

WSR 25-04-042  
PROPOSED RULES  
LIQUOR AND CANNABIS  
BOARD

[Filed January 29, 2025, 10:55 a.m.]

Supplemental Notice to WSR 24-17-051.

Preproposal statement of inquiry was filed as WSR 23-06-079.

Title of Rule and Other Identifying Information: Rule making to revise WAC 314-55-096 related to vendor, educational, and internal quality samples. This rule making is in response to a petition for rule making accepted in August 2022 to amend the rules around cannabis samples.

Hearing Location(s): On March 12, 2025, at 10:00 a.m. All public liquor and cannabis board (LCB) activity will be held in a "hybrid" environment. This means that the public will have options for in-person or virtual attendance. The boardroom at the headquarters building, 1025 Union Avenue, Olympia, WA 98504, will be open for in-person attendance. The public may also log in using a computer or device, or call in using a phone, to listen to the meeting through the Microsoft Teams application. The public may provide verbal comments during the specified public comment and rules hearing segments. TVW also regularly airs these meetings. Please note that although the boardroom will be staffed during a meeting, board members and LCB participants may continue to appear virtually. For more information about board meetings, please visit [https://lcb.wa.gov/Boardmeetings/Board\\_meetings](https://lcb.wa.gov/Boardmeetings/Board_meetings).

Date of Intended Adoption: No earlier than March 26, 2025.

Submit Written Comments to: Daniel Jacobs, Acting Rules and Policy Manager, P.O. Box 48030, Olympia, WA 98504-3080, email [rules@lcb.wa.gov](mailto:rules@lcb.wa.gov), fax 360-704-5027, beginning January 29, 2025, 12:00 p.m., by March 12, 2025, 12:00 p.m.

Assistance for Persons with Disabilities: Contact Anita Bingham, ADA coordinator, human resources, phone 360-664-1739, fax 360-664-9689, TTY 711 or 1-800-833-6388, email [anita.bingham@lcb.wa.gov](mailto:anita.bingham@lcb.wa.gov), by March 5, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposed supplemental rule is to make the following adjustments to the proposed rules previously filed as WSR 24-17-051:

Display of Trade Sample Jars: Language was added to WAC 314-55-096 (1)(j) to clarify that trade samples jars can be displayed at retailers near the product they are a sample of.

Increase of Trade Sample Allowance Per Employee: Based on stakeholder feedback, the quarterly allotment per employee for trade samples was increased from 15 per quarter to 30 per quarter. As a quarter lasts three months, this comes out to roughly 10 samples per month, or five every 14 days. This addresses concerns of daily or near daily use. A goal of the rule making has always been to stay away from providing daily samples to employees, as an attempt to not encourage daily or near daily consumption.

Increased Distinction Between Trade Samples and Internal Quality Control Samples: Clarified that trade samples and internal quality control samples are different in several relevant ways, and highlighting that, for example, internal quality control samples do not need to comply with packaging and labeling requirements in chapter 314-55 WAC. Also clarified that internal quality control samples are not the same thing as samples described in WAC 314-55-101 used for testing to com-

ply with WAC 314-55-102 and 314-55-109. Additional recognition of the distinction between trade and internal quality control samples required new definitions of the relevant sample unit size requirements for internal quality control samples.

Reduced Permitted Sample Limits for THC Concentrates: In recognition of the relevant THC disparity between concentrates and other cannabis products, the rules now specify the relevant thresholds for THC concentrates when it comes to employee allotment of samples.

Moved from "per harvest" and "per batch" Metric to "per employee": Based on internal and stakeholder feedback, measuring producer samples by "per harvest" and processor samples by "per batch" was replaced with a universal measurement for "per employee per quarter" over concerns of enforceability and practicality regarding traceability and compliance. The "per employee" approach was a recommendation from licensee stakeholders.

Added Time for Licensees to Use Old Samples, Labels, and Jars: The revised rule language states that all samples previously known as educational or vendor samples have to be disposed of by September 1, 2025. This will allow licensees to use up previously made jars, labels, and samples without having to dispose of a large number of samples for sunk costs.

Reasons Supporting Proposal: The reasons supporting this proposed amended rule, in addition to that described above, are identified in the tables below. This first table below identifies the changes proposed in WSR 24-17-051 to the initial rule language.

WAC 314-55-096 Vendor, educational, and internal quality control samples.			
Subsection	Existing Rule	Proposed Rule (CR-102) WSR 24-17-051	Reason
Title	Vendor, educational, and internal quality control samples.	Trade samples, retail display samples, and internal quality control samples.	Renaming title to reflect new categories of samples.
(1)	<b>Vendor samples:</b> Producers or processors may provide free samples of useable cannabis, cannabis-infused products, and cannabis concentrates to negotiate a sale on product the retail licensee does not currently carry. All vendor sample limits are based on calendar months. The producer or processor must record the amount of each vendor sample and the processor or retailer receiving the sample in the traceability system. The outgoing sample must be clearly labeled as a "vendor sample" to negotiate a sale and recorded on a transport manifest. The receiving licensee must receive the vendor sample in the traceability system prior to sampling.	<b>Trade samples:</b> Trade samples are samples of useable cannabis, cannabis-infused products, and cannabis concentrates as described in this section, provided for free for the purpose of negotiating a sale and providing education to budtenders engaged in selling cannabis products at retail.	Vendor samples and education samples are being combined into a single category and renamed trade samples to better reflect their purpose as free samples provided for the purposes identified.
(1)(a)	Vendor samples may only be given to and used by licensees or employees of licensees who have product ordering authority or employees who provide input on product to licensees or employees of licensees who have purchasing authority to inform purchasing decisions as detailed in a written business policy.	Trade samples may be provided by a producer to a processor, or by a processor to a retailer.	Trade samples can only be provided by either a producer to a processor, or by a processor to a retailer.
(1)(b)	Producers may not provide any one licensed processor more than eight grams of cannabis flower per month free of charge for the purpose of negotiating a sale.	Trade samples must be provided free of charge to the receiving licensee.	This language is meant to reiterate that trade samples are free. The quantity limits have been moved to subsection (1)(f).
(1)(c)	Processors may not provide any one licensed retailer more than eight grams of useable cannabis per month free of charge for the purpose of negotiating a sale.	Trade samples may only be provided to a licensee that has requested the trade sample or is consenting to receiving the trade sample.	The addition of the request/consent requirement is meant to address stakeholder feedback received from licensees about receiving unwanted samples. The quantity limits have been moved to subsection (1)(f).

WAC 314-55-096 Vendor, educational, and internal quality control samples.			
Subsection	Existing Rule	Proposed Rule (CR-102) WSR 24-17-051	Reason
(1)(d)	Processors may not provide any one licensed retailer more than eight units of cannabis-infused products in solid form meant to be ingested orally or otherwise taken into the body per month free of charge for the purpose of negotiating a sale. No single unit may exceed 10 mg of THC.	Trade samples may be used for:	This section identifies the specific permissible purposes for trade samples. The quantity limits have been moved to subsection (1)(f). The serving size limits have been moved to subsection (1)(e)(iii).
(1)(d)(i)	N/A	Negotiating a sale on product not currently carried by the cannabis licensee;	These are the permissible purposes for trade samples.
(1)(d)(ii)	N/A	Educating budtenders on new products the cannabis retailer has not previously offered for sale to the public; and	
(1)(d)(iii)	N/A	Educating budtenders on existing products the retailer sells.	
(1)(e)	Processors may not provide any one licensed retailer more than eight units of cannabis-infused product in liquid form meant to be eaten, swallowed, or otherwise taken into the body per month free of charge for the purpose of negotiating a sale. No single unit may exceed 10 mg of THC.	A trade sample unit must:	This section requires trade samples meet the following requirements: - They must be representative of the product being offered for sale on the market; and - Any sample provided to an employee must be the smallest unit offered for individual sale at retail.
(1)(e)(i)	N/A	Be representative of the product being offered for sale on the market;	These are the serving size limits for trade samples for cannabis, cannabis concentrate, and cannabis-infused product, respectively.
(1)(e)(ii)	N/A	Not be larger than the smallest unit offered for individual sale at retail;	
(1)(e)(iii)	N/A	Not exceed the following amounts per unit:	
(1)(e)(iii)(A)	N/A	3.5 grams of cannabis;	
(1)(e)(iii)(B)	N/A	One gram of cannabis concentrate;	
(1)(e)(iii)(C)	N/A	100 milligrams of cannabis-infused product in solid or liquid form meant to be ingested orally, applied topically, or otherwise taken into the body containing not more than 10 milligrams of active delta-9 THC per serving consistent with the limits provided in WAC 314-55-095.	
(1)(f)	Processors may not provide any one licensed retailer more than eight units of cannabis-infused products meant to be applied topically per month free of charge for the purpose of negotiating a sale.	The limits on the amount of trade samples offered to cannabis licensees are based on calendar quarters.	Trade sample quantity limits are identified here. Trade sample quantity limits are framed per calendar quarter to provide flexibility for businesses and better reflect the operational cycles of producers, particularly those with seasonal outdoor production schedules.
(1)(f)(i)	N/A	Producers may not provide any one licensed processor more than 96 trade sample units of cannabis flower per calendar quarter.	
(1)(f)(ii)	N/A	Processors may not provide any one licensed retail business more than 120 trade sample units of any combination of useable cannabis, cannabis concentrates, or cannabis-infused products per calendar quarter.	
(1)(g)	Processors may not provide any one licensed retailer more than two units of cannabis-infused extract meant for inhalation or infused cannabis mix per month free of charge for the purpose of negotiating a sale. No single unit may exceed 0.5 g.	The producer or processor must:	This section identifies additional requirements for producers and processors regarding trade samples.
(1)(g)(i)	N/A	Record the amount of each trade sample provided by product type and the trade name of the receiving licensee in the state's traceability system;	Producers and processors must record data on trade samples in the state's traceability system.

WAC 314-55-096 Vendor, educational, and internal quality control samples.				
Subsection	Existing Rule	Proposed Rule (CR-102) WSR 24-17-051	Reason	
(1)(g)(ii)	N/A	Clearly label each outgoing sample as a "trade sample" and itemize trade samples on a separate transport manifest from products intended for resale; All trade samples must be packaged and labeled in accordance with the requirements in WAC 314-55-105, and include an additional label affixed to the package with the following statement in a style or type of lettering that is bold, clear, and conspicuous when compared with other type, lettering or graphics, and does not obscure other required labeling information: "TRADE SAMPLE - NOT FOR RESALE OR DONATION."	This section identifies labeling requirements for trade samples provided to retailers. Samples must be representative of product sold at retail, and now must be the same size as the smallest unit offered for sale. An additional indication on the label identifying it as a trade sample is required to distinguish it from product intended for sale.	
(1)(g)(iii)	N/A	Locate and store all trade samples in a designated area on the licensed premises, separate from nonsample products being sold to another licensee;	This requirement is meant to ensure that trade samples are not confused with other product available for retail sale.	
(1)(g)(iv)	N/A	Not provide trade samples as a condition for a retailer to purchase the producer or processor's products or in any manner that would cause undue influence over another licensee or industry member;	This prohibition is meant to prevent trade samples being used in a way to exert undue influence.	
(1)(g)(v)	N/A	Provide the license receiving trade samples of cannabis with the certificate of analysis for all quality assurance and quality control tests conducted on the lot or batch from which the sample was derived;	This requirement is meant to reiterate the requirements previously in subsections (1)(h) and (2)(e).	
(1)(g)(vi)	N/A	Disclose all chemicals applied to the growing medium and the plants during production and or processing as applicable including, but not limited to, pesticides, fungicides, herbicides, rodenticides, nutrients, fertilizers, and pH control; and	This is expanding on the language previously in subsection (1)(h).	
(1)(g)(vii)	N/A	Disclose all solvents and other chemicals, that were used during the processing of a cannabis concentrate or cannabis-infused product including, but not limited to, additives and ingredients.	This language is from subsection (1)(i).	
(1)(h)	A cannabis producer must make quality assurance test results available to any processor receiving samples to negotiate a sale. The producer must also provide a statement that discloses all pesticides applied to the cannabis plants and growing medium during production.	The receiving licensee must receive the trade sample in the traceability system prior to sampling.	Old	New
			(1)(h)	(1)(g)(v) - (1)(g)(vii)
			Last sentence of (1).	(1)(h)
(1)(i)	A cannabis processor must make quality assurance test results available to any retailer receiving samples to negotiate a sale. If a cannabis extract was added to the product, the processors must disclose the type of extraction process and any solvent, gas, or other chemical used in the extraction process, or any other compound added to the extract.	Trade sample may only be given to and used by licensees or current paid employees of the licensee as detailed in the licensee's written business policy.	Old	New
			(1)(i)	(1)(g)(v) - (1)(g)(v)(ii)
			Last sentence of (1)(a).	(1)(i)
(1)(i)(i)	N/A	Trade samples may not be sold, and only be given free of charge to paid employees of the licensed business.	This reiterates that trade samples are not to be sold.	
(1)(i)(ii)	N/A	Trade samples may not be provided as employee compensation, as an incentive, or reward.	This language is like what was in subsection (2)(d).	

WAC 314-55-096 Vendor, educational, and internal quality control samples.				
Subsection	Existing Rule	Proposed Rule (CR-102) WSR 24-17-051	Reason	
(1)(j)	<b>Vendor sample labeling:</b> All vendor samples must be clearly labeled as a vendor sample and meet all labeling requirements of the product to be sampled.	Cannabis retailers:	This section identifies the requirements and prohibitions applicable to retailers.	
(1)(j)(i)	The unique identifier number generated by the traceability system;	Must not require a producer or processor to provide free trade samples as a condition for purchasing a licensee's products or in any manner that would cause undue influence over another licensee or industry member.	Language is from second part of subsection (3).	
(1)(j)(ii)	The UBI number of the licensed entity providing the sample; and	Must locate trade samples in a designated area on the licensed premises, separate from nonsample products for resale, and be clearly identified as trade samples.	Old	New
			(1)(j)(ii)	(4)(a)(i)
			The new language about physically segregating samples is important for ensuring samples are easily identifiable for audit and compliance purposes.	
(1)(j)(iii)	Weight of the product in ounces and grams or volume as applicable.	May provide free trade samples of useable cannabis, cannabis-infused products, and cannabis concentrates to current paid employees of the licensed retailer.	Old	New
			(1)(j)(iii)	(4)(a)(iii)
			By combining education and vender samples, the proposed rules are simplifying the cannabis sample framework.	
(1)(j)(iv)	N/A	Must track all incoming and outgoing trade sample inventory in the state traceability system by product type.	This language is from the last sentence of subsection (1) and the second sentence of subsection (2).	
(1)(j)(v)	N/A	Must record the sample amount being provided to each employee in the traceability system including the product type and the name of the employee receiving the sample.	This language is like the last sentence of subsection (4).	
(1)(j)(vi)	N/A	Must not provide more than 15 sample units to any one employee within a calendar quarter.	Language is like the last sentence of subsection (2)(a) but adjusted to reflect calendar quarters.	
(2)	<b>Education Sampling.</b> Processors may provide free samples of useable cannabis, cannabis-infused products, and cannabis concentrates to retail licensees to give to the licensee's employees for educational purposes. Products being sampled must be carried by the licensed retailer. The processor must record the amount of each sample and the retailer receiving the sample in the traceability system. The outgoing sample must be clearly labeled as "education sample" and recorded on a transport manifest. Once the retailer receives the sample, the retailer must accept the sample in the traceability system prior to distributing samples to the retailer's employees. All employees at a licensed retail location who receive educational samples must be entered into the traceability system for the purpose of distributing education samples.	Retailers may not provide free samples to customers.	Old	New
			(5)	(2)
			The entire category of education samples is being removed and combined with vendor samples to create the single category of trade samples.	
(2)(a)	Retailers are restricted to receiving a maximum of 100 sample units per calendar month. No more than 10 sample units may be provided to any one employee per calendar month.	N/A	The first sentence is reframed as a limit on how many samples a processor can provide a retailer in a given quarter and is now at subsection (1)(f)(ii). See above regarding subsection (1)(j)(vi).	
(2)(b)	The maximum size of education samples are:		N/A	
(2)(b)(i)	Useable cannabis, cannabis mix, and infused cannabis mix - One unit not to exceed 0.5 g.		N/A	
(2)(b)(ii)	Cannabis infused solid or liquid product meant to be ingested orally or otherwise taken into the body - One unit not to exceed 10 mg THC.		N/A	

WAC 314-55-096 Vendor, educational, and internal quality control samples.				
Subsection	Existing Rule	Proposed Rule (CR-102) WSR 24-17-051	Reason	
(2)(b)(iii)	Cannabis-infused extract for inhalation—One unit not to exceed 0.25 g.		N/A	
(2)(b)(iv)	Cannabis-infused products for topical application—One unit not to exceed 16 ounces.		N/A	
(2)(c)	Distribution and consumption of all educational samples is limited to retail employees who directly sell product to retail customers. Retail employees who are not involved in direct sales to customers are not eligible for education samples.		N/A	
(2)(d)	Cannabis retail licensees are prohibited from providing educational samples to their employees as a form of compensation.	N/A	Moved to subsection (1)(i)(ii).	
(2)(e)	A cannabis processor must make quality assurance test results available to any retailer receiving education samples. If a cannabis extract was added to the product, the processors must disclose the type of extraction process and any solvent, gas, or other chemical used in the extraction process, or any other compound added to the extract.	N/A	Moved to subsections (1)(g)(vii) and (h).	
(2)(f)	<b>Education sample labeling:</b> All education samples must be clearly labeled "education sample" and include the following information on the label:	N/A	None of these requirements are relevant any more given that sample jar labeling is now addressed in subsection (4) and there is no distinction in labeling requirements between different types of sample.	
(2)(f)(i)	The unique identifier number generated by the traceability system;	N/A		
(2)(f)(ii)	The UBI number and trade name of the licensed entity providing the sample;	N/A		
(2)(f)(iii)	Product name or strain name for useable cannabis;	N/A		
(2)(f)(iv)	Weight of the product in ounces and grams or volume as applicable; and	N/A		
(2)(f)(v)	Potency labeled as required under WAC 314-55-105.	N/A		
(3)	A cannabis processor is not required to provide free samples to negotiate a sale or educational samples to a cannabis retail licensee, and a cannabis retail licensee may not require a cannabis processor to provide free sample to negotiate a sale or educational samples as a condition for purchasing the cannabis processor's products.	<b>Internal quality control sampling:</b> Producers and processors may conduct limited self-sampling for quality control. All sample limits are based on calendar quarters. Consuming samples for quality control may not take place on the licensed premises. Only the producer, processor, or their paid employees may sample cannabis flower, useable cannabis, cannabis-infused products, cannabis concentrates, and edible cannabis-infused product. The producer or processor must record the amount of each sample and the employee(s) conducting the sampling in the state's traceability system.	Old	New
			(3)	(1)(j)
			(4)	(3)
(3)(a)	N/A	Producers may sample up to 14 grams of cannabis per harvest, for internal quality control.	This limit used to be in subsection (4)(a) and has been adjusted to reflect a "per harvest" rate to better reflect the operational cycles of producers, particularly those with seasonal outdoor production schedules.	
(3)(b)	N/A	Processors may sample up to eight units per batch of cannabis-infused product meant to be ingested orally or otherwise taken into the body to be offered for sale on the market for internal quality control.	This limit used to be in subsection (4)(b) and has been increased from one unit per batch to eight units per batch to better reflect the operational cycles of producers, particularly those with seasonal outdoor production schedules.	

WAC 314-55-096 Vendor, educational, and internal quality control samples.				
Subsection	Existing Rule	Proposed Rule (CR-102) WSR 24-17-051	Reason	
(3)(c)	N/A	Processors may sample up to 3.5 grams per batch of cannabis concentrates to be offered for sale on the market for internal quality control.	There was not a specific limit on how much cannabis concentrates a processor may sample per batch.	
(4)	<b>Internal quality control sampling:</b> Producers and processors may conduct limited self-sampling for quality control. All sample limits are based on calendar months. Consuming samples for quality control may not take place at a licensed premises. Only the producer, processor, or employees of the licensee may sample the cannabis flower, useable cannabis, cannabis-infused products, cannabis concentrates, and edible cannabis-infused product. The producer or processor must record the amount of each sample and the employee(s) conducting the sampling in the traceability system.	<b>Sample jars:</b>	Old	New
			(4)	(3)*
			(6)	(4)
(4)(a)	Producers may sample two grams of cannabis flower per strain, per month for quality sampling.	All sample jars must be labeled with the following:	Language from subsection (6)(b).	
(4)(a)(i)	N/A	Information identifying it as a sample jar;	Language like subsection (6)(b)(ii).	
(4)(a)(ii)	N/A	The UBI number of the licensed entity providing the sample; and	Language from subsection (6)(b)(iii).	
(4)(a)(iii)	N/A	Weight of the product in ounces and grams or volume as applicable.	Language from subsection (6)(b)(iv).	
(4)(b)	Processors may sample one unit per batch of a new cannabis-infused product meant to be ingested orally or otherwise taken into the body to be offered for sale on the market.	A processor may provide a retailer free samples of useable cannabis packaged in a transparent sample jar protected by a plastic or metal mesh screen to allow customers to view and smell the product before purchase. The sample jar may not contain more than 3.5 grams of useable cannabis. The plastic or metal mesh screen must be sealed onto the container, and must be free of rips, tears, or holes greater than 2 mm in diameter.	Old	New
			(4)(b)	(3)(b)
			(6)(a)	(4)(b)
			The amount of sample units permitted for sampling per batch was increased to reflect the change from monthly limits to quarterly limits.	
(4)(c)	Processors may sample up to one unit per batch of a new cannabis-infused extract for inhalation to be offered for sale on the market. No single sample may exceed 0.5 g.	Neither the sample jar or the useable cannabis within may be sold, transferred, given away, or otherwise provided to a customer.	Language from subsection (6)(a).	
(4)(d)	Processors may sample one unit per batch of a new cannabis mix packaged to be offered for sale on the market. No single sample may exceed 1 g.	Any useable cannabis no longer needed for display in sample jars may either be:	This language identifies new ways for disposing of unwanted samples for added flexibility for licensees.	
(4)(d)(i)	N/A	Given to paid employees of the retailer free of charge. The sample amount must be recorded in the state's traceability system and will count towards the employees maximum sample limit described in (1)(j)(vi) of this section;	This language provides an option for retailers to dispose of unwanted samples by giving them to paid employees within the framework of this rule.	
(4)(d)(ii)	N/A	Disposed in accordance with the requirements in WAC 314-55-097 and recorded in the state's traceability system, consistent with WAC 314-55-083; or	This language allows the retailer to dispose of samples via the permissible mechanism in WAC 314-55-097 as long as traceability requirements are met.	
(4)(d)(iii)	N/A	Returned to the processor that provided the sample, to be disposed in accordance with WAC 314-55-097 and recorded in the state's traceability system, consistent with WAC 314-55-083.		

WAC 314-55-096 Vendor, educational, and internal quality control samples.				
Subsection	Existing Rule	Proposed Rule (CR-102) WSR 24-17-051	Reason	
(4)(e)	Processors may sample one unit per batch of a new infused cannabis mix to be offered for sale on the market. No sample may exceed 0.5 g.	N/A	Moved and adjusted to subsection (3)(b).	
(4)(f)	Processors may sample one unit per batch of a new cannabis-infused product for topical application to be offered for sale on the market. No sample may exceed 16 ounces.	N/A	Moved and adjusted to subsection (3)(b).	
(5)	<b>Retailers may not provide free samples to customers.</b>	<b>Transportation.</b> Outgoing and return trade samples and sample jars must adhere to the transportation requirements in WAC 314-55-085.	Old	New
			(5)	(2)
			(7)	(5)
(6)	<b>Sample jars:</b>	N/A	Moved to subsection (4).	
(6)(a)	A processor may provide a retailer free samples of useable cannabis packaged in a sample jar protected by a plastic or metal mesh screen to allow customers to smell the product before purchase. The sample jar may not contain more than three and one-half grams of useable cannabis. The plastic or metal mesh screen must be sealed onto the container, and must be free of rips, tears, or holes greater than 2 mm in diameter. The sample jar and the useable cannabis within may not be sold to a customer and must be returned to the licensed processor who provided the useable cannabis and sample jar.	N/A	Moved to subsection (4)(b).	
(6)(b)	<b>Sample jar labeling:</b> All sample jars must be labeled with the following:	N/A	Moved to subsection (4)(a).	
(6)(b)(i)	The unique identifier number generated by the traceability system;	N/A	No longer required.	
(6)(b)(ii)	Information identifying whether it is a vendor sample or sample jar;	N/A	Modified and moved to subsection (4)(a)(i).	
(6)(b)(iii)	The UBI number of the licensed entity providing the sample; and	N/A	Moved to subsection (4)(a)(ii).	
(6)(b)(iv)	Weight of the product in ounces and grams or volume as applicable.	N/A	Moved to subsection (4)(a)(iii).	
(6)(c)	A cannabis processor must make quality assurance test results available to any retailer receiving sample jars. The processor must also provide a statement that discloses all pesticides applied to the cannabis plants and growing medium during production.	N/A	Moved to subsection (1)(g)(vi).	
(6)(d)	If a cannabis extract was added to the product, the processor must disclose to the retailer the type of extraction process and any solvent, gas, or other chemical used in the extraction process, or any other compound added to the extract.	N/A	Moved to subsection (1)(g)(vii).	
(7)	<b>Transportation.</b> Outgoing and return vendor samples and sample jars must adhere to the transportation requirements in WAC 314-55-085.	N/A	Moved to subsection (5).	

This second table demonstrates the changes proposed to the proposed rule language in WSR 24-17-051:



WAC 314-55-097 Vendor, educational, and internal quality control samples.			
Section	Proposed Rule (CR 102) WSR 24-17-051	Supplemental Proposed Rule (Supplemental CR-102)	Reason for Change
(1)(g)(ii)	Clearly label each outgoing sample as a "trade sample" and itemize trade samples on a separate transport manifest from products intended for resale; All trade samples must be packaged and labeled in accordance with the requirements in WAC 314-55-105, and include an additional label affixed to the package with the following statement in a style or type of lettering that is bold, clear, and conspicuous when compared with other type, lettering or graphics, and does not obscure other required labeling information: "TRADE SAMPLE - NOT FOR RESALE OR DONATION."	[...] All trade samples must be packaged and labeled in accordance with the requirements in 314-55 WAC, and include [...]	Clarifying that there are packaging and labeling requirements outside of WAC 314-55-105 in other parts of chapter 314-55 WAC that may apply.
(1)(g)(v)	Changed "license" to "licensee."		Typographical correction.
(1)(i)	Trade sample may only be given to and used by licensees or current paid employees of the licensee as detailed in the licensee's written business policy.	Trade samples may only be given to and used by licensees or current paid employees of the licensee as detailed in a licensee's written business policy. Trade samples may not be sold, nor provided as employee compensation, incentive, or reward. Trade samples may only be given free of charge to paid employees of the licensed business.	Subsections (1)(i), (1)(i)(i)-(ii) were all combined into a single subsection (1)(i) for simplicity of citation.
(1)(i)(i)	Trade samples may not be sold, and only be given free of charge to paid employees of the licensed business.	N/A	
(1)(i)(ii)	Trade samples may not be provided as employee compensation, as an incentive, or reward.	N/A	
(1)(j)(ii)	Must locate trade samples in a designated area on the licensed premises, separate from nonsample products for resale, and be clearly identified as trade samples.	Must locate trade samples in a designated area on the licensed premises, separate from nonsample products for resale, and be clearly identified as trade samples. Sample jars, as described in (4) of this section may be displayed and located on the counter for customers to be able to smell the sample.	
(1)(j)(vi)	Trade samples may not be provided as employee compensation, as an incentive, or reward.	Must not provide more than 30 sample units to any one employee within a calendar quarter.	Doubled the limit of permissible quarterly trade samples following stakeholder feedback.

WAC 314-55-097 Vendor, educational, and internal quality control samples.			
Section	Proposed Rule (CR 102) WSR 24-17-051	Supplemental Proposed Rule (Supplemental CR-102)	Reason for Change
(3)	<b>Internal quality control sampling:</b> Producers and processors may conduct limited self-sampling for quality control. All sample limits are based on calendar quarters. Consuming samples for quality control may not take place on the licensed premises. Only the producer, processor, or their paid employees may sample cannabis flower, useable cannabis, cannabis-infused products, cannabis concentrates, and edible cannabis-infused product. The producer or processor must record the amount of each sample and the employee(s) conducting the sampling in the state's traceability system.	<b>Internal quality control sampling:</b> Producers and processors may conduct limited self-sampling for internal quality control. Internal quality control samples are not the same type of samples referred to in WAC 314-55-101, which are submitted to laboratories for testing purposes as described in WAC 314-55-102 and 314-55-109. All internal quality control sample limits are based on calendar quarters. Consuming samples for internal quality control may not take place on the licensed premises. Internal quality control samples are not required to meet packaging and labeling requirements in 314-55 WAC. Only the producer, processor, or their paid employees may sample cannabis flower, useable cannabis, cannabis-infused products, cannabis concentrates, and edible cannabis-infused product. The producer or processor must record the amount of each sample and the employee(s) conducting the sampling in the state's traceability system.	Clarified that: 1. All references to quality control samples should instead state internal quality control samples. 2. Internal quality control samples are distinguishable from quality control samples described in WAC 314-55-101, which are submitted to a laboratory for testing purposes as described in WAC 314-55-102 and 314-55-109. 3. Internal quality control samples are exempt from the packaging and labeling requirements applicable to trade samples in subsection (1)(g)(ii).
(3)(a)	Producers may sample up to 14 grams of cannabis per harvest, for internal quality control.	For purposes of this subsection an internal quality control sample unit means:	Language moved to subsection (3)(b) and amended as discussed below.
(3)(a)(i)	N/A	One gram of cannabis flower	These new definitions reflect the need to define unit size differently for internal quality control samples than for trade samples, given the different audiences and purposes of the samples.
(3)(a)(ii)	N/A	One gram of usable cannabis	
(3)(a)(iii)	N/A	10 milligrams of THC in a cannabis infused product in edible or liquor form	
(3)(a)(iv)	N/A	One gram of cannabis concentrate, including but not limited to, infused joints, vapor products, and dabs	
(3)(b)	Processors may sample up to eight units per batch of cannabis-infused product meant to be ingested orally or otherwise taken into the body to be offered for sale on the market for internal quality control.	Producers may provide up to 50 internal quality control sample units of cannabis flower per employee, per calendar quarter, for internal quality control.	Following stakeholder feedback, moving the metric away from a "per harvest" for producers and "per batch" for processors, towards a "per employee" for ease of applicability, increased flexibility, and reduce the possibility of disputes over what constitutes a "batch" or "harvest" and to ensure ease of enforceability.
(3)(c)	Processors may sample up to 3.5 grams per batch of cannabis concentrates to be offered for sale on the market for internal quality control.	Processors may provide up to 50 internal quality control sample units of cannabis per employee, per calendar quarter for internal quality control.	
(3)(c)(i)	N/A	Sample units may be provided to processor employees in any combination not to exceed a total of 50 units per calendar quarter.	
(3)(c)(ii)	N/A	Processors may not provide any one employee more than 25 sample units of cannabis concentrates per calendar quarter.	Added to reflect the differences between concentrates and other THC products.
(3)(c)(iii)	N/A	A one gram unit of cannabis concentrates may be a combination of any concentrate product.	
(3)(d)	N/A	Licenses holding a producer and processor license at the same location are limited in providing a total of 50 internal quality control sample units combined per employee, per calendar quarter.	Added to address producer/processors and stating these licenses are still subject to the limit identified in subsection (3)(c).

WAC 314-55-097 Vendor, educational, and internal quality control samples.			
Section	Proposed Rule (CR 102) WSR 24-17-051	Supplemental Proposed Rule (Supplemental CR-102)	Reason for Change
(4)	<b>Sample jars:</b>	<b>Sample jars for retail display:</b>	Language amended to clarify that sample jar labeling requirements apply to sample jars for trade samples for display purposes, to further distinguish from internal quality control samples.
(4)(a)	All sample jars must be labeled with the following:	All sample jars for retail display must be labeled with the following:	
(4)(a)(i)	Information identifying it as a sample jar;	Information identifying it as a sample jar for display purposes;	
(6)	N/A	By September 1, 2025, all samples previously identified as vendor or educational samples must be disposed of according to the standards identified in WAC 314-55-097.	Identifies a deadline by which all samples under the old regulatory scheme need to be disposed of, in addition to old labels and jars that are no longer compliant.

Statutory Authority for Adoption: RCW 69.50.342 and 69.50.345.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: LCB, governmental.

Name of Agency Personnel Responsible for Drafting: Daniel Jacobs, Acting Rules and Policy Manager, 1025 Union Avenue, Olympia, WA 98504, 360-480-1238; Implementation: Becky Smith, Director of Licensing, 1025 Union Avenue, Olympia, WA 98504, 360-664-1753; and Enforcement: Paul Magerl, Interim Chief of Enforcement and Education, 1025 Union Avenue, Olympia, WA 98504, 360-664-1617.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed amended rules do not qualify as a type of rule requiring a cost-benefit analysis under RCW 34.05.328(5). LCB is not a listed agency under RCW 34.05.328 (5) (a) (i), so the cost-benefit analysis requirements in RCW 34.05.328 are not applicable to the proposed rules unless voluntarily applied or made applicable by the joint administrative rules review committee under RCW 34.05.328 (5) (a) (ii).

Scope of exemption for rule proposal from Regulatory Fairness Act requirements:

Is not exempt.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. While the proposed rule simplifies some aspects, such as eliminating the need for special sample unit sizes, they introduce costs related to additional labeling, storage, and enhanced recordkeeping requirements. These costs may be partly offset by the elimination of the need for special sample sizes and the simplification of product tracking. Additionally, there may be costs associated with destroying existing sample units that do not comply with new rules, once effective. A runoff period until September 1, 2025, is identified in rule to allow licensees to dispose of samples produced under the previous regulations, to minimize financial loss to the industry from labels and jars that may no longer be compliant.

Using United States (US) Census North American Industry Classification System (NAICS) code 111419 for cannabis grown under cover, the US Census NAICS describes this code for "This U.S. industry comprises establishments primarily engaged in growing food crops (except mushrooms) under glass or protective cover." The US Census NAICS code description at <https://www.census.gov/naics/?input=cannabis&year=2022&details=111419>, identifies cannabis grown under cover as an example of a business that uses this code.

Using NAICS code 111918 for cannabis grown in an open field, NAICS describes this code for "This U.S. industry comprises establishments primarily engaged in one of the following: (1) growing crops (except oilseeds and/or grains; vegetables and/or melons; fruits and/or tree nuts; greenhouse, nursery, and/or floriculture products; tobacco; cotton; sugarcane; hay; sugar beets; or peanuts); (2) growing a combination of crops (except a combination of oilseed(s) and grain(s); and a combination of fruit(s) and tree nut(s)) with no one crop or family of crops accounting for one-half of the establishment's agricultural production (i.e., value of crops for market); or (3) gathering tea or maple sap." The US Census NAICS code description at <https://www.census.gov/naics/?input=cannabis&year=2022&details=111998> identifies cannabis grown in an open field as an example of a business that uses this code.

Using NAICS code 424590 for cannabis merchant wholesalers, the US Census NAICS describes this code for "This industry comprises establishments primarily engaged in the merchant wholesale distribution of farm products (except grain and field beans, livestock, raw milk, live poultry, and fresh fruits and vegetables)." The US Census NAICS code description at <https://www.census.gov/naics/?input=cannabis&year=2022&details=424590> identifies cannabis merchant wholesalers, as an example of a business that uses this code.

Using NAICS code 459991 for cannabis retailers, the US Census NAICS describes this code for "This U.S. industry comprises establishments primarily engaged in retailing cigarettes, electronic cigarettes, cigars, tobacco, pipes, and other smokers' supplies." The US Census NAICS code description at <https://www.census.gov/naics/?input=marijuana&year=2022&details=459991> identifies marijuana stores, medical or recreational, as an example of a business that uses this code.

LCB applied a default estimated compliance cost when analyzing whether the rules would have a disproportionate impact on small businesses as defined in RCW 19.85.020(3). LCB used a generous default estimate of \$2,000.00.

Per RCW 19.85.020(2), a minor cost means a cost per business that is less than three-tenths of one percent of annual revenue or income, or \$100, whichever is greater, or one percent of annual payroll.

According to department of revenue (DOR) data from 2023, the total gross business income for NAICS code 459991 was \$647,617,610 for 493 businesses. That produces an average annual gross business income of \$1,313,625.98. Three-tenths of one percent of \$1,313,625.98 is \$3,940.877, rounding up to \$3,940.88. Data [Data] from 2023 were used instead of 2024 because 2023 is the last complete year for which data were available. As of January 9, 2025, the only data from 2024 available from DOR was for the first two quarters of 2024.

The remainder of the data [data] are provided by reference to the minor-cost threshold calculator provided by the office of regulatory innovation and assistance available at [https://www.oria.wa.gov/Portals/\\_oria/VersionedDocuments/RFA/Regulatory\\_Fairness\\_Act/Minor-Cost-Threshold-Calculator.xlsx](https://www.oria.wa.gov/Portals/_oria/VersionedDocuments/RFA/Regulatory_Fairness_Act/Minor-Cost-Threshold-Calculator.xlsx).

2022 Industry NAICS Code	Estimated Cost of Compliance	Industry Description	NAICS Code Title	Minor Cost Estimate	1% of Avg Annual Payroll (Threshold)	0.3% of Avg Annual Gross Business Income (Threshold)
111419	\$2,000.00	Cannabis, grown under cover	Other Food Crops Grown Under Cover	\$3,259.51	\$3,259.51 2021 Dataset pulled from ESD	\$3,195.50 2021 Dataset pulled from DOR

2022 Industry NAICS Code	Estimated Cost of Compliance	Industry Description	NAICS Code Title	Minor Cost Estimate	1% of Avg Annual Payroll (Threshold)	0.3% of Avg Annual Gross Business Income (Threshold)
111998	\$2,000.00	Cannabis, grown in an open field	All Other Miscellaneous Crop Farming	\$11,775.64	\$11,775.64 2021 Dataset pulled from ESD	\$2,882.31 2021 Dataset pulled from DOR
424590	\$2,000.00	Cannabis merchant wholesalers	Other Farm Product Raw Material Merchant Wholesalers	\$8,809.55	\$3,948.77 2021 Dataset pulled from ESD	\$8,809.55 2021 Dataset pulled from DOR
459991	\$2,000.00	Marijuana stores, recreational or medical	Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailers	\$3,940.88	Unavailable*	\$3,940.88 2023 Dataset pulled from DOR

As the table demonstrates, the estimated cost of compliance does not exceed the threshold for any of the potential NAICS codes applicable to cannabis licensees. Therefore, implementation of this amended rule is not anticipated to result in more-than-minor costs on businesses as defined in RCW 19.85.020(2).

ESD - Employment security department, Washington state.

DOR data available at <https://apps.dor.wa.gov/ResearchStats/Content/GrossBusinessIncome/Results.aspx?Year=2023Q4,2023Q3,2023Q2,2023Q1,&Code1=450000&Code2=460000&Sumbly=n6&SicNaics=2&Format=HTML>.

\* Average annual payroll data was unavailable due to confidentiality with other state agency data.

A copy of the detailed cost calculations may be obtained by contacting Daniel Jacobs, Acting Policy and Rules Manager, P.O. Box 43080, Olympia, WA 98504-3080, phone 360-480-1238, fax 360-704-5027, email rules@lcb.wa.gov.

January 29, 2025  
Jim Vollendroff  
Board Chair

**OTS-5756.4**

AMENDATORY SECTION (Amending WSR 22-14-111, filed 7/6/22, effective 8/6/22)

**WAC 314-55-096 ((Vendor, educational)) Trade samples, retail display samples, and internal quality control samples.** (1) **((Vendor)) Trade samples:** ((Producers or processors may provide free)) Trade samples are samples of useable cannabis, cannabis-infused products, and cannabis concentrates ((to negotiate)), as described in this section, provided for free for the purpose of negotiating a sale and providing education to budtenders engaged in selling cannabis products at retail.

(a) Trade samples may be provided by a producer to a processor, or by a processor to a retailer.

(b) Trade samples must be provided free of charge to the receiving licensee.

(c) Trade samples may only be provided to a licensee that has requested the trade sample or is consenting to receiving the trade sample.

(d) Trade samples may be used for:

(i) Negotiating a sale on product ((the retail licensee does not currently carry. All vendor sample limits are)) not currently carried by the cannabis licensee;

(ii) Educating budtenders on new products the cannabis retailer has not previously offered for sale to the public; and

(iii) Educating new budtenders on existing products the retailer sells.

(e) A trade sample unit must:

(i) Be representative of the product being offered for sale on the market;

(ii) Not be larger than the smallest unit offered for individual sale at retail;

(iii) Not exceed the following amounts per unit:

(A) 3.5 grams of cannabis;

(B) One gram of cannabis concentrate;

(C) 100 milligrams of cannabis-infused product in solid or liquid form meant to be ingested orally, applied topically, or otherwise taken into the body containing not more than 10 milligrams of active delta-9 THC per serving consistent with the limits provided in WAC 314-55-095.

(f) The limits on the amount of trade samples offered to cannabis licensees are based on calendar ((months)) quarters.

(i) Producers may not provide any one licensed processor more than 96 trade sample units of cannabis flower per calendar quarter.

(ii) Processors may not provide any one licensed retail business more than 120 trade sample units of any combination of useable cannabis, cannabis concentrates, or cannabis-infused products per calendar quarter.

(g) The producer or processor must:

(i) Record the amount of each ((vendor)) trade sample provided by product type and the ((processor or retailer receiving the sample)) trade name of the receiving licensee in the state's traceability system((The outgoing sample must be clearly labeled));

(ii) Clearly label each outgoing sample as a "((vendor)) trade sample" ((to negotiate a sale and recorded)) and itemize trade samples on a separate transport manifest from products intended for resale;

All trade samples must be packaged and labeled in accordance with the requirements in chapter 314-55 WAC, and include an additional label affixed to the package with the following statement in a style or type of lettering that is bold, clear, and conspicuous when compared with other type, lettering or graphics, and does not obscure other required labeling information: "TRADE SAMPLE - NOT FOR RESALE OR DONATION."

(iii) Locate and store all trade samples in a designated area on the licensed premises, separate from nonsample products being sold to another licensee;

(iv) Not provide trade samples as a condition for a retailer to purchase the producer or processor's products or in any manner that would cause undue influence over another licensee or industry member;

(v) Provide the licensee receiving trade samples of cannabis with the certificate of analysis for all quality assurance and quality control tests conducted on the lot or batch from which the sample was derived;

(vi) Disclose all chemicals applied to the growing medium and the plants during production and or processing as applicable including, but not limited to, pesticides, fungicides, herbicides, rodenticides, nutrients, fertilizers, and pH control; and

(vii) Disclose all solvents and other chemicals, that were used during the processing of a cannabis concentrate or cannabis-infused product including, but not limited to, additives and ingredients.

(h) The receiving licensee must receive the ((vendor)) trade sample in the traceability system prior to sampling.

~~((a) Vendor))~~ (i) Trade samples may only be given to and used by licensees or current paid employees of ((licensees who have product ordering authority or employees who provide input on product to licensees or employees of licensees who have purchasing authority to inform purchasing decisions)) the licensee as detailed in a licensee's written business policy.

~~((b) Producers may not provide any one licensed processor more than eight grams of cannabis flower per month free of charge for the purpose of negotiating a sale.~~

~~(c) Processors may not provide any one licensed retailer more than eight grams of useable cannabis per month free of charge for the purpose of negotiating a sale.~~

~~(d) Processors may not provide any one licensed retailer more than eight units of cannabis-infused products in solid form meant to be ingested orally or otherwise taken into the body per month free of charge for the purpose of negotiating a sale. No single unit may exceed 10 mg of THC.~~

~~(e) Processors may not provide any one licensed retailer more than eight units of cannabis-infused product in liquid form meant to be eaten, swallowed, or otherwise taken into the body per month free of charge for the purpose of negotiating a sale. No single unit may exceed 10 mg of THC.~~

~~(f) Processors may not provide any one licensed retailer more than eight units of cannabis-infused products meant to be applied topically per month free of charge for the purpose of negotiating a sale.~~

~~(g) Processors may not provide any one licensed retailer more than two units of cannabis-infused extract meant for inhalation or infused cannabis mix per month free of charge for the purpose of negotiating a sale. No single unit may exceed 0.5 g.~~

~~(h) A cannabis producer must make quality assurance test results available to any processor receiving samples to negotiate a sale. The producer must also provide a statement that discloses all pesticides applied to the cannabis plants and growing medium during production.~~

~~(i) A cannabis processor must make quality assurance test results available to any retailer receiving samples to negotiate a sale. If a cannabis extract was added to the product, the processors must disclose the type of extraction process and any solvent, gas, or other chemical used in the extraction process, or any other compound added to the extract.~~

~~(j) **Vendor sample labeling:** All vendor samples must be clearly labeled as a vendor sample and meet all labeling requirements of the product to be sampled.~~

~~(i) The unique identifier number generated by the traceability system;~~

~~(ii) The UBI number of the licensed entity providing the sample; and~~

~~(iii) Weight of the product in ounces and grams or volume as applicable.~~

~~(2) **Education sampling.** Processors)) Trade samples may not be sold, nor provided as employee compensation, incentive, or reward. Trade samples may only be given free of charge to paid employees of the licensed business.~~

(j) Cannabis retailers:

(i) Must not require a producer or processor to provide free trade samples as a condition for purchasing a licensee's products or in any manner that would cause undue influence over another licensee or industry member.

(ii) Must locate trade samples in a designated area on the licensed premises, separate from nonsample products for resale, and be clearly identified as trade samples. Sample jars, as described in subsection (4) of this section, may be displayed and located on the counter for customers to be able to smell the sample.

(iii) May provide free trade samples of useable cannabis, cannabis-infused products, and cannabis concentrates to ~~((retail licensees to give to the licensee's))~~ current paid employees ~~((for educational purposes. Products being sampled must be carried by))~~ of the licensed retailer. ~~((The processor))~~

(iv) Must track all incoming and outgoing trade sample inventory in the state traceability system by product type.

(v) Must record the sample amount ~~((of each sample and the retailer receiving the sample))~~ being provided to each employee in the traceability system including the product type and the name of the employee receiving the sample. ~~((The outgoing sample must be clearly labeled as "education sample" and recorded on a transport manifest. Once the retailer receives the))~~

(vi) Must not provide more than 30 trade sample ~~((, the retailer must accept the sample in the traceability system prior to distributing samples to the retailer's employees. All employees at a licensed retail location who receive educational samples must be entered into the traceability system for the purpose of distributing education samples.~~

~~(a) Retailers are restricted to receiving a maximum of 100 sample units per calendar month. No more than 10 sample units may be provided to any one employee per calendar month.~~

~~(b) The maximum size of education samples are:~~

~~(i) Useable cannabis, cannabis mix, and infused cannabis mix — One unit not to exceed 0.5 g.~~

~~(ii) Cannabis infused solid or liquid product meant to be ingested orally or otherwise taken into the body — One unit not to exceed 10 mg THC.~~

~~(iii) Cannabis-infused extract for inhalation — One unit not to exceed 0.25 g.~~

~~(iv) Cannabis-infused products for topical application — One unit not to exceed 16 ounces.~~

~~(c) Distribution and consumption of all educational samples is limited to retail employees who directly sell product to retail customers. Retail employees who are not involved in direct sales to customers are not eligible for education samples.~~

~~(d) Cannabis retail licensees are prohibited from providing educational samples to their employees as a form of compensation.~~

~~(e) A cannabis processor must make quality assurance test results available to any retailer receiving education samples. If a cannabis extract was added to the product, the processors must disclose the type of extraction process and any solvent, gas, or other chemical used in the extraction process, or any other compound added to the extract.~~

~~(f) **Education sample labeling:** All education samples must be clearly labeled "education sample" and include the following information on the label:~~



- ~~(i) The unique identifier number generated by the traceability system;~~
- ~~(ii) The UBI number and trade name of the licensed entity providing the sample;~~
- ~~(iii) Product name or strain name for useable cannabis;~~
- ~~(iv) Weight of the product in ounces and grams or volume as applicable; and~~
- ~~(v) Potency labeled as required under WAC 314-55-105.~~

~~(3) A cannabis processor is not required to provide free samples to negotiate a sale or educational samples to a cannabis retail licensee, and a cannabis retail licensee may not require a cannabis processor to provide free sample to negotiate a sale or educational samples as a condition for purchasing the cannabis processor's products.~~

~~(4)) units to any one employee within a calendar quarter.~~

~~(2) Retailers may not provide free samples to customers.~~

~~(3) **Internal quality control sampling:** Producers and processors may conduct limited self-sampling for internal quality control. Internal quality control samples are not the same type of samples referred to in WAC 314-55-101, which are submitted to laboratories for testing purposes as described in WAC 314-55-102 and 314-55-109. All sample limits are based on calendar ~~((months))~~ quarters. Consuming samples for internal quality control may not take place ~~((at a))~~ on the licensed premises. Internal quality control samples do not need to comply with packaging and labeling requirements in chapter 314-55 WAC. Only the producer, processor, or their paid employees ~~((of the licensee))~~ may sample ~~((the))~~ cannabis flower, useable cannabis, cannabis-infused products, cannabis concentrates, and edible cannabis-infused product. The producer or processor must record the amount of each sample and the employee(s) conducting the sampling in the state's traceability system.~~

~~(a) For purposes of this subsection, an internal quality control sample unit means:~~

~~(i) One gram of cannabis flower;~~

~~(ii) One gram of useable cannabis;~~

~~(iii) 10 mg of THC in a cannabis-infused product in edible or liquor form;~~

~~(iv) One gram of cannabis concentrate including, but not limited to, infused joints, vapor products, and dabs;~~

~~(b) Producers may ~~((sample two grams))~~ provide up to 50 sample units of cannabis ~~((flower))~~ per ~~((strain, per month))~~ employee, per calendar quarter, for internal quality ~~((sampling))~~ control.~~

~~((b)) (c) Processors may ~~((sample one unit per batch of a new cannabis-infused product meant to be ingested orally or otherwise taken into the body to be offered for sale on the market.~~~~

~~(c) Processors may sample up to one unit per batch of a new cannabis-infused extract for inhalation to be offered for sale on the market. No single sample may exceed 0.5 g.~~

~~(d) Processors may sample one unit per batch of a new cannabis mix packaged to be offered for sale on the market. No single sample may exceed 1 g.~~

~~(e) Processors may sample one unit per batch of a new infused cannabis mix to be offered for sale on the market. No sample may exceed 0.5 g.~~

~~(f) Processors may sample one unit per batch of a new cannabis-infused product for topical application to be offered for sale on the market. No sample may exceed 16 ounces.~~

~~(5) **Retailers may not provide free samples to customers.**~~

~~(6-)) provide up to 50 internal quality control sample units per employee, per calendar quarter, for internal quality control.~~

~~(i) Sample units may be provided to processor employees in any combination not to exceed a total of 50 units per calendar quarter.~~

~~(ii) Processors may not provide any one employee more than 25 sample units of cannabis concentrates per calendar quarter.~~

~~(iii) A one gram unit of cannabis concentrates may be a combination of any concentrate product.~~

~~(d) Licensees holding a producer and processor license at the same location are limited in providing a total of 50 internal quality control sample units combined per employee, per calendar quarter.~~

~~(4) **Sample jars for retail display:**~~

~~(a) All sample jars for retail display must be labeled with the following:~~

~~(i) Information identifying it as a sample jar for display purposes;~~

~~(ii) The UBI number of the licensed entity providing the sample; and~~

~~(iii) Weight of the product in ounces and grams or volume as applicable.~~

~~(b) A processor may provide a retailer free samples of useable cannabis packaged in a transparent sample jar protected by a plastic or metal mesh screen to allow customers to view and smell the product before purchase. The sample jar may not contain more than ((three and one-half)) 3.5 grams of useable cannabis. The plastic or metal mesh screen must be sealed onto the container, and must be free of rips, tears, or holes greater than 2 mm in diameter.~~

~~(c) Neither the sample jar ((and)) or the useable cannabis within may ((not)) be sold, transferred, given away, or otherwise provided to a customer ((and must be returned to the licensed processor who provided the useable cannabis and sample jar.~~

~~(b) **Sample jar labeling:** All sample jars must be labeled with the following:~~

~~(i) The unique identifier number generated by the traceability system;~~

~~(ii) Information identifying whether it is a vendor sample or sample jar;~~

~~(iii) The UBI number of the licensed entity providing the sample; and~~

~~(iv) Weight of the product in ounces and grams or volume as applicable.~~

~~(c) A cannabis processor must make quality assurance test results available to any retailer receiving sample jars. The processor must also provide a statement that discloses all pesticides applied to the cannabis plants and growing medium during production.~~

~~(d) If a cannabis extract was added to the product, the processor must disclose to the retailer the type of extraction process and any solvent, gas, or other chemical used in the extraction process, or any other compound added to the extract).~~

~~(d) Any useable cannabis no longer needed for display in sample jars may either be:~~

~~(i) Given to paid employees of the retailer free of charge. The sample amount must be recorded in the state's traceability system and will count towards the employees maximum sample limit described in (1)(j)(vi) of this section;~~

(ii) Disposed in accordance with the requirements in WAC 314-55-097 and recorded in the state's traceability system, consistent with WAC 314-55-083; or

(iii) Returned to the processor that provided the sample, to be disposed in accordance with WAC 314-55-097 and recorded in the state's traceability system, consistent with WAC 314-55-083.

((+7)) (5) **Transportation.** Outgoing and return ((vender)) trade samples and sample jars must adhere to the transportation requirements in WAC 314-55-085.

(6) By September 1, 2025, all samples previously identified as vendor or educational samples must be disposed of according to the standards identified in WAC 314-55-097.