) "It is illegal to operate a motor vehicle under the influence of marijuana";
- (iv) The marijuana universal symbol as provided in WAC 314-55-106; and
- (v) "Caution: Intoxicating effects may be delayed by 2+ hours."

(h) Product labeling for marijuana edibles in solid form identified as compliant marijuana product under RCW 69.50.375(4) and chapter 246-70 WAC may include:

(i) A structure or function claim describing the intended role of the product to maintain the structure or any function of the body; or

(ii) Characterization of the documented mechanism by which the product acts to maintain such structure or function, provided that the claim is truthful and not misleading.

(iii) Any statement made under this subsection may not claim to diagnose, mitigate, treat, cure or prevent any disease.

(i) Where there is one statement made under WAC 314-55-105(3)(h), or there is a warning describing the psychoactive

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

effects of the marijuana product, provided it is not false or misleading, the disclaimer must state, "This statement has not been evaluated by the State of Washington. This product is not intended to diagnose, treat, cure, or prevent any disease."

(j) Where there is more than one statement made under WAC 314-55-105(3)(h), or there is a warning describing the psychoactive effects of the marijuana product, provided they are not false or misleading, the disclaimer must state, "These statements have not been evaluated by the State of Washington. This product is not intended to diagnose, treat, cure, or prevent any disease."

(4) **Marijuana edibles in liquid form.** The following standards apply to all packaging and labeling of marijuana edibles in liquid form:

(a) Containers or packaging containing marijuana edibles in liquid form must protect the product from contamination. Containers or packaging must not impart any toxic or harmful substance to the marijuana edibles in liquid form.

(b) Marijuana edibles in liquid form must be packaged:

(i) In child resistant packaging consistent with Title 16 C.F.R. 1700 of the Poison Prevention Packaging Act; or

(ii) In plastic that is two mil or greater in thickness, heat sealed without an easy-open tab, dimple, corner, or flap

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

that will protect persons under the age of twenty-one from accidental exposure to marijuana edibles in liquid form.

(iv) Marijuana edibles in liquid form that include more than one serving must be packaged with a resealable closure or cap. Marijuana edibles in liquid form may include a measuring device such as a measuring cup or dropper. Hash marks on the bottle or package qualify as a measuring device.

(c) Marijuana edibles in liquid form must not be labeled as organic unless permitted by the United States Department of Agriculture consistent with the Organic Foods Production Act.

(d) Labels for marijuana edibles in liquid form must comply with the version of NIST Handbook 130, Uniform Packaging and Labeling Regulation adopted in chapter 16-662 WAC.

(e) Labels for marijuana edibles in liquid form must clearly and visibly provide all of the following information:

(i) The business or trade name and the nine digit Washington state unified business identifier (UBI) number of the licensees that produced and processed the marijuana or marijuana products;

(ii) The lot numbers of the product;

(iii) The unique identifier number generated by the board's traceability system. This must be the same number that appears on the transport manifest;

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

(iv) The serving size and the number of servings contained within the unit. If more than one serving is in a package, the label must prominently display the serving size, the number of servings in the package and the amount of product per serving;

(v) Net weight in ounces and grams or volume as applicable;

(vi) THC concentration (delta-9 tetrahydrocannabinol) listed as total THC and activated THC-A and CBD concentration (cannabidiol) listed as total CBD and activated CBD-A;

(vii) Medically and scientifically accurate and reliable information about the health and safety risks posed by marijuana use;

(viii) A list of all ingredients in descending order of predominance by weight or volume as applicable and a list of major food allergens as defined in the Food Allergen Labeling and Protections Act of 2004;

(ix) If solvents were used, a statement that discloses the type of extraction method, including any solvents, gases, or other chemicals or compounds used to produce or added to the extract.

(f) Labels for marijuana edibles in liquid form may not contain any statement, depiction, or illustration that:

(i) Is false or misleading;

(ii) Promotes over consumption;

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

(iii) Represents the use of marijuana has curative or therapeutic effects;

(iv) Depicts a person under the age of twenty-one consuming marijuana, or is especially appealing to persons under twenty-one years of age as defined in WAC 314-55-105(1)(c).

(g) The following warning statements must be included on all labels for all marijuana edibles in liquid form. The following warning statements must be legible, unobscured, and visible to the consumer:

(i) "Warning - May be habit forming";

(ii) "Unlawful outside Washington State";

(iii) "It is illegal to operate a motor vehicle under the influence of marijuana";

(iv) The marijuana universal symbol as provided in WAC 314-55-106; and

(v) "Caution: Intoxicating effects may be delayed by 2+ hours."

(h) Product labeling for marijuana edibles in liquid form identified as compliant marijuana product under RCW 69.50.375(4) and chapter 246-70 WAC may include:

(i) A structure or function claim describing the intended role of the product to maintain the structure or any function of the body; or

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

(ii) Characterization of the documented mechanism by which the product acts to maintain such structure or function, provided that the claim is truthful and not misleading.

(iii) Any statement made under this subsection may not claim to diagnose, mitigate, treat, cure or prevent any disease.

(i) Where there is one statement made under WAC 314-55-105(4)(h), or there is a warning describing the psychoactive effects of the marijuana product, provided it is not false or misleading, the disclaimer must state, "This statement has not been evaluated by the State of Washington. This product is not intended to diagnose, treat, cure, or prevent any disease."

(j) Where there is more than one statement made under WAC 314-55-105(4)(h), or there is a warning describing the psychoactive effects of the marijuana product, provided they are not false or misleading, the disclaimer must state, "These statements have not been evaluated by the State of Washington. This product is not intended to diagnose, treat, cure, or prevent any disease."

(5) **Usable marijuana.** The following standards apply to all packaging and labeling of usable marijuana:

(a) Containers or packaging containing usable marijuana must protect the product from contamination. Containers or

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

packaging must not impart any toxic or harmful substance to the usable marijuana.

(b) Usable marijuana must not be labeled as organic unless permitted by the United States Department of Agriculture consistent with the Organic Foods Production Act.

(c) Usable marijuana must comply with the version of NIST Handbook 130, Uniform Packaging and Labeling Regulation adopted in chapter 16-662 WAC.

(d) Labels for usable marijuana must clearly and visibly provide all of the following information:

(i) The business or trade name and the nine digit Washington state unified business identifier (UBI) number of the licensees that produced and processed the marijuana or marijuana products;

(ii) The lot number of the product;

(iii) The unique identifier number generated by the board's traceability system. This must be the same number that appears on the transport manifest;

(iv) The serving size and the number of servings contained within the unit. If more than one serving is in a package, the label must prominently display the serving size, the number of servings in the package and the amount of product per serving;

(v) Net weight in ounces and grams or volume as applicable;

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

(vi) THC concentration (delta-9 tetrahydrocannabinol) listed as total THC and activated THC-A and CBD concentration (cannabidiol) listed as total CBD and activated CBD-A;

(vii) Medically and scientifically accurate and reliable information about the health and safety risks posed by marijuana.

(e) Labels for usable marijuana may not contain any statement, depiction, or illustration that:

(i) Is false or misleading;

(ii) Promotes over consumption;

(iii) Represents the use of marijuana has curative or therapeutic effects;

(iv) Depicts a person under the age of twenty-one consuming marijuana, or is especially appealing to persons under twenty-one years of age as defined in WAC 314-55-105(1)(c).

(f) The following warning statements must be included on all labels for all usable marijuana. The following warning statements must be legible, unobscured, and visible to the consumer:

(i) "Warning - May be habit forming";

(ii) "Unlawful outside Washington State";

(iii) "It is illegal to operate a motor vehicle under the influence of marijuana";

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

(iv) The marijuana universal symbol as provided in WAC 314-55-106; and

(v) "Smoking is hazardous to your health."

(g) Product labeling for usable marijuana in liquid form identified as compliant marijuana product under RCW 69.50.375(4) and chapter 246-70 WAC may include:

(i) A structure or function claim describing the intended role of the product to maintain the structure or any function of the body; or

(ii) Characterization of the documented mechanism by which the product acts to maintain such structure or function, provided that the claim is truthful and not misleading.

(iii) Any statement made under this subsection may not claim to diagnose, mitigate, treat, cure or prevent any disease.

(i) Where there is one statement made under WAC 314-55-105(5)(g), or there is a warning describing the psychoactive effects of the marijuana product, provided it is not false or misleading, the disclaimer must state, "This statement has not been evaluated by the State of Washington. This product is not intended to diagnose, treat, cure, or prevent any disease."

(j) Where there is more than one statement made under WAC 314-55-105(5)(g), or there is a warning describing the psychoactive effects of the marijuana product, provided they are

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

not false or misleading, the disclaimer must state, "These statements have not been evaluated by the State of Washington. This product is not intended to diagnose, treat, cure, or prevent any disease."

(6) **Marijuana mix.** Marijuana mix is defined in WAC 314-55-010(22) as an intermediate lot that contains multiple strains of usable marijuana and is chopped or ground so no particles are greater than 3 mm. The following standards apply to all packaging and labeling of marijuana mix:

(a) Containers or packaging containing marijuana mix must protect the product from contamination. Containers or packaging must not impart any toxic or harmful substance to the marijuana mix.

(b) Marijuana mix must not be labeled as organic unless permitted by the United States Department of Agriculture consistent with the Organic Foods Production Act.

(c) Marijuana mix must comply with the version of NIST Handbook 130, Uniform Packaging and Labeling Regulation adopted in chapter 16-662 WAC.

(d) Labels for marijuana mix must clearly and visibly provide all of the following information:

(i) The business or trade name and the nine digit Washington state unified business identifier (UBI) number of the

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

licensees that produced and processed the marijuana or marijuana products;

(ii) The lot numbers of the product;

(iii) The unique identifier number generated by the board's traceability system. This must be the same number that appears on the transport manifest;

(iv) The serving size and the number of servings contained within the unit. If more than one serving is in a package, the label must prominently display the serving size, the number of servings in the package and the amount of product per serving;

(v) Net weight in ounces and grams or volume as applicable;

(vi) THC concentration (delta-9 tetrahydrocannabinol) listed as total THC and activated THC-A and CBD concentration (cannabidiol) listed as total CBD and activated CBD-A;

(vii) Medically and scientifically accurate and reliable information about the health and safety risks posed by marijuana use;

(viii) If solvents were used, a statement that discloses the type of extraction method, including any solvents, gases, or other chemicals or compounds used to produce or added to the extract;

(ix) Any other chemicals or compounds used to produce or were added to the concentrate or extract.

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

(e) Labels for marijuana mix form may not contain any statement, depiction, or illustration that:

(i) Is false or misleading;

(ii) Promotes over consumption;

(iii) Represents the use of marijuana has curative or therapeutic effects;

(iv) Depicts a person under the age of twenty-one consuming marijuana, or is especially appealing to persons under twenty-one years of age as defined in WAC 314-55-105(1)(c).

(f) The following warning statements must be included on all labels for all marijuana mix. The following warning statements must be legible, unobscured, and visible to the consumer:

(i) "Warning - May be habit forming";

(ii) "Unlawful outside Washington State";

(iii) "It is illegal to operate a motor vehicle under the influence of marijuana";

(iv) The marijuana universal symbol as provided in WAC 314-55-106; and

(vii) "Smoking is hazardous to your health."

(g) Product labeling for marijuana mix identified as compliant marijuana product under RCW 69.50.375(4) and chapter 246-70 WAC may include:

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

(i) A structure or function claim describing the intended role of the product to maintain the structure or any function of the body; or

(ii) Characterization of the documented mechanism by which the product acts to maintain such structure or function, provided that the claim is truthful and not misleading.

(iii) Any statement made under this subsection may not claim to diagnose, mitigate, treat, cure or prevent any disease.

(h) Where there is one statement made under WAC 314-55-105(6) (g), or there is a warning describing the psychoactive effects of the marijuana product, provided it is not false or misleading, the disclaimer must state, "This statement has not been evaluated by the State of Washington. This product is not intended to diagnose, treat, cure, or prevent any disease."

(i) Where there is more than one statement made under WAC 314-55-105(6) (g), or there is a warning describing the psychoactive effects of the marijuana product, provided they are not false or misleading, the disclaimer must state, "These statements have not been evaluated by the State of Washington. This product is not intended to diagnose, treat, cure, or prevent any disease."

(7) **Marijuana topicals.** The following standards apply to all packaging and labeling of marijuana topicals:

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

(a) Containers or packaging containing a marijuana topical must protect the product from contamination. Containers or packaging must not impart any toxic or harmful substance to the marijuana topical.

(b) Marijuana topicals must not be labeled as organic unless permitted by the United States Department of Agriculture consistent with the Organic Foods Production Act.

(c) Marijuana topicals must comply with the version of NIST Handbook 130, Uniform Packaging and Labeling Regulation adopted in chapter 16-662 WAC.

(d) Labels for marijuana topicals must clearly and visibly provide all of the following information:

(i) The business or trade name and the nine digit Washington state unified business identifier (UBI) number of the licensees that produced and processed the marijuana or marijuana products;

(ii) The lot numbers of the product;

(iii) The unique identifier number generated by the board's traceability system. This must be the same number that appears on the transport manifest;

(iv) The serving size and the number of servings contained within the unit. If more than one serving is in a package, the

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

label must prominently display the serving size, the number of servings in the package and the amount of product per serving;

(v) Net weight in ounces and grams or volume as applicable;

(vi) THC concentration (delta-9 tetrahydrocannabinol) listed as total THC and activated THC-A and CBD concentration (cannabidiol) listed as total CBD and activated CBD-A.

(vii) Medically and scientifically accurate and reliable information about the health and safety risks posed by marijuana use; and

(vii) A list of all ingredients in descending order of predominance by weight or volume as applicable.

(f) Labels for marijuana topicals may not contain any statement, depiction, or illustration that:

(i) Is false or misleading;

(ii) Promotes over consumption;

(iii) Represents the use of marijuana has curative or therapeutic effects;

(iv) Depicts a person under the age of twenty-one consuming marijuana, or is especially appealing to persons under twenty-one years of age as defined in WAC 314-55-105(1)(c).

(e) The following warning statements must be included on all labels for all marijuana topicals. The following warning

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

statements must legible, unobscured, and visible to the consumer:

(i) "Warning - May be habit forming";

(ii) "Unlawful outside Washington State";

(iii) It is illegal to operate a motor vehicle under the influence of marijuana"

(iv) The marijuana universal symbol as provided in WAC 314-55-106; and

(v) "**DO NOT EAT**" in bold, capital letters.

(f) Product labeling for marijuana topicals identified as compliant marijuana product under RCW 69.50.375(4) and chapter 246-70 WAC may include:

(i) A structure or function claim describing the intended role of the product to maintain the structure or any function of the body; or

(ii) Characterization of the documented mechanism by which the product acts to maintain such structure or function, provided that the claim is truthful and not misleading.

(iii) Any statement made under this subsection may not claim to diagnose, mitigate, treat, cure or prevent any disease.

(g) Where there is one statement made under WAC 314-55-105(7)(f), or there is a warning describing the psychoactive effects of the marijuana product, provided it is not false or

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

misleading, the disclaimer must state, "This statement has not been evaluated by the State of Washington. This product is not intended to diagnose, treat, cure, or prevent any disease.

(h) Where there is more than one statement made under WAC 314-55-105(7)(f), or there is a warning describing the psychoactive effects of the marijuana product, provided they are not false or misleading, the disclaimer must state, "These statements have not been evaluated by the State of Washington. This product is not intended to diagnose, treat, cure, or prevent any disease."

(8) **Optional label information.** Optional label information includes the following:

(a) Harvest date, "best by" date, and manufactured dates.

(9) **Accompanying materials.** Accompanying materials must be provided with a marijuana product or made available to the consumer purchasing marijuana products.

(a) A producer or processor must provide the following product-specific information, for as long as the product is for sale, through an internet link, web address, or QR code on the product label as follows:

**THESE ARE DRAFT CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
VERSION 1.3, 9/23/19**

(i) A statement disclosing all pesticides applied to the marijuana plants and growing medium during production of the usable marijuana or the base marijuana used to create the concentrate or the extract added to infused products;

(ii) A list disclosing all of the chemicals, compounds, additives, thickening agents, terpenes, or other substances added to any marijuana concentrate during or after production.

(10) **Upon request materials.** A consumer may request the name of the certified lab and quality assurance test results for any marijuana or marijuana product. A retailer must provide the information upon request.

[Statutory Authority: RCW 69.50.342, 69.50.345 and 2018 c 43 s 1. WSR 18-11-005, § 314-55-105, filed 5/2/18, effective 1/1/19. Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-105, filed 5/18/16, effective 6/18/16; WSR 15-11-107, § 314-55-105, filed 5/20/15, effective 6/20/15; WSR 14-10-044, § 314-55-105, filed 4/30/14, effective 5/31/14. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-105, filed 10/21/13, effective 11/21/13.]