

---

**SUBSTITUTE SENATE BILL 5699**

---

**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Conway and Stanford; by request of Department of Agriculture and Liquor and Cannabis Board)

READ FIRST TIME 02/07/22.

1 AN ACT Relating to quality standards for laboratories conducting  
2 cannabis analysis; amending RCW 69.50.348 and 69.50.348; adding a new  
3 chapter to Title 15 RCW; creating a new section; providing an  
4 effective date; and providing an expiration date.

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

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

19 According to the task force's recommendations: "Laboratory  
20 quality standards are the elements used in the evaluation of a  
21 product's compliance with established product standards. They consist

1 of approved methods, method validation protocols, and performance  
2 measures and criteria applied to the testing of the product.  
3 Establishing appropriate and well-defined laboratory quality  
4 standards is essential to communicate to the testing laboratories  
5 what standardized practices and procedures are appropriate.

6 Laboratory quality standards help ensure the data that  
7 laboratories generate are credible and can be used to provide  
8 consumer protections. They should represent sound scientific  
9 protocols, and detail practical and specific guidance for the testing  
10 subject matter. Together, well-established product standards,  
11 laboratory quality standards, and accreditation standards should  
12 function to garner confidence for consumers and the industry they  
13 support."

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

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

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

22 NEW SECTION. **Sec. 3.** (1) The interagency coordination team for  
23 cannabis laboratory quality standards is created. The team consists  
24 of the department, the liquor and cannabis board, and the department  
25 of health. The department is designated lead agency for the team and  
26 must provide the team with all necessary administrative support.

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

30 (3) The team must:

31 (a) Coordinate among all participating agencies on agency  
32 policies, actions, and regulatory activities that relate to marijuana  
33 testing laboratory quality standards; and

34 (b) Advise the department on implementation and maintenance of  
35 marijuana testing laboratory quality standards topics including, but  
36 not limited to, analytical methods, validation protocols, quality  
37 assurance and quality control practices, project planning and  
38 sampling guides, and other topics as necessary to fulfill the

1 purposes of the team and this act. In making its recommendations, the  
2 team must take into account the cannabis science task force  
3 recommendations.

4 NEW SECTION. **Sec. 4.** (1) The department must establish and  
5 maintain marijuana testing laboratory quality standards by rule in  
6 accordance with chapter 34.05 RCW.

7 (2) Marijuana testing laboratory quality standards must include,  
8 but are not limited to, approved methods for testing marijuana for  
9 compliance with product standards established by rule by the state  
10 liquor and cannabis board or the department of health, method  
11 validation protocol, and performance measures and criteria applied to  
12 testing of marijuana products.

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

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

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

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

36 (2) Independent, third-party testing laboratories performing  
37 marijuana product testing under subsection (1) of this section must  
38 obtain and maintain accreditation.

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

5       ~~((3))~~ (4) If a representative sample inspected and tested under  
6 this section does not meet the applicable quality assurance and  
7 product standards established by the state liquor and cannabis board,  
8 the entire lot from which the sample was taken must be destroyed.

9       ~~((4))~~ (5) The state liquor and cannabis board may adopt rules  
10 necessary to implement this section. The state liquor and cannabis  
11 board may adopt rules necessary to implement subsection (2) of this  
12 section until a successor state agency or agencies assume  
13 responsibility for establishing and administering laboratory  
14 standards and accreditation.

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

17       (1) On a schedule determined by the state liquor and cannabis  
18 board, every licensed marijuana producer and processor must submit  
19 representative samples of marijuana, useable marijuana, or marijuana-  
20 infused products produced or processed by the licensee to an  
21 independent, third-party testing laboratory meeting the accreditation  
22 requirements established by the state department of ecology(~~(, for~~  
23 ~~inspection and testing)~~). The purpose of testing representative  
24 samples is to certify compliance with quality assurance and product  
25 standards adopted by the state liquor and cannabis board under RCW  
26 69.50.342 or the department of health under RCW 69.50.375. In  
27 conducting tests of marijuana product samples, testing laboratories  
28 must adhere to laboratory quality standards adopted by the state  
29 department of agriculture under chapter 15.--- RCW (the new chapter  
30 created in section 9 of this act). Any sample remaining after testing  
31 shall be destroyed by the laboratory or returned to the licensee  
32 submitting the sample.

33       (2) Independent, third-party testing laboratories performing  
34 marijuana product testing under subsection (1) of this section must  
35 obtain and maintain accreditation.

36       (3) Licensees must submit the results of inspection and testing  
37 for quality assurance and product standards required under RCW  
38 69.50.342 to the state liquor and cannabis board on a form developed  
39 by the state liquor and cannabis board.

1        ~~((3))~~ (4) If a representative sample inspected and tested under  
2 this section does not meet the applicable quality assurance and  
3 product standards established by the state liquor and cannabis board,  
4 the entire lot from which the sample was taken must be destroyed.

5        ~~((4))~~ (5)(a) The department of ecology may determine, assess,  
6 and collect annual fees sufficient to cover the direct and indirect  
7 costs of implementing a state marijuana product testing laboratory  
8 accreditation program, except for the initial program development  
9 costs. The department of ecology must develop a fee schedule  
10 allocating the costs of the accreditation program among its  
11 accredited marijuana product testing laboratories. The department of  
12 ecology may establish a payment schedule requiring periodic  
13 installments of the annual fee. The fee schedule must be established  
14 in amounts to fully cover, but not exceed, the administrative and  
15 oversight costs. The department of ecology must review and update its  
16 fee schedule biennially. The costs of marijuana product testing  
17 laboratory accreditation are those incurred by the department of  
18 ecology in administering and enforcing the accreditation program. The  
19 costs may include, but are not limited to, the costs incurred in  
20 undertaking the following accreditation functions:

- 21        (i) Evaluating the protocols and procedures used by a laboratory;
- 22        (ii) Performing on-site audits;
- 23        (iii) Evaluating participation and successful completion of  
24 proficiency testing;
- 25        (iv) Determining the capability of a laboratory to produce  
26 accurate and reliable test results; and
- 27        (v) Such other accreditation activities as the department of  
28 ecology deems appropriate.

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

32        ~~((5))~~ (6) The department of ecology and the ~~((liquor and  
33 cannabis board))~~ interagency coordination team created in section 3  
34 of this act must act cooperatively to ensure effective implementation  
35 and administration of this section.

36        ~~((6))~~ (7) All fees collected under this section must be  
37 deposited in the dedicated marijuana account created in RCW  
38 69.50.530.

1        NEW SECTION.    **Sec. 7.**    Section 5 of this act expires July 1,  
2 2024.

3        NEW SECTION.    **Sec. 8.**    Section 6 of this act takes effect July 1,  
4 2024.

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

--- **END** ---