

**HB 2052** - S COMM AMD

By Committee on Labor & Commerce

**ADOPTED 04/13/2019**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "**Sec. 1.** RCW 69.50.348 and 2013 c 3 s 11 are each amended to  
4 read as follows:

5 (1) On a schedule determined by the state liquor ~~((control))~~ and  
6 cannabis board, every licensed marijuana producer and processor must  
7 submit representative samples of marijuana, useable marijuana, or  
8 marijuana-infused products produced or processed by the licensee to  
9 an independent, third-party testing laboratory meeting the  
10 accreditation requirements established by the state liquor  
11 ~~((control))~~ and cannabis board, for inspection and testing to certify  
12 compliance with quality assurance and product standards adopted by  
13 the state liquor ~~((control))~~ and cannabis board under RCW 69.50.342.  
14 Any sample remaining after testing shall be destroyed by the  
15 laboratory or returned to the licensee submitting the sample.

16 (2) Licensees must submit the results of ~~((this))~~ inspection and  
17 testing for quality assurance and product standards required under  
18 subsection (1) of this section to the state liquor ~~((control))~~ and  
19 cannabis board on a form developed by the state liquor ~~((control))~~  
20 and cannabis board.

21 (3) If a representative sample inspected and tested under this  
22 section does not meet the applicable quality assurance and product  
23 standards ~~((adopted))~~ established by the state liquor ~~((control))~~ and  
24 cannabis board, the entire lot from which the sample was taken must  
25 be destroyed.

26 (4) The state liquor and cannabis board may adopt rules necessary  
27 to implement this section.

28 **Sec. 2.** RCW 69.50.348 and 2013 c 3 s 11 are each amended to read  
29 as follows:

1 (1) On a schedule determined by the state liquor (~~control~~) and  
2 cannabis board, every licensed marijuana producer and processor must  
3 submit representative samples of marijuana, useable marijuana, or  
4 marijuana-infused products produced or processed by the licensee to  
5 an independent, third-party testing laboratory meeting the  
6 accreditation requirements established by the state (~~liquor control~~  
7 ~~board~~) department of ecology, for inspection and testing to certify  
8 compliance with quality assurance and product standards adopted by  
9 the state liquor (~~control~~) and cannabis board under RCW 69.50.342.  
10 Any sample remaining after testing shall be destroyed by the  
11 laboratory or returned to the licensee submitting the sample.

12 (2) Licensees must submit the results of (~~this~~) inspection and  
13 testing for quality assurance and product standards required under  
14 RCW 69.50.342 to the state liquor (~~control~~) and cannabis board on a  
15 form developed by the state liquor (~~control~~) and cannabis board.

16 (3) If a representative sample inspected and tested under this  
17 section does not meet the applicable quality assurance and product  
18 standards (~~adopted~~) established by the state liquor (~~control~~) and  
19 cannabis board, the entire lot from which the sample was taken must  
20 be destroyed.

21 (4)(a) The department of ecology may determine, assess, and  
22 collect annual fees sufficient to cover the direct and indirect costs  
23 of implementing a state marijuana product testing laboratory  
24 accreditation program, except for the initial program development  
25 costs. The department of ecology must develop a fee schedule  
26 allocating the costs of the accreditation program among its  
27 accredited marijuana product testing laboratories. The department of  
28 ecology may establish a payment schedule requiring periodic  
29 installments of the annual fee. The fee schedule must be established  
30 in amounts to fully cover, but not exceed, the administrative and  
31 oversight costs. The department of ecology must review and update its  
32 fee schedule biennially. The costs of marijuana product testing  
33 laboratory accreditation are those incurred by the department of  
34 ecology in administering and enforcing the accreditation program. The  
35 costs may include, but are not limited to, the costs incurred in  
36 undertaking the following accreditation functions:

- 37 (i) Evaluating the protocols and procedures used by a laboratory;
- 38 (ii) Performing on-site audits;
- 39 (iii) Evaluating participation and successful completion of
- 40 proficiency testing;

1 (iv) Determining the capability of a laboratory to produce  
2 accurate and reliable test results; and

3 (v) Such other accreditation activities as the department of  
4 ecology deems appropriate.

5 (b) The state marijuana product testing laboratory accreditation  
6 program initial development costs must be fully paid from the  
7 dedicated marijuana account created in RCW 69.50.530.

8 (5) The department of ecology and the liquor and cannabis board  
9 must act cooperatively to ensure effective implementation and  
10 administration of this section.

11 (6) All fees collected under this section must be deposited in  
12 the dedicated marijuana account created in RCW 69.50.530.

13 NEW SECTION. Sec. 3. A new section is added to chapter 43.21A  
14 RCW to read as follows:

15 (1) (a) The cannabis science task force is established with  
16 members as provided in this subsection.

17 (i) The directors, or the directors' appointees, of the  
18 departments of agriculture, health, ecology, and the liquor and  
19 cannabis board must each serve as members on the task force.

20 (ii) A majority of the four agency task force members will select  
21 additional members, as follows:

22 (A) Representatives with expertise in chemistry, microbiology,  
23 toxicology, public health, and/or food and agricultural testing  
24 methods from state and local agencies and tribal governments; and

25 (B) Nongovernmental cannabis industry scientists.

26 (b) The director or the director's designee from the department  
27 of ecology must serve as chair of the task force.

28 (2) (a) The cannabis science task force must:

29 (i) Collaborate on the development of appropriate laboratory  
30 quality standards for marijuana product testing laboratories;

31 (ii) Establish two work groups:

32 (A) A proficiency testing program work group to be led by the  
33 department; and

34 (B) A laboratory quality standards work group to be led by the  
35 department of agriculture. At a minimum this work group will address  
36 appropriate approved testing methods, method validation protocols,  
37 and method performance criteria.

38 (b) The cannabis science task force may reorganize the work  
39 groups or create additional work groups as necessary.

1 (3) Staff support for the cannabis science task force must be  
2 provided by the department.

3 (4) Reimbursement for members is subject to chapter 43.03 RCW.

4 (5) Expenses of the cannabis science task force must be paid by  
5 the department.

6 (6) The cannabis science task force must submit a report to the  
7 relevant committees of the legislature by July 1, 2020, that includes  
8 the findings and recommendations for laboratory quality standards for  
9 pesticides in plants for marijuana product testing laboratories. The  
10 report must include, but is not limited to, recommendations relating  
11 to the following:

12 (a) Appropriate approved testing methods;

13 (b) Method validation protocols;

14 (c) Method performance criteria;

15 (d) Sampling and homogenization protocols;

16 (e) Proficiency testing; and

17 (f) Regulatory updates related to (a) through (e) of this  
18 subsection, by which agencies, and the timing of these updates.

19 (7) To the fullest extent possible, the task force must consult  
20 with other jurisdictions that have established, or are establishing,  
21 marijuana product testing programs.

22 (8) Following development of findings and recommendations for  
23 laboratory quality standards for pesticides in plants for marijuana  
24 product testing laboratories, the task force must develop findings  
25 and recommendations for additional laboratory quality standards,  
26 including, but not limited to, heavy metals in and potency of  
27 marijuana products.

28 (a) The cannabis science task force must submit a report on the  
29 findings and recommendations for these additional standards to the  
30 relevant committees of the legislature by December 1, 2021.

31 (b) The report must include recommendations pertaining to the  
32 items listed in subsection (6)(a) through (f) of this section.

33 (9) The task force must hold its first meeting by September 1,  
34 2019.

35 (10) This section expires December 31, 2022.

36 NEW SECTION. **Sec. 4.** A new section is added to chapter 69.50  
37 RCW to read as follows:

1 The liquor and cannabis board may adopt rules that address the  
2 findings and recommendations in the task force reports provided under  
3 section 3 of this act.

4 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.21A  
5 RCW to read as follows:

6 By July 1, 2024, the department must, in consultation with the  
7 liquor and cannabis board, adopt rules to implement section 2,  
8 chapter . . ., Laws of 2019 (section 2 of this act).

9 **Sec. 6.** RCW 69.50.345 and 2018 c 43 s 2 are each amended to read  
10 as follows:

11 The state liquor and cannabis board, subject to the provisions of  
12 this chapter, must adopt rules that establish the procedures and  
13 criteria necessary to implement the following:

14 (1) Licensing of marijuana producers, marijuana processors, and  
15 marijuana retailers, including prescribing forms and establishing  
16 application, reinstatement, and renewal fees.

17 (a) Application forms for marijuana producers must request the  
18 applicant to state whether the applicant intends to produce marijuana  
19 for sale by marijuana retailers holding medical marijuana  
20 endorsements and the amount of or percentage of canopy the applicant  
21 intends to commit to growing plants determined by the department  
22 under RCW 69.50.375 to be of a THC concentration, CBD concentration,  
23 or THC to CBD ratio appropriate for marijuana concentrates, useable  
24 marijuana, or marijuana-infused products sold to qualifying patients.

25 (b) The state liquor and cannabis board must reconsider and  
26 increase limits on the amount of square feet permitted to be in  
27 production on July 24, 2015, and increase the percentage of  
28 production space for those marijuana producers who intend to grow  
29 plants for marijuana retailers holding medical marijuana endorsements  
30 if the marijuana producer designates the increased production space  
31 to plants determined by the department under RCW 69.50.375 to be of a  
32 THC concentration, CBD concentration, or THC to CBD ratio appropriate  
33 for marijuana concentrates, useable marijuana, or marijuana-infused  
34 products to be sold to qualifying patients. If current marijuana  
35 producers do not use all the increased production space, the state  
36 liquor and cannabis board may reopen the license period for new  
37 marijuana producer license applicants but only to those marijuana  
38 producers who agree to grow plants for marijuana retailers holding

1 medical marijuana endorsements. Priority in licensing must be given  
2 to marijuana producer license applicants who have an application  
3 pending on July 24, 2015, but who are not yet licensed and then to  
4 new marijuana producer license applicants. After January 1, 2017, any  
5 reconsideration of the limits on the amount of square feet permitted  
6 to be in production to meet the medical needs of qualifying patients  
7 must consider information contained in the medical marijuana  
8 authorization database established in RCW 69.51A.230;

9 (2) Determining, in consultation with the office of financial  
10 management, the maximum number of retail outlets that may be licensed  
11 in each county, taking into consideration:

12 (a) Population distribution;

13 (b) Security and safety issues;

14 (c) The provision of adequate access to licensed sources of  
15 marijuana concentrates, useable marijuana, and marijuana-infused  
16 products to discourage purchases from the illegal market; and

17 (d) The number of retail outlets holding medical marijuana  
18 endorsements necessary to meet the medical needs of qualifying  
19 patients. The state liquor and cannabis board must reconsider and  
20 increase the maximum number of retail outlets it established before  
21 July 24, 2015, and allow for a new license application period and a  
22 greater number of retail outlets to be permitted in order to  
23 accommodate the medical needs of qualifying patients and designated  
24 providers. After January 1, 2017, any reconsideration of the maximum  
25 number of retail outlets needed to meet the medical needs of  
26 qualifying patients must consider information contained in the  
27 medical marijuana authorization database established in RCW  
28 69.51A.230;

29 (3) Determining the maximum quantity of marijuana a marijuana  
30 producer may have on the premises of a licensed location at any time  
31 without violating Washington state law;

32 (4) Determining the maximum quantities of marijuana, marijuana  
33 concentrates, useable marijuana, and marijuana-infused products a  
34 marijuana processor may have on the premises of a licensed location  
35 at any time without violating Washington state law;

36 (5) Determining the maximum quantities of marijuana concentrates,  
37 useable marijuana, and marijuana-infused products a marijuana  
38 retailer may have on the premises of a retail outlet at any time  
39 without violating Washington state law;

1 (6) In making the determinations required by this section, the  
2 state liquor and cannabis board shall take into consideration:

3 (a) Security and safety issues;

4 (b) The provision of adequate access to licensed sources of  
5 marijuana, marijuana concentrates, useable marijuana, and marijuana-  
6 infused products to discourage purchases from the illegal market; and

7 (c) Economies of scale, and their impact on licensees' ability to  
8 both comply with regulatory requirements and undercut illegal market  
9 prices;

10 (7) Determining the nature, form, and capacity of all containers  
11 to be used by licensees to contain marijuana, marijuana concentrates,  
12 useable marijuana, and marijuana-infused products, and their labeling  
13 requirements, to include but not be limited to:

14 (a) The business or trade name and Washington state unified  
15 business identifier number of the licensees that produced and  
16 processed the marijuana, marijuana concentrates, useable marijuana,  
17 or marijuana-infused product;

18 (b) Lot numbers of the marijuana, marijuana concentrates, useable  
19 marijuana, or marijuana-infused product;

20 (c) THC concentration and CBD concentration of the marijuana,  
21 marijuana concentrates, useable marijuana, or marijuana-infused  
22 product;

23 (d) Medically and scientifically accurate information about the  
24 health and safety risks posed by marijuana use; and

25 (e) Language required by RCW 69.04.480;

26 (8) In consultation with the department of agriculture and the  
27 department, establishing classes of marijuana, marijuana  
28 concentrates, useable marijuana, and marijuana-infused products  
29 according to grade, condition, cannabinoid profile, THC  
30 concentration, CBD concentration, or other qualitative measurements  
31 deemed appropriate by the state liquor and cannabis board;

32 (9) Establishing reasonable time, place, and manner restrictions  
33 and requirements regarding advertising of marijuana, marijuana  
34 concentrates, useable marijuana, and marijuana-infused products that  
35 are not inconsistent with the provisions of this chapter, taking into  
36 consideration:

37 (a) Federal laws relating to marijuana that are applicable within  
38 Washington state;

39 (b) Minimizing exposure of people under twenty-one years of age  
40 to the advertising;

1 (c) The inclusion of medically and scientifically accurate  
2 information about the health and safety risks posed by marijuana use  
3 in the advertising; and

4 (d) Ensuring that retail outlets with medical marijuana  
5 endorsements may advertise themselves as medical retail outlets;

6 (10) Specifying and regulating the time and periods when, and the  
7 manner, methods, and means by which, licensees shall transport and  
8 deliver marijuana, marijuana concentrates, useable marijuana, and  
9 marijuana-infused products within the state;

10 (11) In consultation with the department and the department of  
11 agriculture, (~~establishing accreditation requirements for testing~~  
12 ~~laboratories used by licensees to demonstrate compliance with~~  
13 ~~standards adopted by the state liquor and cannabis board, and~~)  
14 prescribing methods of producing, processing, and packaging  
15 marijuana, marijuana concentrates, useable marijuana, and marijuana-  
16 infused products; conditions of sanitation; and standards of  
17 ingredients, quality, and identity of marijuana, marijuana  
18 concentrates, useable marijuana, and marijuana-infused products  
19 produced, processed, packaged, or sold by licensees;

20 (12) Specifying procedures for identifying, seizing,  
21 confiscating, destroying, and donating to law enforcement for  
22 training purposes all marijuana, marijuana concentrates, useable  
23 marijuana, and marijuana-infused products produced, processed,  
24 packaged, labeled, or offered for sale in this state that do not  
25 conform in all respects to the standards prescribed by this chapter  
26 or the rules of the state liquor and cannabis board.

27 NEW SECTION. **Sec. 7.** Section 1 of this act expires July 1,  
28 2024.

29 NEW SECTION. **Sec. 8.** Sections 2 and 6 of this act take effect  
30 July 1, 2024.

31 NEW SECTION. **Sec. 9.** If specific funding for the purposes of  
32 this act, referencing this act by bill or chapter number, is not  
33 provided by June 30, 2019, in the omnibus appropriations act, this  
34 act is null and void."



**ADOPTED 04/13/2019**

1        On page 1, line 3 of the title, after "force;" strike the  
2 remainder of the title and insert "amending RCW 69.50.348, 69.50.348,  
3 and 69.50.345; adding new sections to chapter 43.21A RCW; adding a  
4 new section to chapter 69.50 RCW; creating a new section; providing  
5 an effective date; and providing expiration dates."

EFFECT: (1) Requires that the state marijuana product testing laboratory accreditation program initial development costs must be fully paid from the dedicated marijuana account.

(2) Changes the date of the transfer of the accreditation program to the Department of Ecology to July 1, 2024.

(3) Limits the initial scope of the Cannabis Science Task Force to pesticides in plants for laboratory quality standards for the 7/1/20 report to legislature.

(4) Requires the Cannabis Science Task Force to recommend regulatory changes each agency should make to implement the pesticide lab quality standards. The recommendations are included in the 7/1/20 report to legislature.

(5) Directs the Cannabis Science Task Force to submit a report to the legislature by 12/1/21 on the recommendations for laboratory quality standards for heavy metals and potency, at a minimum.

(6) Allows the Liquor and Cannabis Board to initiate rule making to address the findings and recommendations in the task force reports, as the Department of Ecology does not take over accreditation until 2024.

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