



PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

In accordance with [RCW 34.05.330](#), the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <http://apps.leg.wa.gov/wac/default.aspx?cite=82-05>.

CONTACT INFORMATION *(please type or print)*

Petitioner's Name Casey Calhoun
Name of Organization Canna Craft
Mailing Address 7357 30th AVE SW
City Seattle State WA Zip Code 98126
Telephone 907-617-0673 Email caseydean003@gmail.com

COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodeReviser/Documents/RClst.htm>.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: Liquor an Cannabis Board

1. NEW RULE - I am requesting the agency to adopt a new rule.

State wide cannabis license mobility for all Social Equity applicants with licenses issued between Dec 1st 2020 through July 1st 2032

The subject (or purpose) of this rule is: _____

The rule is needed because: ESSB 5080, filed May 2nd 2023, with an effective date of July 23rd 2023, expanded the Social Equity in Cannabis program, revising RCW 69.50.335 and adding the language of license mobility for all licenses issued under the Social Equity program

The new rule would affect the following people or groups: All Social Equity applicants with licenses issued between Dec 1st 2020 through July 1st 2032

2. AMEND RULE - I am requesting the agency to change an existing rule.

List rule number (WAC), if known: _____

I am requesting the following change: _____

This change is needed because: _____

The effect of this rule change will be: _____

The rule is not clearly or simply stated: _____

3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.

List rule number (WAC), if known: WAC 314-55-570 (4)(d)

(Check one or more boxes)

It does not do what it was intended to do.

Current existing law, RCW 69.50.335 (1)(e), overrules any WAC outlining license mobility structures in conflict with RCW 69.50.335 (1)(e)

It is no longer needed because: _____

It imposes unreasonable costs: _____

The agency has no authority to make this rule: Current statute in RCW 69.50.335 (1)(e) codifies the only current law on license mobility. All WACs must be in compliance with license mobility in RCW 69.50.335 (1)(e)

It is applied differently to public and private parties: _____

It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: RCW 69.50.335 (1)(e)

It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: _____

Other (please explain): WAC 314-55-570 (4)(d) is in conflict with the current law, RCW 69.50.335 (1)(e), ESSB 5080 expanded the rights of Social Equity program applicants to have full state wide license mobility. See attached

Petitioner's Name:

Casey Calhoun, Owner, Canna Craft

7357 30th AVE S.W.

Seattle, WA 98126

May 23rd, 2024

To the Honorable WSLCB Chair, David Postman,
the Honorable WSLCB Member Ollie Garrett,
the Honorable WSLCB Member Jim Vollendroff, and
the Honorable Policy and Rules Manager Cassidy West
PO Box 43080
Olympia, WA 98504

Subject: Petition for Adoption and Repeal of a State Administrative Rule

Good day to you, my name is Casey Calhoun, I am the owner of Canna Craft, a Social Equity Applicant and Stakeholder. I applied for a Social Equity Cannabis Retail License in April 2023 and I received a Preliminary Letter of Approval for a Cannabis Retailer Social Equity License in September 2023.

I am writing you today to petition for adoption and repeal of a state administrative rule, WAC 314-55-570(4)(d). This WAC is in conflict with the implementation of E2SSB 5080, specifically, the issue of license mobility within the state, that all licenses issued under the Social Equity program will have full license mobility with licenses issued between December 1st 2020 through July 1st 2032.

I have outlined my comments on license mobility below, with the current incompatibility between regulation and law, as I understand it, how it effects stakeholders, and what may to done to resolve the issue.

In regards to license mobility, an incompatibility between regulation and law currently exists in a Washington Administrative Code (WAC) that was enacted before E2SSB 5080 expanded the Social Equity Program. E2SSB 5080 passed the state legislator and is now codified in the Revised Code of Washington (RCW).

The WAC and RCW, that I believe are at odds with each other, are WAC 314-55-570 (4)(d) and RCW 69.50.335 (1)(e)(i);

*WAC 314-55-570 (4)(d) **License mobility.** Social equity licenses that are currently designated to specific cities may be located anywhere within the county in which the city is located. However, the license may not be transferred outside of that county.*

RCW 69.50.335 (1)(e)(i) At the time of licensure, all licenses issued under the social equity program under this section may be located in any city, town, or county in the state that allows cannabis retail, cannabis production, or cannabis processing business activities, as applicable, at the proposed location, regardless of:

(A) Whether a cannabis retailer license, cannabis producer license, or cannabis processor license was originally allocated to or issued in another city, town, or county; and

(B) The maximum number of retail cannabis licenses established by the board for each county under RCW [69.50.345](#).

In my opinion, the new RCW supersedes the previous WAC, granting further opportunity, flexibility, and mobility to Social Equity Stakeholders who have yet to have their licenses issued.

I believe the clear intent of license mobility contained in E2SSB 5080 is to allow all licenses issued under the Social Equity Program full mobility within the State of Washington, contingent on local jurisdiction approval of retail, processor or producer cannabis licenses.

I also believe that the allowance for state wide license mobility contained in E2SSB 5080 and RCW 69.50.335 reflects the license mobility recommendations of the Social Equity Task Force's Final Report submitted to the WA Legislature and Governor on December 9, 2022.

The Social Equity Task Force’s Final Report recommendations to the Legislator for state wide mobility of Social Equity licenses is repeatedly and consistently published throughout their final report and can be found on pages;

- Pages 3 -4

“Recommendations to the Legislature: 4. Ensure that all licenses available for social equity retail licenses are not bound by county and can be used statewide in any county contingent on local jurisdiction approval.”

- Page 26

“ CURRENT LICENSE RECOMMENDATIONS, 3D. The Legislature should ensure that all licenses available for social equity retail licenses are not bound by county and can be used statewide in any county contingent on local jurisdiction approval.”

- Page 28

“Location Restrictions, All social equity licenses, including existing social equity licenses, should be given flexibility to locate in any jurisdiction that will permit them.”

- Page 40

“CONCLUSION, Immediately making existing licenses reserved for social equity available for use across the state contingent on local jurisdictional approval is crucial to this goal.”

I believe the clear and consistent recommendation for state wide license mobility for all licenses issued under the Social Equity Program by the Social Equity Task Force to the state legislator was heard loud and clear by the legislator and was then enacted into E2SSB 5080, now codified in RCW 69.50.335 with an effective date of July 23, 2023.

I believe the intent of the Social Equity's Final Report and E2SSB 5080 is clear, in that, "all licenses issued under the social equity program" may be located anywhere in the state regardless of whether a license was originally issued in another location and regardless of the maximum number of retail licenses established by the board for each county.

The effective date of E2SSB 5080 was implemented before any prospective Social Equity Applicants had licenses issued or had received preliminary approval. I believe the efforts and intent of the new law, E2SSB 5080, of expanding and improving the social equity program extends the ability of all social equity license recipients the right of full license mobility within the state.

Not having full license mobility within the state effects stakeholders, like myself, who have been granted preliminary letters of approval in counties where operation or opening of a retail license is prohibited and/or have permanent bans within the counties. Additionally, there are license allotments within WA counties with low populations that already contain established retail cannabis stores and the nearby populations wouldn't economically support additional retail stores to the point of viability.

Allowing full license mobility to all Social Equity applicants will allow more viability to Social Equity Stakeholders within the current well established I-502 market, as well as, fulfill the intent of license mobility by the Social Equity Task Force's Final Report and the expansion of WA State's Social Equity Program under E2SSB 5080.

To facilitate this license mobility change in the law I would like to respectively recommend that the board immediately

- Repeal WAC 314-55-570 (4)(d)
- Adopt no new rule that conflicts with the clear license mobility language of the current law contained in RCW 69.50.335(1)(e)
- Notify all Social Equity Program applicants, stakeholders, and recipients of preliminary letters of approval of their ability to move their licenses throughout the state, regardless of where the license was originally allocated and regardless of the current maximum number of retail cannabis licenses established by the board for each county.

In conclusion, there have been numerous bills expanding cannabis programs in Washington state, from the early medical days, to cannabis collectives, to recreational legalization, and now the Social Equity program. These programs change as the laws are repealed, expanded upon, and statutes are updated. Laws are different now, than then. We apply the laws that are currently in statute.

Full license mobility, for all Social Equity applicants, was the clear intent of the Social Equity Task Force's Final report.

Full license mobility for all Social Equity licenses is the clear intent of the current law contained in RCW 69.50.335.

When cannabis licensees are required to change or update their operating procedures, such as reporting requirements or labeling requirements or testing requirements due to a change in the statutes the WSLCB adheres to the new, revised, and current law and applies it to the licensees. I ask that this same adherence to the current statute be applied to license mobility.

I have attached, in hyperlinks to government websites, the [Social Equity Task Force's Final Report, E2SSB 5080](#), [WAC 314-55-570](#), and [RCW 69.50.335](#).

Thank you for your time and dedication to Washington State's Social Equity Program.

Please contact me with any questions or concerns.

Casey Calhoun, Owner, Canna Craft

7357 30th AVE S.W.

Seattle, WA 98126

Cell 907-617-0673

Email Caseydean003@gmail.com