

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2052

Chapter 277, Laws of 2019

66th Legislature
2019 Regular Session

MARIJUANA PRODUCT TESTING--VARIOUS PROVISIONS

EFFECTIVE DATE: July 28, 2019—Except for sections 2 and 6, which become effective July 1, 2024.

Passed by the House April 22, 2019
Yeas 96 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 13, 2019
Yeas 44 Nays 1

CYRUS HABIB

President of the Senate

Approved May 7, 2019 11:00 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2052** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 13, 2019

**Secretary of State
State of Washington**

HOUSE BILL 2052

AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

State of Washington **66th Legislature** **2019 Regular Session**

By Representatives Stanford, MacEwen, Kloba, and Reeves

Read first time 02/14/19. Referred to Committee on Commerce & Gaming.

1 AN ACT Relating to clarifying marijuana product testing by
2 revising provisions concerning marijuana testing laboratory
3 accreditation and establishing a cannabis science task force;
4 amending RCW 69.50.348, 69.50.348, and 69.50.345; adding new sections
5 to chapter 43.21A RCW; adding a new section to chapter 69.50 RCW;
6 creating a new section; providing an effective date; and providing
7 expiration dates.

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

9 **Sec. 1.** RCW 69.50.348 and 2013 c 3 s 11 are each amended to read
10 as follows:

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

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

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

11 (4) The state liquor and cannabis board may adopt rules necessary
12 to implement this section.

13 **Sec. 2.** RCW 69.50.348 and 2013 c 3 s 11 are each amended to read
14 as follows:

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

26 (2) Licensees must submit the results of ~~((this))~~ inspection and
27 testing for quality assurance and product standards required under
28 RCW 69.50.342 to the state liquor ~~((control))~~ and cannabis board on a
29 form developed by the state liquor ~~((control))~~ and cannabis board.

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

35 (4)(a) The department of ecology may determine, assess, and
36 collect annual fees sufficient to cover the direct and indirect costs
37 of implementing a state marijuana product testing laboratory
38 accreditation program, except for the initial program development
39 costs. The department of ecology must develop a fee schedule

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

12 (i) Evaluating the protocols and procedures used by a laboratory;
13 (ii) Performing on-site audits;
14 (iii) Evaluating participation and successful completion of
15 proficiency testing;

16 (iv) Determining the capability of a laboratory to produce
17 accurate and reliable test results; and

18 (v) Such other accreditation activities as the department of
19 ecology deems appropriate.

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

23 (5) The department of ecology and the liquor and cannabis board
24 must act cooperatively to ensure effective implementation and
25 administration of this section.

26 (6) All fees collected under this section must be deposited in
27 the dedicated marijuana account created in RCW 69.50.530.

28 NEW SECTION. Sec. 3. A new section is added to chapter 43.21A
29 RCW to read as follows:

30 (1)(a) The cannabis science task force is established with
31 members as provided in this subsection.

32 (i) The directors, or the directors' appointees, of the
33 departments of agriculture, health, ecology, and the liquor and
34 cannabis board must each serve as members on the task force.

35 (ii) A majority of the four agency task force members will select
36 additional members, as follows:

37 (A) Representatives with expertise in chemistry, microbiology,
38 toxicology, public health, and/or food and agricultural testing
39 methods from state and local agencies and tribal governments; and

1 (B) Nongovernmental cannabis industry scientists.

2 (b) The director or the director's designee from the department
3 of ecology must serve as chair of the task force.

4 (2) (a) The cannabis science task force must:

5 (i) Collaborate on the development of appropriate laboratory
6 quality standards for marijuana product testing laboratories;

7 (ii) Establish two work groups:

8 (A) A proficiency testing program work group to be led by the
9 department; and

10 (B) A laboratory quality standards work group to be led by the
11 department of agriculture. At a minimum this work group will address
12 appropriate approved testing methods, method validation protocols,
13 and method performance criteria.

14 (b) The cannabis science task force may reorganize the work
15 groups or create additional work groups as necessary.

16 (3) Staff support for the cannabis science task force must be
17 provided by the department.

18 (4) Reimbursement for members is subject to chapter 43.03 RCW.

19 (5) Expenses of the cannabis science task force must be paid by
20 the department.

21 (6) The cannabis science task force must submit a report to the
22 relevant committees of the legislature by July 1, 2020, that includes
23 the findings and recommendations for laboratory quality standards for
24 pesticides in plants for marijuana product testing laboratories. The
25 report must include, but is not limited to, recommendations relating
26 to the following:

27 (a) Appropriate approved testing methods;

28 (b) Method validation protocols;

29 (c) Method performance criteria;

30 (d) Sampling and homogenization protocols;

31 (e) Proficiency testing; and

32 (f) Regulatory updates related to (a) through (e) of this
33 subsection, by which agencies, and the timing of these updates.

34 (7) To the fullest extent possible, the task force must consult
35 with other jurisdictions that have established, or are establishing,
36 marijuana product testing programs.

37 (8) Following development of findings and recommendations for
38 laboratory quality standards for pesticides in plants for marijuana
39 product testing laboratories, the task force must develop findings
40 and recommendations for additional laboratory quality standards,

1 including, but not limited to, heavy metals in and potency of
2 marijuana products.

3 (a) The cannabis science task force must submit a report on the
4 findings and recommendations for these additional standards to the
5 relevant committees of the legislature by December 1, 2021.

6 (b) The report must include recommendations pertaining to the
7 items listed in subsection (6)(a) through (f) of this section.

8 (9) The task force must hold its first meeting by September 1,
9 2019.

10 (10) This section expires December 31, 2022.

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 69.50
12 RCW to read as follows:

13 The liquor and cannabis board may adopt rules that address the
14 findings and recommendations in the task force reports provided under
15 section 3 of this act.

16 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.21A
17 RCW to read as follows:

18 By July 1, 2024, the department must, in consultation with the
19 liquor and cannabis board, adopt rules to implement section 2,
20 chapter . . ., Laws of 2019 (section 2 of this act).

21 **Sec. 6.** RCW 69.50.345 and 2018 c 43 s 2 are each amended to read
22 as follows:

23 The state liquor and cannabis board, subject to the provisions of
24 this chapter, must adopt rules that establish the procedures and
25 criteria necessary to implement the following:

26 (1) Licensing of marijuana producers, marijuana processors, and
27 marijuana retailers, including prescribing forms and establishing
28 application, reinstatement, and renewal fees.

29 (a) Application forms for marijuana producers must request the
30 applicant to state whether the applicant intends to produce marijuana
31 for sale by marijuana retailers holding medical marijuana
32 endorsements and the amount of or percentage of canopy the applicant
33 intends to commit to growing plants determined by the department
34 under RCW 69.50.375 to be of a THC concentration, CBD concentration,
35 or THC to CBD ratio appropriate for marijuana concentrates, useable
36 marijuana, or marijuana-infused products sold to qualifying patients.

1 (b) The state liquor and cannabis board must reconsider and
2 increase limits on the amount of square feet permitted to be in
3 production on July 24, 2015, and increase the percentage of
4 production space for those marijuana producers who intend to grow
5 plants for marijuana retailers holding medical marijuana endorsements
6 if the marijuana producer designates the increased production space
7 to plants determined by the department under RCW 69.50.375 to be of a
8 THC concentration, CBD concentration, or THC to CBD ratio appropriate
9 for marijuana concentrates, useable marijuana, or marijuana-infused
10 products to be sold to qualifying patients. If current marijuana
11 producers do not use all the increased production space, the state
12 liquor and cannabis board may reopen the license period for new
13 marijuana producer license applicants but only to those marijuana
14 producers who agree to grow plants for marijuana retailers holding
15 medical marijuana endorsements. Priority in licensing must be given
16 to marijuana producer license applicants who have an application
17 pending on July 24, 2015, but who are not yet licensed and then to
18 new marijuana producer license applicants. After January 1, 2017, any
19 reconsideration of the limits on the amount of square feet permitted
20 to be in production to meet the medical needs of qualifying patients
21 must consider information contained in the medical marijuana
22 authorization database established in RCW 69.51A.230;

23 (2) Determining, in consultation with the office of financial
24 management, the maximum number of retail outlets that may be licensed
25 in each county, taking into consideration:

26 (a) Population distribution;

27 (b) Security and safety issues;

28 (c) The provision of adequate access to licensed sources of
29 marijuana concentrates, useable marijuana, and marijuana-infused
30 products to discourage purchases from the illegal market; and

31 (d) The number of retail outlets holding medical marijuana
32 endorsements necessary to meet the medical needs of qualifying
33 patients. The state liquor and cannabis board must reconsider and
34 increase the maximum number of retail outlets it established before
35 July 24, 2015, and allow for a new license application period and a
36 greater number of retail outlets to be permitted in order to
37 accommodate the medical needs of qualifying patients and designated
38 providers. After January 1, 2017, any reconsideration of the maximum
39 number of retail outlets needed to meet the medical needs of
40 qualifying patients must consider information contained in the

1 medical marijuana authorization database established in RCW
2 69.51A.230;

3 (3) Determining the maximum quantity of marijuana a marijuana
4 producer may have on the premises of a licensed location at any time
5 without violating Washington state law;

6 (4) Determining the maximum quantities of marijuana, marijuana
7 concentrates, useable marijuana, and marijuana-infused products a
8 marijuana processor may have on the premises of a licensed location
9 at any time without violating Washington state law;

10 (5) Determining the maximum quantities of marijuana concentrates,
11 useable marijuana, and marijuana-infused products a marijuana
12 retailer may have on the premises of a retail outlet at any time
13 without violating Washington state law;

14 (6) In making the determinations required by this section, the
15 state liquor and cannabis board shall take into consideration:

16 (a) Security and safety issues;

17 (b) The provision of adequate access to licensed sources of
18 marijuana, marijuana concentrates, useable marijuana, and marijuana-
19 infused products to discourage purchases from the illegal market; and

20 (c) Economies of scale, and their impact on licensees' ability to
21 both comply with regulatory requirements and undercut illegal market
22 prices;

23 (7) Determining the nature, form, and capacity of all containers
24 to be used by licensees to contain marijuana, marijuana concentrates,
25 useable marijuana, and marijuana-infused products, and their labeling
26 requirements, to include but not be limited to:

27 (a) The business or trade name and Washington state unified
28 business identifier number of the licensees that produced and
29 processed the marijuana, marijuana concentrates, useable marijuana,
30 or marijuana-infused product;

31 (b) Lot numbers of the marijuana, marijuana concentrates, useable
32 marijuana, or marijuana-infused product;

33 (c) THC concentration and CBD concentration of the marijuana,
34 marijuana concentrates, useable marijuana, or marijuana-infused
35 product;

36 (d) Medically and scientifically accurate information about the
37 health and safety risks posed by marijuana use; and

38 (e) Language required by RCW 69.04.480;

39 (8) In consultation with the department of agriculture and the
40 department, establishing classes of marijuana, marijuana

1 concentrates, useable marijuana, and marijuana-infused products
2 according to grade, condition, cannabinoid profile, THC
3 concentration, CBD concentration, or other qualitative measurements
4 deemed appropriate by the state liquor and cannabis board;

5 (9) Establishing reasonable time, place, and manner restrictions
6 and requirements regarding advertising of marijuana, marijuana
7 concentrates, useable marijuana, and marijuana-infused products that
8 are not inconsistent with the provisions of this chapter, taking into
9 consideration:

10 (a) Federal laws relating to marijuana that are applicable within
11 Washington state;

12 (b) Minimizing exposure of people under twenty-one years of age
13 to the advertising;

14 (c) The inclusion of medically and scientifically accurate
15 information about the health and safety risks posed by marijuana use
16 in the advertising; and

17 (d) Ensuring that retail outlets with medical marijuana
18 endorsements may advertise themselves as medical retail outlets;

19 (10) Specifying and regulating the time and periods when, and the
20 manner, methods, and means by which, licensees shall transport and
21 deliver marijuana, marijuana concentrates, useable marijuana, and
22 marijuana-infused products within the state;

23 (11) In consultation with the department and the department of
24 agriculture, (~~establishing accreditation requirements for testing~~
25 ~~laboratories used by licensees to demonstrate compliance with~~
26 ~~standards adopted by the state liquor and cannabis board, and~~)
27 prescribing methods of producing, processing, and packaging
28 marijuana, marijuana concentrates, useable marijuana, and marijuana-
29 infused products; conditions of sanitation; and standards of
30 ingredients, quality, and identity of marijuana, marijuana
31 concentrates, useable marijuana, and marijuana-infused products
32 produced, processed, packaged, or sold by licensees;

33 (12) Specifying procedures for identifying, seizing,
34 confiscating, destroying, and donating to law enforcement for
35 training purposes all marijuana, marijuana concentrates, useable
36 marijuana, and marijuana-infused products produced, processed,
37 packaged, labeled, or offered for sale in this state that do not
38 conform in all respects to the standards prescribed by this chapter
39 or the rules of the state liquor and cannabis board.

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

3 NEW SECTION. **Sec. 8.** Sections 2 and 6 of this act take effect
4 July 1, 2024.

5 NEW SECTION. **Sec. 9.** If specific funding for the purposes of
6 this act, referencing this act by bill or chapter number, is not
7 provided by June 30, 2019, in the omnibus appropriations act, this
8 act is null and void.

Passed by the House April 22, 2019.
Passed by the Senate April 13, 2019.
Approved by the Governor May 7, 2019.
Filed in Office of Secretary of State May 13, 2019.

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