



Notice of Permanent Rules

Regarding Amendment to WAC 314-55-020 – Marijuana license qualifications and application process—Licensing change requests.

This concise explanatory statement concerns the Washington State Liquor and Cannabis Board’s (WSLCB) adoption of amendment to section WAC 314-55-020 allowing the WSLCB to issue a marijuana business premise certificate of compliance.

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. The concise explanatory statement must be provided to any person upon request, or from whom the WSLCB received comment.

The WSLCB appreciates and encourages your involvement in the rule making process. If you have questions, please contact Casey Schaufler, Policy and Rules Coordinator, at (360) 664-1760 or e-mail at rules@lcb.wa.gov.

Background and reasons for adopting these rules

Substitute Senate Bill 6206 (Chapter 154, Laws of 2020) amended RCW 69.50.331, now codified as RCW 69.50.331(8)(e), by adding a subsection (e) to create a certificate of compliance for marijuana business premises. The amendment became effective June 11, 2020, and requires that the Board must issue a certificate of compliance for a marijuana business applicant's premises, if the premises meets the statutory buffer zone requirements at the time the application was filed. The certificate allows the licensee to operate the business at the proposed location notwithstanding a later occurring, otherwise disqualifying factor. This certificate is not a license to produce, process, research, or sell marijuana at the location. All other marijuana licensing requirements must be met in order to receive a license or to continue operating under an existing license.

The adopted rules are necessary to allow the WSLCB to issue a certificate of compliance to an applicant if proposed business premises meets the minimum distance requirement as of the date the application was received by the WSLCB. The adopted amendment also allows applicants granted licenses prior to the adoption of this rule to operate their business without being affected by a future disqualifying distance factor.

Rulemaking history for this adopted rule:

CR 101 – filed July 8, 2020 as WSR #20-15-043;
CR 102 – filed October 28, 2020 as WSR #20-22-042.
Public hearing held December 9, 2020.

The effective date of these rules is February 6, 2021.

Public comment received on the rule proposal:

There were no written comments received on the rule proposal filed October 28, 2020.

Public Hearing, December 9, 2020:

Jim McCrae spoke in support of this rulemaking. Mr. McCrae cited an example in Seattle where a cannabis business location was prohibited from operating due to a new arcade opening within the minimum distance requirements. No changes in the rules were requested by Mr. McCrae.

Changes from Proposed Rules (CR-102) to the Rules as Adopted:

There were no changes to the proposed rules.