

FINAL BILL REPORT

HB 2052

C 277 L 19
Synopsis as Enacted

Brief Description: Clarifying marijuana product testing by revising provisions concerning marijuana testing laboratory accreditation and establishing a cannabis science task force.

Sponsors: Representatives Stanford, MacEwen, Kloba and Reeves.

House Committee on Commerce & Gaming
House Committee on Appropriations
Senate Committee on Labor & Commerce
Senate Committee on Ways & Means

Background:

Marijuana Product Testing and Laboratory Accreditation Requirements.

Marijuana Product Testing. On a schedule determined by the Washington State Liquor and Cannabis Board (LCB), licensed marijuana producers and processors must submit representative samples of marijuana or marijuana products produced or processed by the licensee to an independent, third-party testing laboratory meeting accreditation requirements established by the LCB, for inspection and testing. Inspection and testing is to certify compliance with product standards adopted by the LCB, and various fields of testing are required.

Representative samples of marijuana are subject to testing for potency, moisture content, and foreign matter. Additionally, representative samples of marijuana must undergo microbiological and mycotoxin screenings, and certain marijuana products like marijuana concentrates, depending on the processing method, are subject to testing for residual solvents. For marijuana products to qualify for labeling and sale as medically compliant products under rules adopted by the Department of Health, representative samples must additionally be tested for pesticides and heavy metals. Any sample remaining after testing is destroyed by the lab or returned to the licensee. Marijuana licensees must submit the results of inspections and testing to the LCB. If a sample inspected and tested does not meet the standards developed by the LCB, the entire lot from which the sample was taken must be destroyed.

Accreditation of Marijuana Product Testing Laboratories. Initiative 502 (2012) directed the LCB to adopt rules, in consultation with the Department of Health and the Department of

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Agriculture, establishing accreditation requirements for testing laboratories used by licensees to demonstrate compliance with product standards adopted by the LCB. The LCB has developed a proficiency testing program to certify marijuana product testing laboratories that demonstrate an ability to perform accurate laboratory tests of marijuana products in a given field of testing. Pursuant to agency rules, the LCB may require a third-party validation and ongoing monitoring of a certified lab's basic proficiency to correctly execute the analytical methodologies employed by the lab. Certified labs are responsible for paying all vendor fees for validation and ongoing monitoring directly to the LCB's vendor.

The Dedicated Marijuana Account.

The Dedicated Marijuana Account is an appropriated account in which all moneys received by the LCB from marijuana-related activities are deposited. These moneys include marijuana excise taxes, as well as license fees, penalties, and forfeitures.

Summary:

Marijuana Product Testing and Laboratory Accreditation Requirements.

Effective July 1, 2024, authority and responsibility for marijuana product testing laboratory accreditation requirements is transferred to the Department of Ecology (Ecology), from the Washington State Liquor and Cannabis Board (LCB). Ecology may determine, assess, and collect annual fees sufficient to cover the direct and indirect costs of implementing a marijuana product testing laboratory accreditation program, except for the initial program development costs. Initial program development costs must be fully paid from the Dedicated Marijuana Account. Ecology must develop a fee schedule allocating the costs of the accreditation program among its accredited marijuana product testing laboratories.

Ecology may establish a payment schedule requiring periodic installments of the annual fee, for deposit in the Dedicated Marijuana Account. The fee schedule must be established in amounts to fully cover, but not exceed, administrative costs and oversight costs. Ecology must review and update its fee schedule biennially. The costs of marijuana product testing laboratory accreditation are those incurred by Ecology in administering and enforcing the accreditation program. The costs may include, but are not limited to, the costs incurred in undertaking the following accreditation functions: (1) evaluating laboratory protocols and procedures; (2) performing on-site audits; (3) evaluating participation and successful completion of proficiency testing; (4) determining the capability of a laboratory to produce accurate and reliable test results; and (5) such other accreditation activities as Ecology deems appropriate.

By July 1, 2024, Ecology must, in consultation with the LCB, adopt rules to implement Ecology's duties pertaining to the marijuana product testing laboratory accreditation program. Effective July 1, 2024, the directive to the LCB to establish, by rule, accreditation requirements for marijuana product testing laboratories, is repealed. Until July 1, 2024, the LCB is granted additional rulemaking authority to adopt rules necessary to implement the marijuana product testing laboratory accreditation program and to adopt quality assurance and product standards.

Cannabis Science Task Force.

A Cannabis Science Task Force (Task Force) is established. Membership includes the directors or the directors' appointees of Ecology, the Department of Agriculture, the Department of Health, and the LCB. A majority of the agency members must select additional members, who must include representatives from state and local agencies and tribal governments with expertise in chemistry, microbiology, toxicology, public health, or food and agricultural testing methods, as well as nongovernmental cannabis industry scientists.

The representative from Ecology must serve as chair of the Task Force. The Task Force must collaborate on the development of appropriate laboratory quality standards for marijuana testing laboratories and must establish two work groups: (1) a proficiency testing program work group led by Ecology; and (2) a laboratory quality standards work group to be led by the Washington State Department of Agriculture. The Task Force may reorganize the work groups or create additional work groups as necessary. Ecology must provide staff support and pay Task Force expenses.

The Task Force must submit a report to the relevant committees of the Legislature by July 1, 2020, that includes the findings and recommendations for laboratory quality standards for pesticides in plants for cannabis testing laboratories. The report must include recommendations relating to the following: (1) appropriate approved testing methods; (2) method validation protocols; (3) method performance criteria; (4) sampling and homogenization protocols; (5) proficiency testing; and (6) regulatory updates. The Task Force must hold its first meeting by September 1, 2019.

Additionally, by December 1, 2021, the Task Force must submit a second report to the Legislature with findings and recommendations for additional laboratory quality standards including, but not limited to, heavy metals in and potency of marijuana products. The LCB may adopt rules that address the findings and recommendations in the Task Force reports.

Votes on Final Passage:

House	95	2	
Senate	44	1	(Senate amended)
House	96	0	(House concurred)

Effective: July 28, 2019
July 1, 2024 (Sections 2 and 6)