

**WAC 314-55-045 What marijuana law or rule violation history might prevent an applicant from receiving or renewing a marijuana license?** The WSLCB will conduct an investigation of all applicants' marijuana law or rule administrative violation history.

(1) The WSLCB will not normally issue a marijuana license to a person, or to an entity with a true party of interest, who has the following violation history; ~~or to any person who has demonstrated a pattern of disregard for laws or rules.:~~

<b>Violation Type</b> (see WAC 314-55-515)	<b>Period of Consideration</b>
<ul style="list-style-type: none"> <li>• Three or more public safety violations;</li> </ul>	<ul style="list-style-type: none"> <li>• Violations issued within three years of the date the application is received by the board's licensing and regulation division.</li> </ul>
<ul style="list-style-type: none"> <li>• Four or more regulatory violations; or</li> </ul>	
<ul style="list-style-type: none"> <li>• One to four, or more license violations.</li> </ul>	<ul style="list-style-type: none"> <li>• Violations issued within the last three years the true party(ies) of interest were licensed.</li> </ul>

(2) The WSLCB will not normally issue or renew a marijuana license to an applicant or licensee who has accumulated eight or more points as indicated below:

<b>Violation Type</b> (See WAC 314-55-515 through 314-55-537)	<b>Time period during which points will be assigned</b>	<b>Points assigned</b>
<u>Violations involving:</u> <ul style="list-style-type: none"> <li>• <u>Diversion</u></li> <li>• <u>Criminal Conduct</u></li> </ul>	<u>Five years</u>	<u>10 points</u>

<u>Violation Type</u> (See WAC 314-55-515 through 314-55-537)	<u>Time period during which points will be assigned</u>	<u>Points assigned</u>
<ul style="list-style-type: none"> <li>• <u>True Party of Interest/Undisclosed Financiers</u></li> <li>• <u>Refusal to allow an inspection and/or obstructing a law enforcement officer from performing their official duties.</u></li> </ul> <p><u>RCW 69.50.401</u></p> <p><u>WAC 314-55-110</u></p> <p><u>WAC 314-55-185</u></p> <p><u>RCW 9A.76.020</u></p>		
<ul style="list-style-type: none"> <li>• <u>Violations against Public Safety as prescribed in WAC 314-55-520</u></li> </ul>	<u>Three years</u>	<u>4 points</u>
<ul style="list-style-type: none"> <li>• <u>Traceability</u></li> <li>• <u>Security</u></li> <li>• <u>Pesticides</u></li> </ul> <p><u>WAC 314-55-083</u></p> <p><u>WAC 314-55-084</u></p>	<u>Three years</u>	<u>3 points</u>
<ul style="list-style-type: none"> <li>• <u>Other Regulatory violations of RCW 69.50 and/or WAC 314-55</u></li> </ul>	<u>Three years</u>	<u>2 points</u>

(3) The WSLCB will not normally issue or renew a marijuana license to a person or entity who has demonstrated a pattern of disregard for laws or rules including, but not limited to, written or verbal warnings.

(4) The WSLCB will not normally issue or renew a marijuana license if the applicant or licensee has unpaid fines related to violations of rules under this chapter.

[Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-045, filed 5/18/16, effective 6/18/16. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-045, filed 10/21/13, effective 11/21/13.]

**WAC 314-55-075 What is a marijuana producer license and what are the requirements and fees related to a marijuana producer license? (1) (a)**

A marijuana producer license allows the licensee to produce, harvest, trim, dry, cure, and package marijuana into lots for sale at wholesale to marijuana processor licensees and to other marijuana producer licensees. A marijuana producer can also produce and sell:

(i) Marijuana plants, seed, and plant tissue culture to other marijuana producer licensees; ~~and~~

(ii) Immature marijuana plants or clones and marijuana seeds to members of a registered cooperative, qualified patients, or designated providers under the conditions provided in ~~WAC 314-55-410.~~ this chapter;  
and

(iii) Immature marijuana plants or clones and marijuana seeds to a licensed marijuana researcher under the conditions provided in this chapter.

(b) Marijuana production must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors. Outdoor production may take place in nonrigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight obscure commercial-grade security fence or wall ~~or fence~~ at least eight feet high. Outdoor producers must meet security requirements described in WAC 314-55-083. An outdoor grow must be physically separated at least twenty feet from another licensed outdoor grow. Outdoor grows cannot share common walls or fences.

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

(3) The annual fee for issuance and renewal of a marijuana producer license is one thousand three hundred dollars. The WSLCB 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 will be responsible for all fees required for the criminal history checks.

(4) ~~The WSLCB will initially limit the opportunity to apply for a marijuana producer license to a thirty-day calendar window beginning with the effective date of this section. In order for a marijuana producer application license to be considered it must be received no later than thirty days after the effective date of the rules adopted by the WSLCB. The application window for marijuana producer licenses is closed.~~ The WSLCB may reopen the marijuana producer application window ~~after the initial evaluation of the applications received and at subsequent times~~ when the WSLCB deems necessary.

(5) Any entity and/or principals within any entity are limited to an interest, as defined in WAC 314-55-035(1), in no more than three marijuana producer licenses.

(6) The maximum amount of space for marijuana production ~~will be imposed at a later date~~ cannot exceed the amount licensed. Applicants must designate on their operating plan the size category of the production premises and the amount of actual square footage in their premises that will be designated as plant canopy. There are three categories as follows:

(a) Tier 1 --~~Less than two~~ Up to four thousand square feet;

(b) Tier 2 - ~~Two~~Four thousand square feet up to ten thousand square feet; and

(c) Tier 3 - Ten thousand square feet up to thirty thousand square feet.

(7) The WSLCB may reduce a licensee's or applicant's square footage designated to plant canopy for the following reasons:

(a) If the amount of square feet of production of all licensees exceeds the maximum square feet the WSLCB ~~will~~may reduce the allowed square footage by the same percentage.

(b) If fifty percent production space used for plant canopy in the licensee's operating plan is not met by the end of the first year of operation the WSLCB may reduce the tier of licensure.

(8) If the total amount of square feet of marijuana production exceeds the maximum square feet, the WSLCB reserves the right to reduce all licensee's production by the same percentage or reduce licensee production by one or more tiers by the same percentage.

(9) The maximum allowed amount of marijuana on a producer's premises at any time is as follows:

(a) Outdoor or greenhouse grows - One and one-quarter of a year's harvest; or

(b) Indoor grows - Six months of their annual harvest.

[Statutory Authority: RCW 69.50.342, 69.50.345, 2016 c 170, 2016 c 171, and 2016 c 17. WSR 16-19-102, § 314-55-075, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-075, filed 5/18/16, effective 6/18/16; WSR 15-11-107, § 314-55-075, filed 5/20/15, effective 6/20/15; WSR 14-10-044, § 314-55-075, 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, § 314-55-075, filed 10/21/13, effective 11/21/13.]