

SENATE BILL REPORT

HB 1859

As Passed Senate - Amended, March 4, 2022

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

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

Sponsors: Representatives Kloba, Chambers, Wylie and Wicks; by request of Department of Agriculture, Liquor and Cannabis Board.

Brief History: Passed House: 2/12/22, 96-1.

Committee Activity: Labor, Commerce & Tribal Affairs: 2/17/22, 2/17/22 [DPA-WM].
Ways & Means: 2/24/22, 2/28/22 [DPA (LCTA)].

Floor Activity: Passed Senate - Amended: 3/4/22, 46-2.

Brief Summary of Bill (As Amended by Senate)

- 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 cannabis testing laboratory quality standards.

SENATE COMMITTEE ON LABOR, COMMERCE & TRIBAL AFFAIRS

Majority Report: Do pass as amended 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, 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: Do pass as amended by Committee on Labor, Commerce & Tribal Affairs.

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 Amended Bill: 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 cannabis testing laboratory quality standards; and
- advise the Department of Agriculture on implementation and maintenance of cannabis 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 cannabis 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 cannabis products.

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

Independent, third party testing laboratories performing cannabis 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: None.

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 on House Bill (Labor, Commerce & Tribal Affairs): *The committee recommended a different version of the bill than what was heard.*
PRO: The bill will help ensure the quality, integrity, and truth in labeling of cannabis products. To keep purchasers in the legal market, we need certainty in product labeling. This bill addresses issues in product safety and consumer protection.

Persons Testifying (Labor, Commerce & Tribal Affairs): PRO: Representative Shelley Kloba, Prime Sponsor; Kelly McLain, Washington State Department of Agriculture.

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

Staff Summary of Public Testimony on Bill as Amended by Labor, Commerce & Tribal Affairs (Ways & Means): None.

Persons Testifying (Ways & Means): No one.

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