



Washington State Liquor and Cannabis Board

Bill Description: Quality standards for laboratories conducting cannabis analysis

Bill Number: HB 1859

Sponsor: Representative Shelley Kloba

Effective Date: June 9, 2022 (Section 6 takes effect July 1, 2024, when Department of Ecology is scheduled to assume authority for establishing some standards for accreditation)

Amends: RCW 69.50.348 and 69.50.540; establishes a new chapter to Title 15 RCW

Background

In 2019 the Legislature adopted HB 2052, transferring authority for cannabis testing laboratory accreditation standards from the Liquor and Cannabis Board (LCB) to the Department of Ecology. The transfer was to take effect July 1, 2024. The measure also created the Cannabis Science Task Force, a group which included several state agencies as well as stakeholder representatives. That task force recommended the state revise the program for testing lab quality standards and oversight.

The task force recommended new roles and responsibilities for the four state agencies involved in task force discussions and in cannabis industry oversight. It was argued that no single agency should be responsible for both developing accreditation standards and applying them to determine compliance.

Bill Summary

House Bill 1859 was jointly requested by both the LCB and the Washington Department of Agriculture (WSDA). The measure creates an Interagency Coordination Team (ICT), which consists of the LCB, WSDA, and the Department of Health (DOH). WSDA will serve as the lead agency and will provide all necessary administrative support for the ICT.

The Department of Health adopts standards for medical cannabis products, and the LCB will continue to establish product standards for adult use cannabis products – these responsibilities are not changed by the bill, but reflect the reason they are included on the ICT. Under the new law, the Department of Ecology will still serve as the agency to determine whether testing labs are meeting the quality standards for accreditation, and may add other requirements in their regulations.

The ICT is charged with developing proposed quality standards for testing lab accreditation. The WSDA is granted the authority to adopt testing lab quality standards and must do so by rule, while taking into account the recommendations of the ICT.

Cannabis testing laboratory quality standards must include, but are not limited to: approved methods for testing cannabis for compliance with product standards established by the LCB or the DOH; method validation protocols; and performance measures and criteria applied to testing of cannabis products. Testing laboratories must adhere to laboratory quality standards adopted by the WSDA. Correcting an omission from previous statute, the new law also explicitly states that testing laboratories performing cannabis product testing must obtain and maintain accreditation. This requirement was only implied by previous law.

The agencies that make up the team must each dedicate administrative, policy, scientific, or other staff necessary to successfully accomplish the duties assigned to the ICT. The team must coordinate among all participating agencies on agency policies, actions, and regulatory activities that relate to cannabis testing laboratory quality standards. The ICT must also advise the WSDA on topics including, but not limited to: analytical methods; validation protocols; quality assurance and quality control practices; project planning and sampling guides; and other topics. In making its recommendations, the team must take into account the Cannabis Science Task Force recommendations.

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