

HB 1859 - S COMM AMD

By Committee on Labor, Commerce & Tribal Affairs

ADOPTED AS AMENDED 03/04/2022

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 marijuana  
20 testing laboratory quality standards; and

21        (b) Advise the department on implementation and maintenance of  
22 marijuana 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 marijuana testing laboratory quality standards by rule in  
31 accordance with chapter 34.05 RCW.

32        (2) Marijuana testing laboratory quality standards must include,  
33 but are not limited to, approved methods for testing marijuana 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 marijuana 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 marijuana 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 marijuana 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 marijuana 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 marijuana 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."

EFFECT: Removes the specific appropriation from the Dedicated  
Marijuana Account.

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