

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1859

Chapter 135, Laws of 2022

67th Legislature
2022 Regular Session

CANNABIS ANALYSIS—LABORATORY QUALITY STANDARDS

EFFECTIVE DATE: June 9, 2022—Except for section 6 of this act, which takes effect July 1, 2024.

Passed by the House March 8, 2022
Yeas 96 Nays 2

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate March 4, 2022
Yeas 46 Nays 2

DENNY HECK

President of the Senate

Approved March 24, 2022 8:54 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 1859** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 24, 2022

**Secretary of State
State of Washington**

HOUSE BILL 1859

AS AMENDED BY THE SENATE

Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

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

Prefiled 01/07/22. Read first time 01/10/22. Referred to Committee on Commerce & Gaming.

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 cannabis
33 testing laboratory quality standards; and

34 (b) Advise the department on implementation and maintenance of
35 cannabis 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 cannabis testing laboratory quality standards by rule in
6 accordance with chapter 34.05 RCW.

7 (2) Cannabis testing laboratory quality standards must include,
8 but are not limited to, approved methods for testing cannabis 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 cannabis 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 cannabis 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 cannabis 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 cannabis 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 cannabis 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.

Passed by the House March 8, 2022.

Passed by the Senate March 4, 2022.

Approved by the Governor March 24, 2022.

Filed in Office of Secretary of State March 24, 2022.

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