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HOUSE BILL 2052

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State of Washington

66th Legislature

2019 Regular Session

By Representatives Stanford, MacEwen, Kloba, and Reeves

Read first time 02/14/19. Referred to Committee on Commerce & Gaming.

1 AN ACT Relating to clarifying marijuana product testing by  
2 revising provisions concerning marijuana testing laboratory  
3 accreditation and establishing a cannabis science task force;  
4 amending RCW 69.50.348, 69.50.348, and 69.50.345; adding new sections  
5 to chapter 43.21A RCW; creating a new section; providing an effective  
6 date; and providing expiration dates.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

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

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

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

15 (1) On a schedule determined by the state liquor ~~((control))~~ and  
16 cannabis board, every licensed marijuana producer and processor must  
17 submit representative samples of marijuana, useable marijuana, or  
18 marijuana-infused products produced or processed by the licensee to  
19 an independent, third-party testing laboratory meeting the  
20 accreditation requirements established by the state ~~((liquor control~~  
21 ~~board))~~ department of ecology, for inspection and testing to certify  
22 compliance with quality assurance and product standards adopted by  
23 the state liquor ~~((control))~~ and cannabis board under RCW 69.50.342.  
24 Any sample remaining after testing shall be destroyed by the  
25 laboratory or returned to the licensee submitting the sample.

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

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

35 (4) The department of ecology may determine, assess, and collect  
36 annual fees sufficient to cover the direct and indirect costs of  
37 implementing a state marijuana product testing laboratory  
38 accreditation program from laboratories seeking marijuana product  
39 testing accreditation or renewal. The department of ecology must

1 develop a fee schedule allocating the costs of the accreditation  
2 program among its accredited marijuana product testing laboratories.  
3 The department of ecology may establish a payment schedule requiring  
4 periodic installments of the annual fee. The fee schedule must be  
5 established in amounts to fully cover, but not exceed, administration  
6 costs, program development costs, and oversight costs. The department  
7 of ecology must review and update its fee schedule biennially. The  
8 costs of marijuana product testing laboratory accreditation are those  
9 incurred by the department of ecology in administering and enforcing  
10 the accreditation program. The costs may include, but are not limited  
11 to, the costs incurred in undertaking the following accreditation  
12 functions:

13 (a) Evaluating the protocols and procedures used by a laboratory;

14 (b) Performing on-site audits;

15 (c) Evaluating participation and successful completion of  
16 proficiency testing;

17 (d) Determining the capability of a laboratory to produce  
18 accurate and reliable test results; and

19 (e) Such other accreditation activities as the department of  
20 ecology deems appropriate.

21 (5) The department of ecology and the liquor and cannabis board  
22 must act cooperatively to ensure effective implementation and  
23 administration of this section.

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

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

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

30 (i) The departments of agriculture, ecology, and health, and the  
31 liquor and cannabis board must each appoint one representative.

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

34 (A) Representatives from state and local agencies, and tribal and  
35 local governments with expertise in chemistry, microbiology,  
36 toxicology, public health, and/or food and agricultural testing  
37 methods;

38 (B) Representatives from state and local agencies, and tribal and  
39 local governments with expertise in chemistry, microbiology,

1 toxicology, public health, and/or food and agricultural testing  
2 methods; and

3 (C) Nongovernmental cannabis industry scientists.

4 (b) The representative from the department must serve as chair of  
5 the task force.

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

7 (i) Collaborate on the development of appropriate laboratory  
8 quality standards for cannabis testing laboratories;

9 (ii) Establish two work groups:

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

12 (B) A laboratory quality standards work group to be led by the  
13 department of agriculture.

14 (b) The cannabis science task force may create additional  
15 advisory work groups as necessary.

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

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

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

21 (6) The cannabis science task force must submit a report to the  
22 relevant committees of the legislature by December 1, 2020, that  
23 includes the findings and recommendations for laboratory quality  
24 standards for cannabis testing laboratories. The report must  
25 specifically include recommendations relating to the following:

26 (a) Appropriate approved testing methods;

27 (b) Method validation protocols;

28 (c) Method performance criteria; and

29 (d) Sampling and homogenization protocols.

30 (7) The task force must meet at least four times during 2019,  
31 with the first meeting held by September 1, 2019.

32 (8) This section expires December 31, 2022.

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

35 By July 1, 2022, the department must, in consultation with the  
36 liquor and cannabis board, adopt rules to implement section 2,  
37 chapter . . ., Laws of 2019 (section 2 of this act).

1       **Sec. 5.** RCW 69.50.345 and 2018 c 43 s 2 are each amended to read  
2 as follows:

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

6       (1) Licensing of marijuana producers, marijuana processors, and  
7 marijuana retailers, including prescribing forms and establishing  
8 application, reinstatement, and renewal fees.

9       (a) Application forms for marijuana producers must request the  
10 applicant to state whether the applicant intends to produce marijuana  
11 for sale by marijuana retailers holding medical marijuana  
12 endorsements and the amount of or percentage of canopy the applicant  
13 intends to commit to growing plants determined by the department  
14 under RCW 69.50.375 to be of a THC concentration, CBD concentration,  
15 or THC to CBD ratio appropriate for marijuana concentrates, useable  
16 marijuana, or marijuana-infused products sold to qualifying patients.

17       (b) The state liquor and cannabis board must reconsider and  
18 increase limits on the amount of square feet permitted to be in  
19 production on July 24, 2015, and increase the percentage of  
20 production space for those marijuana producers who intend to grow  
21 plants for marijuana retailers holding medical marijuana endorsements  
22 if the marijuana producer designates the increased production space  
23 to plants determined by the department under RCW 69.50.375 to be of a  
24 THC concentration, CBD concentration, or THC to CBD ratio appropriate  
25 for marijuana concentrates, useable marijuana, or marijuana-infused  
26 products to be sold to qualifying patients. If current marijuana  
27 producers do not use all the increased production space, the state  
28 liquor and cannabis board may reopen the license period for new  
29 marijuana producer license applicants but only to those marijuana  
30 producers who agree to grow plants for marijuana retailers holding  
31 medical marijuana endorsements. Priority in licensing must be given  
32 to marijuana producer license applicants who have an application  
33 pending on July 24, 2015, but who are not yet licensed and then to  
34 new marijuana producer license applicants. After January 1, 2017, any  
35 reconsideration of the limits on the amount of square feet permitted  
36 to be in production to meet the medical needs of qualifying patients  
37 must consider information contained in the medical marijuana  
38 authorization database established in RCW 69.51A.230;

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

4 (a) Population distribution;

5 (b) Security and safety issues;

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

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

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

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

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

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

34 (a) Security and safety issues;

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

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

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

5 (a) The business or trade name and Washington state unified  
6 business identifier number of the licensees that produced and  
7 processed the marijuana, marijuana concentrates, useable marijuana,  
8 or marijuana-infused product;

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

11 (c) THC concentration and CBD concentration of the marijuana,  
12 marijuana concentrates, useable marijuana, or marijuana-infused  
13 product;

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

16 (e) Language required by RCW 69.04.480;

17 (8) In consultation with the department of agriculture and the  
18 department, establishing classes of marijuana, marijuana  
19 concentrates, useable marijuana, and marijuana-infused products  
20 according to grade, condition, cannabinoid profile, THC  
21 concentration, CBD concentration, or other qualitative measurements  
22 deemed appropriate by the state liquor and cannabis board;

23 (9) Establishing reasonable time, place, and manner restrictions  
24 and requirements regarding advertising of marijuana, marijuana  
25 concentrates, useable marijuana, and marijuana-infused products that  
26 are not inconsistent with the provisions of this chapter, taking into  
27 consideration:

28 (a) Federal laws relating to marijuana that are applicable within  
29 Washington state;

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

32 (c) The inclusion of medically and scientifically accurate  
33 information about the health and safety risks posed by marijuana use  
34 in the advertising; and

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

37 (10) Specifying and regulating the time and periods when, and the  
38 manner, methods, and means by which, licensees shall transport and  
39 deliver marijuana, marijuana concentrates, useable marijuana, and  
40 marijuana-infused products within the state;

1 (11) In consultation with the department and the department of  
2 agriculture, (~~establishing accreditation requirements for testing~~  
3 ~~laboratories used by licensees to demonstrate compliance with~~  
4 ~~standards adopted by the state liquor and cannabis board, and~~)  
5 prescribing methods of producing, processing, and packaging  
6 marijuana, marijuana concentrates, useable marijuana, and marijuana-  
7 infused products; conditions of sanitation; and standards of  
8 ingredients, quality, and identity of marijuana, marijuana  
9 concentrates, useable marijuana, and marijuana-infused products  
10 produced, processed, packaged, or sold by licensees;

11 (12) Specifying procedures for identifying, seizing,  
12 confiscating, destroying, and donating to law enforcement for  
13 training purposes all marijuana, marijuana concentrates, useable  
14 marijuana, and marijuana-infused products produced, processed,  
15 packaged, labeled, or offered for sale in this state that do not  
16 conform in all respects to the standards prescribed by this chapter  
17 or the rules of the state liquor and cannabis board.

18 NEW SECTION. **Sec. 6.** Section 1 of this act expires July 1,  
19 2022.

20 NEW SECTION. **Sec. 7.** Sections 2 and 5 of this act take effect  
21 July 1, 2022.

22 NEW SECTION. **Sec. 8.** If specific funding for the purposes of  
23 this act, referencing this act by bill or chapter number, is not  
24 provided by June 30, 2019, in the omnibus appropriations act, this  
25 act is null and void.

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