

HB 1859 - S COMM AMD

By Committee on Labor, Commerce & Tribal Affairs

ADOPTED AND ENGROSSED 3/4/2022

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

3 "NEW SECTION. **Sec. 1.** The purpose of this act is to create an
4 interagency coordination team responsible for the program that
5 establishes and maintains quality standards for laboratories
6 conducting analysis of recreational and medicinal cannabis with THC
7 levels greater than 0.3 percent. The interagency team includes the
8 department of agriculture, the liquor and cannabis board, and the
9 department of health. The standards must be adopted by rule by the
10 department of agriculture, and changes to standards may require
11 reference in liquor and cannabis board and department of health
12 rules. This authority to establish these rules transfers from the
13 liquor and cannabis board to the department of agriculture. This act
14 implements the recommendations of the cannabis science task force
15 established in RCW 43.21A.735.

16 According to the task force's recommendations: "Laboratory
17 quality standards are the elements used in the evaluation of a
18 product's compliance with established product standards. They consist
19 of approved methods, method validation protocols, and performance
20 measures and criteria applied to the testing of the product.
21 Establishing appropriate and well-defined laboratory quality
22 standards is essential to communicate to the testing laboratories
23 what standardized practices and procedures are appropriate.

24 Laboratory quality standards help ensure the data that
25 laboratories generate are credible and can be used to provide
26 consumer protections. They should represent sound scientific
27 protocols, and detail practical and specific guidance for the testing
28 subject matter. Together, well-established product standards,
29 laboratory quality standards, and accreditation standards should
30 function to garner confidence for consumers and the industry they
31 support."

1 NEW SECTION. **Sec. 2.** The definitions in this section apply
2 throughout this chapter unless the context clearly requires
3 otherwise.

4 (1) "Cannabis lab" means a laboratory that tests cannabis for
5 compliance with product standards established by rule by the state
6 liquor and cannabis board.

7 (2) "Team" means the interagency coordination team for cannabis
8 laboratory quality standards created in this chapter.

9 NEW SECTION. **Sec. 3.** (1) The interagency coordination team for
10 cannabis laboratory quality standards is created. The team consists
11 of the department, the liquor and cannabis board, and the department
12 of health. The department is designated lead agency for the team and
13 must provide the team with all necessary administrative support.

14 (2) The agencies that make up the team must each dedicate
15 administrative, policy, scientific, or other staff necessary to
16 successfully accomplish the duties assigned to the team.

17 (3) The team must:

18 (a) Coordinate among all participating agencies on agency
19 policies, actions, and regulatory activities that relate to cannabis
20 testing laboratory quality standards; and

21 (b) Advise the department on implementation and maintenance of
22 cannabis testing laboratory quality standards topics including, but
23 not limited to, analytical methods, validation protocols, quality
24 assurance and quality control practices, project planning and
25 sampling guides, and other topics as necessary to fulfill the
26 purposes of the team and this act. In making its recommendations, the
27 team must take into account the cannabis science task force
28 recommendations.

29 NEW SECTION. **Sec. 4.** (1) The department must establish and
30 maintain cannabis testing laboratory quality standards by rule in
31 accordance with chapter 34.05 RCW.

32 (2) Cannabis testing laboratory quality standards must include,
33 but are not limited to, approved methods for testing cannabis for
34 compliance with product standards established by rule by the state
35 liquor and cannabis board or the department of health, method
36 validation protocol, and performance measures and criteria applied to
37 testing of cannabis products.

1 (3) The department must take into account the recommendations of
2 the team created in section 3 of this act.

3 (4) Standards created under this chapter must be provided to the
4 state department of ecology for use in the lab accreditation process
5 described in RCW 69.50.348.

6 **Sec. 5.** RCW 69.50.348 and 2019 c 277 s 1 are each amended to
7 read as follows:

8 (1) On a schedule determined by the state liquor and cannabis
9 board, every licensed marijuana producer and processor must submit
10 representative samples of marijuana, useable marijuana, or marijuana-
11 infused products produced or processed by the licensee to an
12 independent, third-party testing laboratory ~~((meeting the
13 accreditation requirements established by the state liquor and
14 cannabis board, for inspection and testing))~~. The purpose of testing
15 representative samples is to certify compliance with quality
16 assurance and product standards adopted by the state liquor and
17 cannabis board under RCW 69.50.342 or the department of health under
18 RCW 69.50.375. In conducting tests of cannabis product samples,
19 testing laboratories must adhere to laboratory quality standards
20 adopted by the state department of agriculture under chapter 15.---
21 RCW (the new chapter created in section 9 of this act). Any sample
22 remaining after testing shall be destroyed by the laboratory or
23 returned to the licensee submitting the sample.

24 (2) Independent, third-party testing laboratories performing
25 cannabis product testing under subsection (1) of this section must
26 obtain and maintain accreditation.

27 (3) Licensees must submit the results of inspection and testing
28 for quality assurance and product standards required under subsection
29 (1) of this section to the state liquor and cannabis board on a form
30 developed by the state liquor and cannabis board.

31 ~~((3))~~ (4) If a representative sample inspected and tested under
32 this section does not meet the applicable quality assurance and
33 product standards established by the state liquor and cannabis board,
34 the entire lot from which the sample was taken must be destroyed.

35 ~~((4))~~ (5) The state liquor and cannabis board may adopt rules
36 necessary to implement this section. The state liquor and cannabis
37 board may adopt rules necessary to implement subsection (2) of this
38 section until a successor state agency or agencies assume

1 responsibility for establishing and administering laboratory
2 standards and accreditation.

3 **Sec. 6.** RCW 69.50.348 and 2019 c 277 s 2 are each amended to
4 read as follows:

5 (1) On a schedule determined by the state liquor and cannabis
6 board, every licensed marijuana producer and processor must submit
7 representative samples of marijuana, useable marijuana, or marijuana-
8 infused products produced or processed by the licensee to an
9 independent, third-party testing laboratory meeting the accreditation
10 requirements established by the state department of ecology(~~(, for~~
11 ~~inspection and testing)~~). The purpose of testing representative
12 samples is to certify compliance with quality assurance and product
13 standards adopted by the state liquor and cannabis board under RCW
14 69.50.342 or the department of health under RCW 69.50.375. In
15 conducting tests of cannabis product samples, testing laboratories
16 must adhere to laboratory quality standards adopted by the state
17 department of agriculture under chapter 15.--- RCW (the new chapter
18 created in section 9 of this act). Any sample remaining after testing
19 shall be destroyed by the laboratory or returned to the licensee
20 submitting the sample.

21 (2) Independent, third-party testing laboratories performing
22 cannabis product testing under subsection (1) of this section must
23 obtain and maintain accreditation.

24 (3) Licensees must submit the results of inspection and testing
25 for quality assurance and product standards required under RCW
26 69.50.342 to the state liquor and cannabis board on a form developed
27 by the state liquor and cannabis board.

28 (~~(3)~~) (4) If a representative sample inspected and tested under
29 this section does not meet the applicable quality assurance and
30 product standards established by the state liquor and cannabis board,
31 the entire lot from which the sample was taken must be destroyed.

32 (~~(4)~~) (5)(a) The department of ecology may determine, assess,
33 and collect annual fees sufficient to cover the direct and indirect
34 costs of implementing a state marijuana product testing laboratory
35 accreditation program, except for the initial program development
36 costs. The department of ecology must develop a fee schedule
37 allocating the costs of the accreditation program among its
38 accredited marijuana product testing laboratories. The department of
39 ecology may establish a payment schedule requiring periodic

1 installments of the annual fee. The fee schedule must be established
2 in amounts to fully cover, but not exceed, the administrative and
3 oversight costs. The department of ecology must review and update its
4 fee schedule biennially. The costs of marijuana product testing
5 laboratory accreditation are those incurred by the department of
6 ecology in administering and enforcing the accreditation program. The
7 costs may include, but are not limited to, the costs incurred in
8 undertaking the following accreditation functions:

- 9 (i) Evaluating the protocols and procedures used by a laboratory;
- 10 (ii) Performing on-site audits;
- 11 (iii) Evaluating participation and successful completion of
12 proficiency testing;
- 13 (iv) Determining the capability of a laboratory to produce
14 accurate and reliable test results; and
- 15 (v) Such other accreditation activities as the department of
16 ecology deems appropriate.

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

20 ~~((+5))~~ (6) The department of ecology and the ~~((liquor and
21 cannabis board))~~ interagency coordination team created in section 3
22 of this act must act cooperatively to ensure effective implementation
23 and administration of this section.

24 ~~((+6))~~ (7) All fees collected under this section must be
25 deposited in the dedicated marijuana account created in RCW
26 69.50.530.

27 NEW SECTION. **Sec. 7.** Section 5 of this act expires July 1,
28 2024.

29 NEW SECTION. **Sec. 8.** Section 6 of this act takes effect July 1,
30 2024.

31 NEW SECTION. **Sec. 9.** Sections 2 through 4 of this act
32 constitute a new chapter in Title 15 RCW."

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1 On page 1, line 2 of the title, after "analysis;" strike the
2 remainder of the title and insert "amending RCW 69.50.348 and
3 69.50.348; adding a new chapter to Title 15 RCW; creating a new
4 section; providing an effective date; and providing an expiration
5 date."

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