



2020

**State of Washington
Cannabis Policies
and Regulations:
*A Summary for the
Prevention Workforce***

Prepared by SAMHSA'S Northwest
Prevention Technology Transfer Center



Northwest (HHS Region 10)

PTTC

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Funded by Substance Abuse and Mental Health Services Administration

Preface

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This resource is not meant to be exhaustive, but instead serve as a starting place for prevention practitioners and community coalition members interested in cannabis policy and regulation. As cannabis policies and regulation change, The Northwest PTTC will periodically review and update this resource. Additional Northwest PTTC resources on this topic are listed at the end of this document.

This work is supported by the following cooperative agreement from the Substance Abuse and Mental Health Services Administration: Northwest PTTC: H79SP08099

Acknowledgments

SAMSHA's Northwest National Prevention Technology Transfer Center Network created this document with the assistance of Julia Dilley and Mary Segawa. Contributing network workgroup members represent the states of Alaska, Idaho, Oregon, and Washington.

Purpose

This document provides a summary of Washington’s rules and laws to regulate cannabis, and provides the prevention workforce in Washington with information that supports:

- Prevention of youth cannabis use
- Prevention of adult cannabis misuse (heavy use and/or risky behaviors)

The information is organized into six sections. First, a description of the regulatory bodies that create and oversee the regulatory system; then regulatory components organized as “5 Ps for Prevention.” These elements of regulation are most relevant to preventing any cannabis use by youth and unsafe use by adults.

Symbol	Regulatory Components	Description of Regulatory Components
	Public Health and Safety	Requirements that prevent diversion and protect customers
	Placement and Access	Factors affecting individual possession and use; licensing and operations; placement of businesses; expanded privileges
	Products and Potency	Factors affecting what products are allowed, including by potency; packaging and labeling; and purchase limits for specific products
	Promotion and Advertising	Factors affecting design and content, or placement of any advertising
	Pricing	Taxes and other factors related to the cost of products

The information in this tool is intended to support capacity development specifically within the prevention workforce by increasing understanding of cannabis regulatory frameworks and policies that can affect prevention of youth cannabis use and harms. The Northwest PTTC documents listed at the end of this summary provide more detailed information defining cannabis regulations and policies within and across HHS Region 10 states (Alaska, Idaho, Oregon, and Washington).

State Regulatory Structure

Agencies

The Washington State Liquor and Cannabis Board (LCB) is the regulatory body for industry licensing and enforcement. LCB works with the departments of Agriculture and Health. For more information, visit the [Washington State Liquor and Cannabis Board](#).

Governing body/board

Three-member policy board appointed by the Governor, confirmed by Senate. Ad hoc advisory groups are created for specific issues.

Local authority

Local governments can issue bans/moratoria on licensed businesses. May further limit advertising. If they do so, the additional limits must be enforced by the jurisdiction.

A Prevention Lens on Regulatory Components of Cannabis Use



Public Health and Safety

With cannabis legalization for adult use still restricted to a few states and federally illegal, a significant amount of focus has been placed on public safety issues. The Cole Memo issued by the Department of Justice in 2013 (later rescinded by Attorney General Jeff Sessions) still serves as a guidance document for many states. This translates to states carefully implementing and enforcing regulations that serve to:

- Prevent distribution to minors
- Prevent revenue from going to criminal enterprises, gangs, and cartels
- Prevent diversion to other states
- Prevent state-authorized marijuana activity from being used as a cover for trafficking other illegal drugs or other illegal activity
- Prevent violence and the use of firearms in cultivation and distribution of marijuana
- Prevent drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use
- Prevent the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by such
- Prevent possession or use on federal property

To help ensure meeting these objectives, regulatory authorities use track-and-trace systems, institute consistent and strong enforcement of laws and regulations, and assess appropriate penalties associated with violations of the rules and regulations.

Enforcement of laws, including access-by-minors laws, can be an effective component of limiting youth substance use, based on experience from other substance regulation such as alcohol.¹ However, enforcement activities should not be conducted alone; experts recommend a comprehensive program (e.g., comprehensive tobacco control programs that include elements recommended by the CDC) that includes enforcement activities.

Requirements to Prevent Diversion and Protect the Consumer:

Traceability System: Tracks cannabis and cannabis products from seed to sale. All transactions and movement must be entered into traceability system.

Required Lab Tests: Potency, moisture, foreign matter, microbiologicals, mycotoxins, residual solvents, heavy metals.

1. Harding, F. M., Hingson, R. W., Klitzner, M., Mosher, J. F., Brown, J., Vincent, R. M., ... Cannon, C. L. (2016). Underage drinking: A review of trends and prevention strategies. *American Journal of Preventive Medicine*, 51(4), S148–S157. <https://doi.org/10.1016/j.amepre.2016.05.020>

Lab Certification and Monitoring: Certification required. May require third-party validation and monitoring.

Facility Requirements: ID badges, visitor logs, alarm systems, surveillance system with high-resolution cameras and video protocols, fencing for outdoor grows.

Required Employee Training: None required.

Factors Affecting Enforcement Requirements that Protect Public Health and Safety:

Enforcement Authority: Commissioned officers with limited authority. Field offices statewide.

Penalties: A penalty structure is in place for noncompliance.



Placement and Access

A variety of regulations determine where cannabis can be cultivated, processed, sold, possessed, and used. Regulations also specify the conditions that must be present. Public health and safety, including prevention of youth use and adult misuse, are considerations in setting regulations regarding place because of the effect on access. Laws regarding public use and possession limits also link to access.

Restrictions on advertising may be beneficial for prevention. Systematic reviews report a strong association between exposure to media and communications on alcohol associated with adolescents starting to drink, and increased drinking or risky drinking among those who already drink.²³ A separate systematic review found that multiple studies showed a positive association between direct alcohol sports sponsorship and increased levels of drinking among schoolchildren.⁴ Similarly, evidence from tobacco control shows that marketing restrictions and graphic health warnings are effective for reducing smoking prevalence.⁵

2. Anderson, P., De Bruijn, A., Angus, K., Gordon, R., & Hastings, G. (2009). Impact of alcohol advertising and media exposure on adolescent alcohol use: A systematic review of longitudinal studies. *Alcohol and Alcoholism*, 44, 229-243. <https://doi.org/10.1093/alcalc/agn115>

3. Jernigan, D., Noel, J., Landon, J., Thornton, N., & Lobstein, T. (2017). Alcohol marketing and youth alcohol consumption: A systematic review of longitudinal studies published since 2008. *Addiction*, 112, 7-20. <https://doi.org/10.1111/add.13591>

4. Brown, K. (2016). Association between alcohol sports sponsorship and consumption: A systematic review. *Alcohol and Alcoholism*, 51, 747-755. <https://doi.org/10.1093/alcalc/agw006>

5. Levy, D. T., Tam, J., Kuo, C., Fong, G. T., & Chaloupka, F. (2018). The impact of implementing tobacco control policies: The 2017 Tobacco Control Policy Scorecard. *Journal of Public Health Management and Practice*, 24, 448-457. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6050159/>

Factors Affecting Individual Possession/Use:

- **Public Use:** Bans opening or consuming in view of the general public or in a public place. “Public place” includes streets and alleys, public highways or roads; school buildings and grounds; public buildings; lobbies, halls, and dining rooms of hotels; restaurants; theatres; stores; trains and train stations; publicly owned beaches, parks, and/or playgrounds; and other similar places to which the general public has unrestricted right of access and are generally used by the public.
- **Possession Limits:** 1 ounce of usable cannabis; 16 ounces of cannabis-infused solid edibles; 72 ounces of cannabis-infused liquid edibles, and 7 grams of concentrates.
- **Age Limits for Possession/Use:** 21+. (Exceptions for authorized medical patients and designated providers.)

Factors Affecting Business Licensing and Operations:

Hours of Sale: 8 AM – 12 AM allowed (16 hours per day).

Access to Retail Locations: 21+ (Exceptions: Authorized medical patients age 18-20, patients under age 18 only with designated provider.)

Product Placement in Retail Stores: Must be behind the counter, not accessible to customers without assistance from employee.

Mandatory Signage for Retail: “Persons under twenty-one years of age not permitted on these premises.” Sign provided by Board regarding use during pregnancy and breastfeeding. Retailers: sign provided by Board prohibiting opening and/or consuming a package of cannabis or cannabis-infused product in public; firearms prohibited sign provided by Board.

Number of Licenses: Limited to 5 per person/entity. Producers/processors cannot hold a retail license.

Business Production: Both indoor/outdoor grows for cannabis production allowable.

Factors Affecting the Placement of Businesses (Density/Specific Locations), Especially Retail/ Dispensary/Individual Sales Outlets:

Limits on Total Number of Licenses Issued per Category/Type of License: Limits (caps) on number of retail licenses per city and county.

Buffer Areas: 1,000 feet from perimeter of grounds of any elementary/secondary school, playground, recreation center/facility, child care center, public park, public transit center, or library, or any game arcade which does not restrict admission to persons age 21 years or older. A city, county, or town may permit licensing within 1,000 feet but not less than

100 feet (except for schools and playgrounds) through ordinance. Research licenses may be exempted by city or county ordinance but must meet certain other qualifications.

Local Control of Licensing: Local bans/moratoria by jurisdiction allowed. Jurisdiction may object to license, but final decision is by Board. Local areas may also require a business license.

Zoning: Licensees are subject to local ordinances or regulations related to zoning, business licensing, land use, or other regulatory measures, including bans and moratoria. Businesses cannot be located in residential zones.

Factors Affecting Individual Access to Product Outside of Retail Settings (i.e., Expanded Privileges):

Home Delivery and Internet Sales: Not allowed.

Home Grows: Not allowed.

Social or On-Site Consumption: Not allowed.

Giftng or Sharing: An individual may share up to one-half of the possession limit, but it must be done out of public view (in a non-public place) and the product must be in original packaging.



Products and Potency

As a method of preventing or reducing youth use and adult misuse of cannabis, regulatory practices can focus on the types of products and their potency, appearance, packaging, and labeling. Unlike alcohol and tobacco, as described earlier, cannabis products are available in a variety of forms and methods of use. Like alcohol and tobacco, product characteristics and packaging affect potential for harm, attractiveness, accessibility, and availability.

Availability of high-potency cannabis products may be of particular concern with regard to prevention. A summary of evidence from alcohol research indicates that increased availability of liquor products, which have relatively higher alcohol content, is a risk for young people. Studies suggest that youth who drink alcohol prefer hard liquor⁶ and that liquor consumption may be more associated with risky behaviors among youth than

6. Siegel, M. B., Naimi, T. S., Cremeens, J. L., & Nelson, D. E. (2011). Alcoholic beverage preferences and associated drinking patterns and risk behaviors among high school youth. *American Journal of Preventive Medicine*, 40, 419-426. <https://doi.org/10.1016/j.amepre.2010.12.011>

other types of alcohol.⁷ High-potency cannabis products (e.g., concentrates, edibles, oils) could be similarly problematic.

Based on evidence about how specific products and their packaging could appeal to youth or young adults, the 2009 U.S. Family Smoking Prevention and Tobacco Control Act banned flavored cigarettes (excluding menthol) and required tobacco companies to seek FDA approval for new tobacco products. This is one approach to product restrictions for prevention.

In addition, the appearance of products, including their packaging and labeling (e.g., colors, shapes, images, words) may have an impact on their appeal to youth. The 2009 U.S. Family Smoking Prevention and Tobacco Control Act also required some new warnings and labels on tobacco packaging and advertisements in order to reduce their appeal to young people.

The WA State Liquor and Cannabis Board requires a cannabis processor to obtain label and packaging approval from the Board for all cannabis-infused products meant for oral ingestion prior to offering these items for sale. All recipes for these products must be approved by the WA State Department of Agriculture prior to submitting to the Board. More information on the product, packaging, and label approval is available on the [Board website](#).

Factors Affecting what Products and Potencies are Allowed:

Prohibited Products: Products which require cooking/baking. Potentially hazardous foods, i.e., those that require time-temperature control to keep them safe for human consumption and prevent the growth of pathogenic microorganisms or the production of toxins. Any food that requires refrigeration, freezing, or a hot holding unit to keep it safe for human consumption may not be infused with cannabis. Other high-risk products, such as pumpkin pies, custard pies, or any pies containing egg; dairy products of any kind, such as butter, cheese, ice cream or milk; dried or cured meats; items made shelf stable by canning, retorting, or being acidified; fruit or vegetable juices (this does not include shelf stable concentrates); and fruit or vegetable butters are prohibited. No alcoholic products.

The product and package design cannot be similar to commercially available products marketed for consumption by persons under twenty-one years of age. Coatings applied to the product must be compliant with these rules. Vinegars and oils derived from natural sources may be infused with dried cannabis if all plant material is subsequently removed from the final product. Vinegars and oils may not be infused with any other substance, including herbs and garlic. Cannabis-infused jams and jellies made from

7. Naimi, T. S., Siegel, M., DeJong, W., O'Doherty, C., & Jernigan, D. (2015). Beverage- and brand-specific binge alcohol consumption among underage youth in the US. *Journal of Substance Use, 20*, 333-339. <https://doi.org/10.3109/14659891.2014.920054>

scratch must utilize a standardized recipe in accordance with 21 C.F.R. Part 150, revised as of April 1, 2013. The Board may designate other food items that may not be infused with cannabis. Note: a temporary ban on flavored vaping products was implemented in October 2019.

House Bill 2826 was passed and signed into law March 25, 2020. This bill allows a processor to incorporate in cannabis vapor products a characterizing flavor only if the flavor is derived from botanical terpenes naturally occurring in the cannabis plant, regardless of source, and if the characterizing flavor mimics the terpene profile found in a cannabis plant. In addition, the WA State Board of Health extended a ban on vitamin E acetate as an additive to vapor products.

Potency Limits on Edible Product for Ingestion: Any product meant to be ingested or otherwise taken into the body: THC 10mg/serving, 100mg/package.

- **No Potency Limits:** Usable flower, concentrates.
- **No Potency Limits:** Other products.

Factors Affecting Packaging and Labeling:

(See the **Packaging and Labeling Resources on the [WSLCB website](#) for further information.**)

Packaging Requirements:

- **All Products:** Must comply with the version of NIST Handbook 130, Uniform Packaging and Labeling regulation adopted in chapter 16-662 WAC. Containers must protect the product from contamination. Containers or packaging must not impart any toxic or harmful substance to the product.
- **Concentrates, Infused Liquids and Edibles:** Child resistant packaging consistent with 16 C.F.R. Part 1700, Poison Prevention Packaging Act; or in plastic that is 2 mil or greater in thickness, heat-sealed with no easy-open tab, dimple, corner, or flap that will protect persons under the age of twenty-one from accidental exposure.
- **Solid Edible:** each serving packaged individually in child-resistant packaging. (Exception: products such as capsules, lozenges, or similar products when approved by the WSLCB may be packaged loosely in child-resistant container.)
- Liquids with more than 1 serving must have resealing cap or closure and include a measuring device such as a measuring cup or dropper. Hash marks on the bottle or package qualify as a measuring device.

Labeling Requirements: Cannot be labeled as organic. Must comply with NIST Handbook 130, Uniform Packaging and Labeling Regulations. Must include required product information (see specifics in WAC 314-55-105 for each product type), to include THC and CBD content, serving size, and number of servings. Must also include medically and scientifically accurate and reliable information about the health and safety risks

posed by cannabis use. Cannot contain any statement, depiction, or illustration that is false/misleading, promotes overconsumption, represents use as curative or therapeutic, depicts anyone under age 21 consuming or is especially appealing to persons under 21 include toys, characters, etc., or is designed in any way or thought to be especially appealing persons under 21. Especially appealing to persons under 21 means a product or label that includes but is not limited to:

- Use of cartoons
- Bubble-type or other cartoon-like font
- A design, brand, or name that resembles a noncannabis consumer product that is marketed to persons under the age of 21
- Symbols or celebrities that are commonly used to market products to persons under the age of 21
- Similarities to products or words that refer to products that are commonly associated or marketed to persons under the age of 21.

Must include universal symbol and “Not for Kids” warning symbol.

Warning Statements on Labels:

All Products:

- “Warning – May be habit forming.”
- “Unlawful outside Washington State.”
- “It is illegal to operate a motor vehicle while under the influence of marijuana.”

Usable:

- “Smoking is hazardous to your health.”
- Infused products:
- “CAUTION: Intoxicating effects may be delayed by 2+ hours.”

Topicals:

- “DO NOT EAT.”

Factors Affecting Purchase of Specific Products:

Age Limits for Purchase: 21+

Transaction Limits: 1oz. usable; 16oz. edible; 7 grams concentrates; 72 oz. liquid; 10 units of product otherwise taken into body.



Promotion and Advertising

Promotion refers to the advertising strategies that are used to advertise the retail stores and their products and gain customers. These strategies and techniques may include print advertising, internet advertising, billboards, radio and television ads, events, coupons and giveaways, etc.

Restrictions on advertising may be beneficial for prevention. Systematic reviews report a strong association between exposure to media and communications on alcohol and adolescents starting to drink, and increased drinking or risky drinking among those who already drink.^{8,9} A separate systematic review found that multiple studies showed a positive association between direct alcohol sports sponsorship and increased levels of drinking among schoolchildren.¹⁰ Similarly, evidence from tobacco control shows that marketing restrictions and graphic health warnings are effective for reducing smoking prevalence.¹¹

Factors Affecting the Design and Content of Promotions and Advertising:

General Requirements/Restrictions: May not take any action, directly or indirectly, to target youth in the advertising, promotion, or marketing of cannabis and cannabis products, or take any action the primary purpose of which is to initiate, maintain, or increase the incidence of youth use of cannabis or cannabis products. May not use objects such as toys or inflatables, movie or cartoon characters, or other images likely to appeal to youth. May not use a commercial mascot outside of and in proximity to a licensed business, including inflatable tube displays, persons in costume, or wearing, holding, or spinning a sign with a cannabis-related commercial message or image.

Must not contain statement or illustration that 1) is false or misleading; 2) promotes overconsumption; 3) represents use has curative or therapeutic effects; 4) depicts a child or other person under age 21 consuming cannabis or includes a) the use of objects such as toys, inflatables, movie or cartoon characters suggesting the presence of a child, or any other depiction likely to be appealing to anyone under legal age to consume.

8. Anderson, P., De Bruijn, A., Angus, K., Gordon, R., & Hastings, G. (2009). Impact of alcohol advertising and media exposure on adolescent alcohol use: A systematic review of longitudinal studies. *Alcohol and Alcoholism*, 44, 229-243. <https://doi.org/10.1093/alcalc/agn115>

9. Jernigan, D., Noel, J., Landon, J., Thornton, N., & Lobstein, T. (2017). Alcohol marketing and youth alcohol consumption: A systematic review of longitudinal studies published since 2008. *Addiction*, 112, 7-20. <https://doi.org/10.1111/add.13591>

10. Brown, K. (2016). Association between alcohol sports sponsorship and consumption: A systematic review. *Alcohol and Alcoholism*, 51, 747-755. <https://doi.org/10.1093/alcalc/agw006>

11. Levy, D. T., Tam, J., Kuo, C., Fong, G. T., & Chaloupka, F. (2018). The impact of implementing tobacco control policies: The 2017 Tobacco Control Policy Scorecard. *Journal of Public Health Management and Practice*, 24, 448-457. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6050159/>

The restrictions and regulations applicable to outdoor advertising are not applicable to an advertisement inside a licensed retail outlet that is not placed on the inside surface of a window facing outward. Merchandising within a retail outlet is not considered advertising.

May not target persons outside the state of Washington.

Health Claims: Not allowed.

Sampling: No customer sampling. Limited licensee-to-licensor sampling allowed for negotiating sales and quality control.

Required Text for Warning Statements:

Except for outdoor advertising, all advertising must contain the following warnings that must be in type size at least 10 percent of the largest type used in the advertisement:

- “This product has intoxicating effects and may be habit forming.”
- “Marijuana can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery under the influence of this drug.”
- “There may be health risks associated with consumption of this product.”
- “For use only by adults twenty-one and older. Keep out of the reach of children.”

Any advertising, regardless of medium, used must indicate cannabis purchase or possession is restricted to those 21 years of age and older.

Promotional Items, Donations: Promotional items such as giveaways, coupons, and distribution of branded or unbranded merchandise are banned. “Giveaway” does not include representative samples of products (edible products and topicals only) carried by a licensed retailer that are not infused with cannabis and are offered to customers on licensed retail premises for sampling purposes only.

Factors Affecting Location or Placement of Promotions and Advertising:

Age Restrictions for Advertising Audience: Restrictions do not apply to outdoor advertisements placed at the site of an event to be held at an adult only facility that is placed during the time the facility or enclosed area constitutes an adult only facility. Advertisements must not be placed there more than 14 days before the event, and may not advertise any cannabis product other than by using a brand name, such as the business or trade name or the product brand, to identify the event. Advertising at adult only facilities must not be visible from the outside facility.

Prohibited Locations, Including Buffer Areas: In any form or through any medium whatsoever: Within 1,000 feet of the perimeter of elementary/secondary schools, playgrounds, recreation center/facility, child care center, public park, library, or game arcade not limited to persons 21 and over. On or in a private vehicle, public transit

vehicle, public transit shelter, bus stop, taxi stand, transportation waiting area, train station, airport, or any similar transit-related location. Prohibited on signs and placards in arenas, stadiums, shopping malls, fairs that receive state allocations, farmers markets unless an adult-only facility.

Outdoor Limits: Retailers on the business premises are limited to two separate signs with licensee's business name or trade name, location, and identifying the nature of the business. Both signs must be affixed to a building or permanent structure and each is limited to 1,600 sq. in. All text on outdoor signs, including billboards, are limited to identifying the retail outlet by business or trade name, stating the location (may include address, directional information, website address, email address, or phone number of licensed business), and identifying the type or nature of the business. No depictions of cannabis plants or products, including image or visual representation of a cannabis leaf, plant, or the likeness thereof that explicitly suggests or represents a cannabis leaf or plant, or of useable cannabis, cannabis-infused products, or cannabis concentrates, or an image that indicates the presence of a cannabis product, such as smoke, etc. Double-sided signs or signs with text visible on opposite sides are permissible and count as a single sign as long as the sign is contained in or affixed to a single structure.

No commercial mascots may be used outside of and in proximity to any licensed business. Outdoor advertising is prohibited on signs and placards in arenas, stadiums, shopping malls, fairs that receive state allocations, farmers markets, and video game arcades, whether open air or enclosed, but not including any such sign or placard located at an adult-only facility.

A sign affixed to the premises or in the window of a licensed retail business indicating the location is open or closed for business, the hours of operation, that an ATM is located inside, or other similar information not related to products or services is not considered advertising. Advertising placed on windows within the premises of a licensed store and facing outward must meet requirements for outdoor advertising.

Billboards: Licensed retail outlets may use a billboard or outdoor sign solely for the purpose of identifying the name of the business, the nature of the business, and providing the public with directional information to the retail outlet. All text is limited to identifying the retail outlet by business or trade name, stating the location (may include address, directional information, website address, email address, or phone number of licensed business, and identifying the type or nature of the business. No depictions of plants or products, including images or visual representation of a cannabis leaf, plant, or the likeness thereof that explicitly suggests or represents a cannabis leaf or plant, or of useable cannabis, cannabis-infused products, or cannabis concentrates, or an image that indicates the presence of a product, such as smoke, etc. All other advertising regulations apply.

Sponsorships/Promotional Events: Allowed. "Adopt-A-Highway" signs are not considered advertising. May not sell product at promotional events.



Pricing

The price of cannabis products to the consumer can be influenced through policies that restrict the use of tools to reduce price, such as discounts, coupons, etc. Taxes, both excise taxes and sales taxes, are also tools to maintain higher prices for cannabis products.

There is strong evidence that increasing the unit price of alcohol is effective in reducing excessive alcohol consumption, adolescent drinking, alcohol-impaired driving, and mortality from liver cirrhosis. There is also strong evidence that recommends interventions to increase the price of tobacco products to reduce tobacco use and exposure.

Taxes on Products:

Tax structure: 37% excise tax at retail level. State and local sales taxes added.

Other Factors that Affect Prices:

Discount Pricing: Not allowed.

Minimum Pricing: Not required (e.g., no minimum cost per gram of flower) Retailers may not sell below acquisition cost.

Additional Northwest PTTC Resources in this Series

1. HHS Region 10, State Cannabis Policies and Regulations: A Guidance document for Northwest Substance Misuse Prevention Practitioners.
2. Individual State Cannabis Policy Summaries for HHS Region States: Alaska, Idaho, Oregon and Washington.
3. HHS Region 10, Cannabis Policies and Regulations: A multi-state comparison across three Northwestern states