

## 1453 Stakeholder Engagement Chat 6/6/24

Gregory Foster (@CannObserv) (Unverified) 1:01 PM

GF

This is Gregory Foster with Cannabis Observer. We're recording audio of this event and we're gathering meeting materials here:

<https://cannabis.observer/events/85425-wslcb-focus-group-hb-1453-implementation-june-6-2024/>



Celia Curran (Unverified) 1:02 PM

CC

Thank you Greg!



Kyla Degrandpre (Unverified) 1:07 PM

KD

I have a question about what products exactly we can give our customers the excise tax taken off of the purchase. We as a store have talked to an LCB consultant. There are 3 Stickers as far as we understand that are for DOH compliant products. 1.) General Use

2.) high cbd

3.) high thc and we are under the conclusion that only the high thc labeled products can have the excise tax taken off for medical patients is this correct?

Lara Kaminsky (Unverified) 1:10 PM

LK

all can get the exemption



Walker, Lorelei M (DOH) 1:16 PM



Yes, that's right 😊

Kyla Degrandpre (Unverified) 1:16 PM

KD

Thank you so much! That really helps

Matthew-Skagit Organics (Unverified) 1:17 PM



MO

I don't think there are many High THC-compliant products on the market. Most of the products are currently labeled as General Use and High CBD.



Walker, Lorelei M (DOH) 1:18 PM



We are working on guidance and infographics to help explain when which tax exemption applies. They will go out through our GovDelivery list when they're ready.



Johnson, Tholo J (DOH) 1:18 PM Edited



Sales tax exemption: all products purchased by card holders @medical endorsed store.

Excise tax exemption: any DOH-logoed product (tested and sampled to DOH standards) for card holders only @medical endorsed stores.



Celia Curran (Unverified) 1:21 PM

CC

So, a qualifying medical patient could have both excise and sales tax waived from one single transaction?



Walker, Lorelei M (DOH) 1:23 PM



That's right. And just to reinforce, they must be registered in the DOH database and have a recognition card. In this case, the single transaction would have to be for a DOH-complaint medical product.



Johnson, Tholo J (DOH) 1:23 PM



Celia Curran (Unverified) 6/6/2024 1:21 PM

So, a qualifying medical patient could have both excise and sales tax waived from one single transaction?

The patient/designated provider must be in the database.



Celia Curran (Unverified) 1:23 PM



Thank you!

Tom - Treeline (Unverified) 1:25 PM



Does a P/P have to send in an additional 3 gram sample per lot for the heavy metals test? Or, when testing a 50lb lot for example, can we use part of the 19 grams for the heavy metals test?

John Kingsbury (Unverified) 1:28 PM



Tom - Treeline (Unverified) 6/6/2024 1:25 PM

Does a P/P have to send in an additional 3 gram sample per lot for the heavy metals test? Or, when testing a 50lb lot for example, can ...

The requirements for DOH testing are under WAC 314-55-050

Walker, Lorelei M (DOH) 1:29 PM



John, I think you have a typo, it's WAC 246-70-050: [Chapter 246-70 WAC:](#)

John Kingsbury (Unverified) 1:29 PM



LOL Yes. Thank for catching that, Lorelei



Johnson, Tholo J (DOH) 1:29 PM



Tom - Treeline (Unverified) 6/6/2024 1:25 PM

Does a P/P have to send in an additional 3 gram sample per lot for the heavy metals test? Or, when testing a 50lb lot for example, can ...

Thank you for bringing this up!

The sample submitted to the lab needs to follow DOH sampling requirements (3gm/3lb flower)(2gm per batch of concentrate). This sample should be used for all required tests (LCB tests and heavy metals).

Tom - Treeline (Unverified) 1:30 PM

T

(i) For screening at harvest, three grams for every three pounds of harvested product. Harvest amounts will be rounded up to the next three-pound interval. For example, a harvest of less than three pounds requires at least three grams for testing; a harvest of three or more pounds but less than six pounds requires at least six grams for testing.

(ii) For screening a lot, three grams per lot.



Roy Sherwood | Compliance Analyst (Unverified) 1:30 PM

RS

I think flexibility in the recordkeeping requirement would be beneficial in section (c) , From the Point of Sale standpoint, we often see SKU's that are unique from location to location. Thank you for your consideration.

Tom - Treeline (Unverified) 1:30 PM

T

Johnson, Tholo J (DOH) 6/6/2024 1:29 PM

Thank you for bringing this up! The sample submitted to the lab needs to follow DOH sampling requirements (3gm/3lb flower)(2gm...

Thanks TJ! It also looks like instead of doing 3g per 3lb, we can also do 3g per lot?



Christine (Unverified) 1:31 PM

C

Does the lot number or barcode number suffice as the 'stock keeping unit'?

James G Hunt (Unverified) 1:31 PM

JH

Is it LCB/DOH position that they are not entitled to identify name of patient?

Johnson, Tholo J (DOH) 1:31 PM



Because DOH requires a larger representative sample currently, the P/P would need to submit more sample to the lab prior to the lab's homogenization step.

Nick (Unverified) 1:32 PM

N

Alternatively stated, the sample size for DOH is one gram per pound in increments of three.

Cait B (Unverified) 1:33 PM

CB

I was also wondering this

artie (Guest) (Unverified) 1:33 PM

A

i am a PP... and i have DOH tested products... and i know the benefits of cannabis for patients, but I am not a doctor... my question is labeling... can i say on my packaging, "This product is known to help..." ( lets say pain management, or sleep aid )



Johnson, Tholo J (DOH) 1:33 PM



Tom - Treeline (Unverified) 6/6/2024 1:30 PM

Thanks TJ! It also looks like instead of doing 3g per 3lb, we can also do 3g per lot?

The 3gm per lot is outdated because the definition of lot points to LCB, and the lot sizes of LCB have since been updated and changed. So, 3 gm/lb, and 2 gm/batch of intermediate or finished concentrate.

Tom - Treeline (Unverified) 1:33 PM



Johnson, Tholo J (DOH) 6/6/2024 1:33 PM

The 3gm per lot is outdated because the definition of lot points to LCB, and the lot sizes of LCB have since been updated and changed....

Thank you for the clarification!



Walker, Lorelei M (DOH) 1:36 PM



artie (Guest) (Unverified) 6/6/2024 1:33 PM

i am a PP... and i have DOH tested products... and i know the benefits of cannabis for patients, but I am not a doctor... my question is...

Take a look at our DOH labeling requirements: [Chapter 246-70 WAC](#): part of that rule is that label must not (b) State or imply any specific medical or therapeutic benefit;...



Johnson, Tholo J (DOH) 1:36 PM



artie (Guest) (Unverified) 6/6/2024 1:33 PM

i am a PP... and i have DOH tested products... and i know the benefits of cannabis for patients, but I am not a doctor... my question is...

I believe there's language specifically saying that those claims can not be made (some WAC or RCW). I'm looking for it and will share if I find it...

Gregory Foster (@CannObserv) (Unverified) 1:36 PM




FYI, the WA Cannabis Integrators Association updated their B2B inventory transfer specification to ensure products can be marked "is\_medical"; so if you're P/P clients are using it, the data is there; here's a summary of the spec change:





[https://docs.google.com/document/d/1WFF7hOf\\_v-Jjvykd5ygtYWJaSOsJ1s7bgjU-fuSV6zI/edit?usp=sharing](https://docs.google.com/document/d/1WFF7hOf_v-Jjvykd5ygtYWJaSOsJ1s7bgjU-fuSV6zI/edit?usp=sharing)



Kyla Degrandpre (Unverified) 1:36 PM

 KD The barcode is the sku of the product yes.

Johnson, Tholo J (DOH) 1:36 PM

 Walker, Lorelei M (DOH), you're awesome  
 1  1  1



Justin (Unverified) 1:37 PM

 J the barcodes as they appear on a manifest are used as the SKU of a product



Johnson, Tholo J (DOH) 1:38 PM

 [WAC 246-70-060: \(2\)\(b\)](#)

Christine (Unverified) 1:38 PM

 C Because each individual lot must be tested to determine whether it is DOH compliant, there technically could be a mix of DOH compliant lots and non-DOH compliant lots under the same 'SKU'. In practice, we don't expect this to be the norm, but there is nothing mandating that all lots under a SKU must be DOH compliant.  
 1

Jason Jaques (Unverified) 1:39 PM

 JJ Maybe this is something either Tom @ Treeline, DOH, or LCB can answer for me -- So if we, as a retailer, are trying to verify the correct testing is done -- on a product like a tincture -- the COA we receive doesn't always say the testing was done. For instance, we get tinctures from big brands that show "Heavy Metals: N/E" Etc. We have no access to the COAs of the parent lot that was tested before the product was titrated into other products. How do we track those down?  
 4

Walker, Lorelei M (DOH) 1:39 PM

 Yes, DOH wants to underscore the very stringent privacy requirements that go with the patient registry. We are working on solutions related to the excise tax exemption that strictly follow those privacy requirements.



John Kingsbury (Unverified) 1:39 PM

JK

artie (Guest) (Unverified) 6/6/2024 1:33 PM

i am a PP... and i have DOH tested products... and i know the benefits of cannabis for patients, but I am not a doctor... my question is...

Structure function claims are not allowed.

👍 1

Owen (Unverified) 1:40 PM

O

Why couldn't the patient just present their recommendation.

Matthew-Skagit Organics (Unverified) 1:41 PM

MO

I think the barcode number on the package itself as it arrives to retail store should be used for tracking.

👍 1

artie (Guest) (Unverified) 1:41 PM

A

Walker, Lorelei M (DOH) 6/6/2024 1:36 PM

Take a look at our DOH labeling requirements: Chapter 246-70 WAC:  
part of that rule is that label must not (b) State or imply any specific...

hi tholo... after this meeting, is there a phone number i may call you to ask a few questions... artie 360.930.4996 / artie@ftsfarms.com

👍 2

Tricia (Unverified) 1:41 PM

T

For retailer we need the date the item the patient name and the retail price including the excise tax for our records



Johnson, Tholo J (DOH) 1:42 PM



Christine (Unverified) 6/6/2024 1:38 PM

Because each individual lot must be tested to determine whether it is DOH compliant, there technically could be a mix of DOH compliant...

I believe that if a DOH compliant lot got mixed with a non-compliant lot, this product would become "cannabix mix" under LCB rules and would need new testing.

John Kingsbury (Unverified) 1:42 PM



Tricia (Unverified) 6/6/2024 1:41 PM

For retailer we need the date the item the patient name and the retail price including the excise tax for our records

My understanding is it is not the patient name, but rather the Patient Identification Number



Tom - Treeline (Unverified) 1:43 PM



Jason Jaques (Unverified) 6/6/2024 1:39 PM

Maybe this is something either Tom @ Treeline, DOH, or LCB can answer for me -- So if we, as a retailer, are trying to verify the correc...

That's a great question, Jason! We have thought of one workaround. But I'm interested to hear what the LCB/DOH/WSDA has to say.



Jason Jaques (Unverified) 1:44 PM Edited



Tom - Treeline (Unverified) 6/6/2024 1:43 PM

That's a great question, Jason! We have thought of one workaround.  
But I'm interested to hear what the LCB/DOH/WSDA has to say.

I have some thoughts on it, as well. I just want clear answers so the LCB doesn't come knocking, or a customer comes in, and asks for a COA (as we are required to have on hand presentable to both) and I can't prove that the product is truly compliant. I'm not comfortable giving that tax exemption if i can't prove it in an audit. Taxability Presumption is my exact worry!



Johnson, Tholo J (DOH) 1:46 PM



artie (Guest) (Unverified) 6/6/2024 1:41 PM

hi tholo... after this meeting, is there a phone number i may call you  
to ask a few questions... artie 360.930.4996 / artie@fts farms.com

I can give you a call afterwards, Artie 😊

Jason Jaques (Unverified) 1:47 PM



As that is your response: Should we report brands that are claiming DOH compliance (Via sticker or label) if they can't prove it to me as a retailer?



Owen (Unverified) 1:47 PM



Does that not violate the patients right to tax free medicine



John Kingsbury (Unverified) 1:47 PM

JK

Will a logo on a package serve as prima facia evidence of Compliance?



Melanie Lankhaar (Unverified) 1:48 PM Edited

ML

Yes but these products have the label DOH sticker on them and the retailer can not prove they are compliant.

Jason Jaques (Unverified) 1:48 PM

JJ

John Kingsbury (Unverified) 6/6/2024 1:47 PM

Will a logo on a package serve as prima facia evidence of Compliance?

I was told by the LCB verbally yesterday that no one approves the putting of the logo on the packaging. The proof is the COA.

Amber Wise (Unverified) 1:48 PM

AW

I (testing lab) has been advising clients that it's up to them to provide BOTH COAs to the store if there are two sets of results associated with a product.



Jason Jaques (Unverified) 1:49 PM

JJ

Amber Wise (Unverified) 6/6/2024 1:48 PM

I (testing lab) has been advising clients that it's up to them to provide BOTH COAs to the store if there are two sets of results associated wi...

Thank you, Amber. This is what I have a large brand tracking down for me. This I believe is the only way to go currently.

Other than testing facilities linking parents to sub-lots for retailers and vendors. Such as putting a QR code to the parent (tested for DOH compliance) COA or something of that nature.

Celia Curran (Unverified) 1:50 PM



CC

Jason Jaques (Unverified) 6/6/2024 1:48 PM

I was told by the LCB verbally yesterday that no one approves the putting of the logo on the packaging. The proof is the COA.

I'm worried that as an edible processor, we'll have to order all new compliant packaging if the LCB requires the "medically compliant" sticker to be on there. Can't we add that text into the variable text we put on the barcode that gets added to every product? Wouldn't that be easier and more cost-effective?



Tom - Treeline (Unverified) 1:50 PM

T

Agreed, supplying the upstream CoA's is the only way to prove DOH compliance on final products, assuming the Inventory ID's are traceable to the parent lots



Nick (Unverified) 1:50 PM

N

Problem remains: you have two COAs, with two sample IDs, two lot IDs and what documentation do you have that they are appropriately chained together?



Tom - Treeline (Unverified) 1:51 PM

T

Nick (Unverified) 6/6/2024 1:50 PM

Problem remains: you have two COAs, with two sample IDs, two lot IDs and what documentation do you have that they are appropriately...

Does this call for a traceability system? 🤔



Jason Jaques (Unverified) 1:51 PM



JJ

Nick (Unverified) 6/6/2024 1:50 PM

Problem remains: you have two COAs, with two sample IDs, two lot IDs and what documentation do you have that they are appropriately...

Agreed, this has been a problem for YEARS. YEARS AND YEARS. And the DOR is going to come wondering where all this tax money is going... and that might be the only way we get some of it locked down.

Celia Curran (Unverified) 1:52 PM

CC

Nick (Unverified) 6/6/2024 1:50 PM

Problem remains: you have two COAs, with two sample IDs, two lot IDs and what documentation do you have that they are appropriately...

Which means our teams have twice the amount of work to do to pull the appropriate COAs and then label them correctly and send them as an addition to our retailers.

Amber Wise (Unverified) 1:52 PM

AW

It's crazy difficult because no one has any visibility into CCRS, so there's no way to "prove" an intermediate has been tested except the honor system of the licensee. I have been asking clients that have 'final products' tested with us which intermediate product they used to infuse that product and we are combining the old COA with the new COA into one document for easier traceability. However, we are getting MANY samples sub-contracted from other labs for metals testing only, so we have no way of knowing what the other testing results show.



Jason Jaques (Unverified) 1:55 PM

JJ

Half hour quicker than monday!



Johnson, Tholo J (DOH) 1:55 PM



DOH is considering requiring a QR code on the packaging linked to the COA. Would this help the above COA discussion?

👍 4 ❤️ 2

Celia Curran (Unverified) 1:55 PM



So... what's to stop a high school medical patient from purchasing a bunch of stuff and then turning around and reselling it to their friends?

Amber Wise (Unverified) 1:55 PM



one QR code = one COA, so if there are two COAs associated with the product, still doesn't solve the visibility issue.

👍 2

Jason Jaques (Unverified) 1:55 PM



Johnson, Tholo J (DOH) 6/6/2024 1:55 PM

DOH is considering requiring a QR code on the packaging linked to the COA. Would this help the above COA discussion?

Only if they have the QR code that proves compliance. Even if that means requiring them to attach both COAs for their product.

👍 2

Justin (Unverified) 1:56 PM



you could always attach multiple coa pdfs into a single multi page document and then link that - we have done this at our p/p when testing on a product was done in parts

❤️ 1

Craft Elixirs (Unverified) 1:56 PM

CE

The DOH sticker is equal to a discount sticker for Medical patients. This should not be prominent on a package.

Jason Jaques (Unverified) 1:57 PM

JJ

The sticker feels like us, as a retailer, are false advertising if we can't prove it.



Johnson, Tholo J (DOH) 1:57 PM



Amber Wise (Unverified) 6/6/2024 1:55 PM

one QR code = one COA, so if there are two COAs associated with the product, still doesn't solve the visibility issue.

Is there a way to link the first COA (intermediate product) to the second (end product)?

in 1 code?

Celia Curran (Unverified) 1:57 PM

CC

Justin (Unverified) 6/6/2024 1:56 PM

you could always attach multiple coa pdfs into a single multi page document and then link that - we have done this at our p/p when...

Which still requires so much more work for p/p's to then pull and create outside of our integrator software.

Tom - Treeline (Unverified) 1:58 PM

T

Johnson, Tholo J (DOH) 6/6/2024 1:57 PM

in 1 code?

What if the intermediate product is tested at a different lab than the final product?



Jason Jaques (Unverified) 1:58 PM

JJ

Present the need to the integrator software. The develop their product based on the needs of their customers. It's mutually beneficial.



John Kingsbury (Unverified) 1:59 PM

JK

Craft Elixirs (Unverified) 6/6/2024 1:56 PM

The DOH sticker is equal to a discount sticker for Medical patients.  
This should not be prominent on a package.

I am not sure how you mean this, but as a consumer, the DOH sticker is also a quality assurance sticker.



Celia Curran (Unverified) 1:59 PM

CC

Tom - Treeline (Unverified) 6/6/2024 1:58 PM

What if the intermediate product is tested at a different lab than the final product?

It would be up to the p/p to create somewhere for those certs to live in order to link them to a qr code



Craft Elixirs (Unverified) 1:59 PM

CE

What if Medical patients don't want to be IDENTIFIED by a sticker and remain anonymous?

Amber Wise (Unverified) 1:59 PM



AW

Johnson, Tholo J (DOH) 6/6/2024 1:57 PM

Is there a way to link the first COA (intermediate product) to the second (end product)?

in theory, yes but only if both the intermediate and final product were tested in the same lab.



Jason Jaques (Unverified) 1:59 PM

JJ

Craft Elixirs (Unverified) 6/6/2024 1:59 PM

What if Medical patients don't want to be IDENTIFIED by a sticker and remain anonymous?

It's not an identifier. Anyone can buy DOH certified product, other than HIGH THC labeled.



Tom - Treeline (Unverified) 2:00 PM

T

Amber Wise (Unverified) 6/6/2024 1:59 PM

in theory, yes but only if both the intermediate and final product were tested in the same lab.

Traceability system would be great...



Jason Jaques (Unverified) 2:00 PM

JJ

Celia Curran (Unverified) 6/6/2024 1:55 PM

So... what's to stop a high school medical patient from purchasing a bunch of stuff and then turning around and reselling it to their...

The same things as current: Nothing.

John Kingsbury (Unverified) 2:00 PM



JK

Tom - Treeline (Unverified) 6/6/2024 2:00 PM  
Traceability system would be great...

Remember when Garza was always pitching "seed to sale" traceability?



Amber Wise (Unverified) 2:01 PM

AW

Amber Wise (Unverified) 6/6/2024 1:59 PM  
in theory, yes but only if both the intermediate and final product were tested in the same lab.

it's also very difficult/time consuming to do this at least the way we have our software set up. The way we have our software set up is that we cannot have two cannabinoid tests display on the same report, the pdfs have to be combined manually, then the QR will only go to one result.



WE NEED REAL TRACEABILITY



Owen (Unverified) 2:02 PM

O

Is that not the spirit of the law?

Craft Elixirs (Unverified) 2:04 PM

CE

Where's the APP so a Medical Patient can easily register online? Then the LCB can track and limit products purchased.



Owen (Unverified) 2:05 PM

O Fundamentally this law is about providing financial relief to patient



Johnson, Tholo J (DOH) 2:06 PM



Craft Elixirs (Unverified) 6/6/2024 2:04 PM

Where's the APP so a Medical Patient can easily register online? Then the LCB can track and limit products purchased.

RCW mandates that the initial visit must be in-person, so there's not much DOH/medical cannabis program folks can do about that.

Craft Elixirs (Unverified) 2:06 PM

CE The package is about keeping the community safe. Please keep this in mind.

Justin (Unverified) 2:06 PM

J this may have been answered already and I missed it, but is the doh sticker itself a requirement on a product for doh compliance? or is the testing and coa attachments sufficient?



Esia Delena (Unverified) 2:06 PM

ED Q's regarding: "Recording keeping requirements" for a retailer giving exemption for excise tax does LCB require we keep a copy of their medical recognition card? The topic has come up storing customer privacy rules HIPPA. there is a slight contradiction since medical endorsement requires keeping a copy of patient or designated provider

Robert Adams (Unverified) 2:07 PM

RA I would like a complete walk through of this rule in action for a retailer. Example:



Store x:

Walker, Lorelei M (DOH) 2:07 PM



Anyone can purchase DOH compliant product, EXCEPT High THC classification. We've heard there are not many of these products, if any, but just to be clear 😊

Johnson, Tholo J (DOH) 2:09 PM



a copy of the card would not be suggested as it would have patient name/HIPPA info



Jason Jaques (Unverified) 2:10 PM



Johnson, Tholo J (DOH) 6/6/2024 2:09 PM

a copy of the card would not be suggested as it would have patient name/HIPPA info

A recognition card is on'y identifying their name and that they have a "Qualifying condition" and the amount of plants they are allotted. Is identifying someone by, for example, their license plate number and having a handicap placard against HIPPA as well...? Just for my own understanding.

Johnson, Tholo J (DOH) 2:13 PM



Jason Jaques (Unverified) 6/6/2024 2:10 PM

A recognition card is on'y identifying their name and that they have a "Qualifying condition" and the amount of plants they are allotted. Is...

Having a copy of the card is identifying a patients name w/their medication (cannabis). Only keeping a record of the ID# does not



Lara Kaminsky (Unverified) 2:15 PM



LK

Yes, the medical system has been on life support. Glad there is so much interest in providing products to patients!



artie (Guest) (Unverified) 2:16 PM

A

how many patients to date are in the DOH database ?

Craft Elixirs (Unverified) 2:18 PM

CE

Where does the sticker go?

John Kingsbury (Unverified) 2:18 PM

JK

artie (Guest) (Unverified) 6/6/2024 2:16 PM

how many patients to date are in the DOH database ?

my understanding is that about 9,500 patients and 2,000 designated providers,

artie (Guest) (Unverified) 2:19 PM

A

John Kingsbury (Unverified) 6/6/2024 2:18 PM

my understanding is that about 9,500 patients and 2,000 designated providers,

where do i locate the designated providers list

Owen (Unverified) 2:20 PM

O

So to be clear if a retail license holder has a medical endorsement they must provide the discount on doh compliant product to registered card holders

Is that correct

Tax exemption not discount

Jason Jaques (Unverified) 2:21 PM



artie (Guest) (Unverified) there isn't a list of designated providers, designated providers refer to someone that is designated by the doctor and the patient to obtain medicine for them. For example, if you have a condition that doesn't allow you mobility, if you are a minor below the age you can come into the shop, etc.

Walker, Lorelei M (DOH) 2:21 PM



Please reach out to us with DOH-specific questions! [medicalcannabis@doh.wa.gov](mailto:medicalcannabis@doh.wa.gov)



Cait B (Unverified) 2:21 PM



Sunny on the east side!

John Kingsbury (Unverified) 2:21 PM



2:22 PM

Any questions please email the rules team at [rules@lcb.wa.gov](mailto:rules@lcb.wa.gov)



2:23 PM Meeting ended: 2h 53s



Attendance