

SENATE BILL REPORT

SB 5699

As Reported by Senate Committee On:
Labor, Commerce & Tribal Affairs, January 26, 2022
Ways & Means, February 7, 2022

Title: An act relating to quality standards for laboratories conducting cannabis analysis.

Brief Description: Concerning quality standards for laboratories conducting cannabis analysis.

Sponsors: Senators Conway and Stanford; by request of Department of Agriculture, Liquor and Cannabis Board.

Brief History:

Committee Activity: Labor, Commerce & Tribal Affairs: 1/20/22, 1/26/22 [DP-WM].
Ways & Means: 2/05/22, 2/07/22 [DPS].

Brief Summary of First Substitute Bill

- Establishes the interagency coordination team for cannabis laboratory quality standards consisting of the Department of Agriculture, the Department of Health, and the Liquor and Cannabis Board.
- Requires the Department of Agriculture to establish and maintain marijuana testing laboratory quality standards.

SENATE COMMITTEE ON LABOR, COMMERCE & TRIBAL AFFAIRS

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun, Rivers, Robinson, Saldaña and Schoesler.

Staff: Jarrett Sacks (786-7448)

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

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5699 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig, Braun, Carlyle, Conway, Dhingra, Gildon, Hasegawa, Hunt, Keiser, Mullet, Muzzall, Pedersen, Rivers, Van De Wege, Wagoner, Warnick and Wellman.

Staff: Jed Herman (786-7346)

Background: In 2019, the Legislature passed HB 2052, which transfers authority for marijuana product testing laboratory accreditation requirements to the Department of Ecology, effective July 1, 2024. The bill also establishes the Cannabis Science Task Force (CSTF). Members of the CSTF are the Department of Health (DOH), the Department of Agriculture, the Department of Ecology, and the Liquor and Cannabis Board (LCB), who select additional members, such as representatives of state and local agencies and tribal government with subject matter expertise.

HB 2052 required the CSTF to submit two reports to the Legislature. The first report, published in June of 2020, included findings and recommendations for laboratory quality standards for pesticides in plants for cannabis testing laboratories. The second report, published in December of 2021, included findings and recommendations for additional laboratory quality standards, including heavy metals in, and potency of, marijuana products.

Summary of Bill (First Substitute): Interagency Coordination Team. The bill creates the Interagency Coordination Team (ICT) for cannabis laboratory quality standards. The ICT consists of the Department of Agriculture, the LCB, and DOH. The agencies are required to provide administrative, policy, scientific, or other staff necessary for the ICT.

The ICT must:

- coordinate among all participating agencies on agency policies, actions, and regulatory activities that relate to marijuana testing laboratory quality standards; and
- advise the Department of Agriculture on implementation and maintenance of marijuana testing laboratory quality standards, including analytical methods, validation protocols, quality assurance and control practices, project planning and sampling guides, and other topics as necessary.

Laboratory Quality Standards. The Department of Agriculture must establish and maintain marijuana testing laboratory quality standards by rule. The Department of Agriculture must take into account recommendations from the ICT and the standards must be provided to the Department of Ecology for use in the laboratory accreditation process.

The standards must include:

- approved methods for testing marijuana for compliance with product standards established by the LCB or DOH;
- method validation protocols; and
- performance measures and criteria applied to testing marijuana products.

Marijuana Testing and Laboratory Accreditation Requirements. When conducting tests of marijuana product samples, testing laboratories must adhere to the laboratory quality testing standards adopted by the Department of Agriculture.

Independent, third party testing laboratories performing marijuana product testing must obtain and maintain accreditation. The LCB may adopt rules to enforce the accreditation requirement until a successor state agency or agencies assume responsibility for establishing and administering laboratory standards and accreditation, or until July 1, 2024 when the section of law expires. After July 1, 2024, the Department of Ecology and the ICT must act cooperatively to implement the testing and accreditation standards.

In the law set to expire on July 1, 2024, a reference to the accreditation requirements being established by the LCB for inspection and testing is removed.

In the law effective on July 1, 2024, a reference to the Department of Ecology's accreditation requirements for inspection and testing is removed.

Appropriation. Beginning in fiscal year 2023, to implement marijuana testing laboratory quality standards, the following appropriations are made from the Dedicated Marijuana Account:

- \$315,890 to the LCB;
- \$780,000 to the Department of Agriculture; and
- \$777,000 to the Department of Health.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (First Substitute):

- Removes the specific appropriation from the Dedicated Marijuana Account.

Appropriation: The bill contains appropriations totaling \$1,872,890 from various accounts.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony (Labor, Commerce & Tribal Affairs): PRO: The Legislature created a cannabis science task force that made recommendations including this proposal. Federal standards for cannabis do not exist, and we need standards for accreditation. The Department of Agriculture is a non-regulatory agency with subject matter expertise, which is why they were chosen to establish these standards. There are several steps needed to implement accreditation, two of which are in this bill. The bill allow more robust quality standards for testing labs. Testing is most important part of end user safety.

Persons Testifying (Labor, Commerce & Tribal Affairs): PRO: Senator Steve Conway, Prime Sponsor; Chris Thompson, Liquor and Cannabis Board; Annette Hoffmann, Washington Department of Ecology; Kelly McLain, Washington State Department of Agriculture; Ryan Black; Bonny Jo Peterson, Industrial Hemp Association of WA.

Persons Signed In To Testify But Not Testifying (Labor, Commerce & Tribal Affairs): No one.

Staff Summary of Public Testimony on Original Bill (Ways & Means): None.

Persons Testifying (Ways & Means): No one.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.