

WSR 21-08-035  
PREPROPOSAL STATEMENT OF INQUIRY  
LIQUOR AND CANNABIS  
BOARD

[Filed March 31, 2021, 11:17 a.m.]

Subject of Possible Rule Making: WAC 314-55-077 Marijuana processor license—Privileges, requirements and fees, 314-55-079 Marijuana retailer license—Privileges, requirements and fees. The Washington state liquor and cannabis board (board) is considering rule amendments that would allow the board to take disciplinary action against any licensed marijuana processor or retailer failing to comply with the provisions of WAC 246-80-021, concerning the sale of vitamin E acetate. No other amendments or revisions to these sections are being considered at this time.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.342, 69.50.345; HB 2826 (chapter 133, Laws of 2020), now codified in RCW 69.50.101, 69.50.327, 69.50.342.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Based on its authority under RCW 69.50.342 (1)(m), the board prohibited use of vitamin E acetate by any person licensed under chapter 69.50 RCW by emergency rule WAC 314-55-1065 on September 16, 2020, as WSR 20-19-080, and by extension on January 6, 2021, as WSR 21-02-092. These amendments allow the board to take disciplinary action against any licensed marijuana processor or retailer failing to comply with the provisions of WAC 314-55-1065.

The Washington state board of health (SBOH) also prohibited the use of vitamin E acetate by any person licensed under chapter 69.50 RCW by permanent rule on November 14, 2020, as WSR 20-23-006. Since the SBOH prohibition of vitamin E acetate is permanent, WAC 314-55-077 and 314-55-079 should be updated to reference this permanent prohibition of vitamin acetate as described in WAC 246-80-021. Once references are updated, board emergency rule WAC 314-55-1065 should be rescinded.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: SBOH; Washington state department of health.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Policy and Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, phone 360-664-1760, fax 360-664-9689, email rules@lcb.wa.gov, website lcb.wa.gov.

Additional comments: Interested persons can participate in the rule process through open public meetings and by submitting written comments, and are encouraged to sign up for the interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WALCB/subscriber/new>. Rule-making notices and stakeholder engagement opportunities will be emailed via GovDelivery and posted to the board website at lcb.wa.gov.

March 31, 2021  
David Postman  
Chair