H-4614.1

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**SECOND SUBSTITUTE HOUSE BILL 2227**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Sawyer and Condotta)

AN ACT Relating to the laboratory testing of marijuana products; amending RCW 69.50.348; creating new sections; and providing an expiration date.

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

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

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

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

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

(4) The department of ecology may establish and collect fees for the accreditation of marijuana product testing laboratories as required in this section. The department of ecology is authorized to determine, assess, and collect, and each testing laboratory seeking accreditation shall pay, fees sufficient to cover the direct and indirect costs of implementing an accreditation program. The department of ecology must develop by rule a fee schedule allocating the costs of the accreditation program established by this section. The fee schedule shall fully cover, but not exceed, administration costs, program development costs, and oversight costs. The department of ecology must review and update its fee schedule. The costs of marijuana product testing laboratory accreditation are those incurred by the department in administering and enforcing the accreditation program. The costs may include, but are not limited to, the costs incurred in undertaking the following accreditation functions:

(a) Evaluating protocols and procedures;

(b) Determining the accuracy and reliability of test results, including internal quality assurance and quality control procedures, and proficiency at analyzing test samples;

(c) Accrediting laboratories that have been previously accredited by another state agency whose accreditation requirements are deemed satisfactory by the department of ecology; and

(d) Such other accreditation activities as the department of ecology deems appropriate.

(5) The state department of ecology and the state liquor and cannabis board may each adopt rules necessary to implement this section.

NEW SECTION. **Sec.**  By January 15, 2019, the department of ecology must report to the appropriate committees of the legislature with recommendations regarding laboratory accreditation standards that should be applied to marijuana testing laboratories.

NEW SECTION. **Sec.**  (1) Beginning on the effective date of this section, a nonrefundable additional fee of eighty-six dollars is imposed on all applications and renewals of licenses for marijuana producers, processors, and retailers. The fee applies to all applications and license modifications received on or after the effective date of this section and renewals where the date of the license expiration is on or after June 30, 2018. Revenue collected pursuant to the fee authorized under this section is to be used for research by the state department of ecology in developing accreditation standards for marijuana product testing laboratories and rule making in preparation for establishing an accreditation program for these laboratories. Standards for laboratory accreditation as adopted by the state liquor and cannabis board remain in effect and the state department of ecology must use such standards for the purposes of laboratory accreditation until the state department of ecology's rules to implement standards for laboratory accreditation pursuant to section 1 of this act become effective.

(2) This section expires June 30, 2021.

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