



Washington State Liquor and Cannabis Board

2SHB 2151 and HB 1859 Stakeholder Feedback Sessions

Monday, February 3, 2025, 10 a.m. – 12 p.m.

Thursday, February 6, 2025, 1 – 3 p.m.

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Objective

To obtain stakeholder and public feedback on draft rule language to implement 2SHB 2151 (2024) and HB 1859 (2022)

For feedback or questions, contact rules@lcb.wa.gov



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Meeting Notes

Please keep the following in mind during this meeting:

- These sessions **will be recorded** and are subject to public disclosure. The purpose of the recordings is to make sure we collect all feedback, and they will be posted on the Rules webpage.
- While the Teams chat feature will be ON, any written questions submitted in chat will be saved in the rulemaking file and are **subject to public disclosure**.
- Questions and comments in the session's Team chat will not be responded to in real time, but will be **addressed at the end of the session**.
- Participants will be muted and will only be unmuted when the session's leader enables their microphone.
- To ask questions or provide comments during the sessions, participants must **use the raise hand** function and we will unmute you.
- If you would like to submit questions before, during or after the engagement session, feel free to email the rules team at rules@lcb.wa.gov.



Background

This rulemaking is being proposed to implement legislation concerning the transfer of responsibility and authority for cannabis testing laboratory quality standards and accreditation from LCB to the Washington State Dept. of Agriculture (WSDA). Three bills are related to this transfer:

1. [House Bill \(HB\) 2052](#) (chapter 277, Laws of 2019),
2. [HB 1859](#) (chapter 135, Laws of 2022), and
3. [Second Substitute House Bill \(2SHB\) 2151](#) (chapter 69, Laws of 2024)



HB 1859 (2022)

- Requested by LCB and WSDA
- Created Interagency Coordination Team (ICT) – now CLASP
- Re-assigned the responsibility for developing cannabis testing lab quality standards from LCB to WSDA
- Directs WSDA to establish lab standards in rule
- Specifies cannabis labs must adhere to WSDA lab quality standards
- Clarifies cannabis labs must obtain and maintain accreditation



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2SHB 2151 (2024)

- Reassigned the transfer of authority for cannabis testing lab accreditation from Department of Ecology to WSDA with expedited rulemaking
 - HB 2052 (2019) originally transferred authority from LCB to Ecology
- Authorized WSDA to collect fees to support costs for implementing cannabis lab accreditation & lab quality standards programs
- Directs WSDA and interagency coordination team to act cooperatively to ensure effective implementation and administration



Scope of Rulemaking and Conversation

Scope	Not Scope
Implement 2SHB2151 and HB 1859 <ul style="list-style-type: none">- Remove lab accreditation and lab quality standards language- Reference WSDA Rules	Other open rulemakings <ul style="list-style-type: none">- Cannabis Waste (314-55-097)- Cannabis Samples (314-55-096)- Minors on non-retail premises (314-55-015)
Align terms with WSDA WACs (16-309 & 16-310)	Other WAC sections unrelated to lab certification and lab quality standards
Clarify certification requirements	Proposed legislation during Current Legislative Session
Require labs to notify LCB of any changes in WSDA accreditation	Questions about WSDA WACs (16-309 or 16-310)
Remove quality assurance standards tables in 314-55-109 & reference tables in 314-55-102	Questions about compliance with current lab reporting requirements
Replace WSLCB with LCB (ongoing cleanup)	Questions about compliance with current CCRS requirements



Responding to Questions

- Our main goal today is to hear your feedback
- For questions to LCB staff that come up today, we'll make note of your question and will follow-up with you after today's session
- Also please reach out to us with follow-up questions at rules@lcb.wa.gov



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2SHB 2151 Rulemaking Project Timeline

Date		Stage
July 1, 2024		HB 1859 (2022) effective date. WSDA Chapter 16-309 WAC (filed 4/17/24)
July 1, 2024		2SHB 2151 (2024) effective date. WSDA Chapter 16-310 WAC (filed 6/18/24)
July 17, 2024		CR 101 Filed (officially beginning rulemaking), filed as WSR 24-15-067
Feb. 3, 2025 Feb. 6, 2025	<u>We are here</u>	Stakeholder Engagement Sessions
Feb. 26, 2025	Tentative	CR 102 Filed – Draft Rules Proposed
Feb. 26 – April 9	Tentative	Public Feedback Period on Draft Rules
April 9, 2025	Tentative	Public Hearing (at Board Meeting)
May 10, 2025	Tentative	CR 103 Filed – Final Rules
June 10, 2025	Tentative	Rules are effective



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Changes to 6 WAC sections:

WAC Section	Title	Change
314-55-0995	Laboratory certification and accreditation requirements	Amend
314-55-102	Quality assurance and quality control	Amend
314-55-1025	Proficiency testing	Repeal
314-55-103	Good laboratory practice checklist	Repeal
314-55-1035	Laboratory certification – suspension and revocation	Amend
314-55-109	Cannabinoid additives – requirements, restrictions, and quality assurance testing	Amend



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Overview of changes



WAC 314-55-0995

- Remove “accreditation” term
- Reference WSDA rules chapter 16-310 WAC & 16-309 WAC
- Clarify conditions for laboratory certification:
 - Maintain elements including from WAC 314-55-103
 - Specify requirements and timelines
 - Add notification requirement
- Housekeeping: Replace WSLCB with LCB



WAC 314-55-102

- Remove “accreditation” term and reference WSDA rules
- Align terms with WSDA rules
- Align subcontracting of parameters with WSDA rules
- Align reporting to CCRS format
- Clarify some requirements
- Add reference to chapter 246-70 WAC (DOH rules)



WAC 314-55-1035

- Clarify language
- Remove reference to WAC 314-55-103 and -1025
- Add notification requirement for changes in accreditation
- Remove certification fees language
- Remove reference to proficiency testing requirements



WAC 314-55-109

- Replace accredited with certified for testing requirements
- Remove quality assurance testing tables and reference tables in 314-55-102
- Align terms with WSDA



Rule language

1. WAC 314-55-0995
2. WAC 314-55-102
3. WAC 314-55-1035
4. WAC 314-55-109



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WAC 314-55-0995 (1) & (2) – replace WSLCB with LCB & labs with laboratories & add clarification

WAC 314-55-0995 Laboratory certification (~~(and accreditation)~~) requirements.

(1) A third-party laboratory must be certified by the (~~(WSLCB or their vendor as meeting the WSLCB's)~~) LCB and meet WSDA accreditation (~~(and other)~~) requirements under chapter 16-310 WAC prior to conducting quality assurance tests required under this chapter.

(2) Licensed producers or processors may not have a financial interest in a certified laboratory. A person with financial interest in a certified lab may not have direct or indirect financial interest in a licensed cannabis producer or processor for whom they are conducting required quality assurance tests. A person with direct or indirect financial interest in a certified (~~(lab)~~) laboratory must disclose to the (~~(WSLCB)~~) LCB by affidavit any direct or indirect financial interest in a licensed cannabis producer or processor.



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WAC 314-55-0995(3)(a) – keep requirement for scientific director & reference WSDA rules

(a) Each lab must employ a scientific director responsible to ensure the achievement and maintenance of quality standards of practice. The scientific director must possess the ~~((following))~~ minimum qualifications ~~((:~~

~~(i) A doctorate in the chemical or microbiological sciences from a college or university accredited by a national or regional certifying authority with a minimum of two years' post-degree laboratory experience;~~

~~(ii) A master's degree in the chemical or microbiological sciences from a college or university accredited by a national or regional certifying authority with a minimum of four years' of post-degree laboratory experience; or~~

~~(iii) A bachelor's degree in the chemical or microbiological sciences from a college or university accredited by a national or regional certifying authority with a minimum of six years of post-education laboratory experience))~~ as described in chapter 16-309 WAC.



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WAC 314-55-0995(3)(b) – reference WSDA rules

(b) Certified (~~(labs)~~) laboratories must follow the analytical requirements under chapter 16-309 WAC.



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WAC 314-55-0995(3)(c) – (e) – clarify required information for certification & retain some required info from WAC 314-55-103 (28)(d)(ii)

(c) Certified laboratories must be accredited by WSDA under chapter 16-310 WAC.

(d) A laboratory must provide the following documentation to the LCB when applying for certification:

(i) Their most recent audit report issued to them by the WSDA;

(ii) The scope of accreditation listing the accredited parameters;

(iii) Proof of current accreditation with the WSDA;

(iv) Their contact information including: Email, phone number, and physical and mailing addresses.

(e) LCB will provide a certification letter to laboratories applying for certification to indicate whether certification is approved or denied. Letters that issue certification approval will include approved fields of testing, requirements for maintaining certification, and the date of expiration for certification.



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WAC 314-55-0995(3)(f)-(g) – clarify certification timeframe & replace WSLCB/WSLCB vendor

(f) LCB certification of a laboratory is valid for one year. Laboratories must apply for certification renewal each year to maintain their certification. Laboratories applying for a renewal of certification must submit required certification documentation to the LCB at least 30 days prior to their certification expiration date.

(g) Certified laboratories must allow the ((WSLCB or the WSLCB's vendor)) LCB to conduct physical visits and inspect ((related)) the laboratory and equipment, testing and ((other)) related records during normal business hours without advance notice.



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WAC 314-55-0995(3)(h) – retain from WAC 314-55-103 (8)

(h) Certified laboratories must report all test results directly into LCB's traceability system within 24 hours of completion. Laboratories must also record in the traceability system an acknowledgment of the receipt of samples from producers or processors and verify if any unused portion of the samples provided to them for testing was destroyed in compliance with WAC 314-55-097 Cannabis waste disposal or returned to the customer.



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WAC 314-55-0995(3)(i)-(j) – add notification to LCB and reference WSDA rules

(i) A certified laboratory must notify the LCB of any change or potential change in their WSDA accreditation status within 48 hours of the change or notice of a potential change. This includes any notices received from WSDA which identify a potential change to accreditation status including, but not limited to, notices to correct, notices of intent, or other administrative notices of potential action for any or all accredited testing parameters.

(j) The board may suspend a laboratory's certification if the WSDA revokes or suspends a laboratory's accreditation under chapter 16-310 WAC or if the laboratory conducts testing under this chapter outside of their approved scope of accreditation.



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WAC 314-55-0995(4) – reference WSDA rules (16-309 WAC)

~~((6))~~ (4) The ~~((WSLCB or its designee))~~ LCB will take immediate disciplinary action against any certified ~~((lab))~~ laboratory that fails to comply with the provisions of this chapter, chapter 314-55 WAC, or chapter 16-309 WAC, or falsifies records related to this section or chapter 16-309 WAC including, without limitation, revoking the certification of the certified ~~((lab))~~ laboratory.



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WAC 314-55-102 (1) – remove accreditation terminology

WAC 314-55-102 Quality assurance and quality control. (1) Certified laboratory quality control testing. To become certified, a third-party lab must meet the board's certification (~~(and accreditation)~~) requirements as described in WAC 314-55-0995 and this chapter before conducting quality control tests required under this section. Cannabis licensees must use a laboratory certified by the board (certified laboratory) to conduct quality control testing required under this chapter. Prior to becoming certified, laboratories must be accredited by the WSDA as specified in chapter (~~16-309~~) 16-310 WAC.



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WAC 314-55-102 (1)(a) – align terminology with WSDA rules

(a) Licensees must use LCB certified laboratories to conduct testing on cannabis and cannabis products in the following required fields of testing:

- (i) Water activity;
- (ii) Cannabinoid concentration analysis;
- (iii) Foreign matter inspection;
- (iv) Microbiological (~~(screening)~~) testing;
- (v) Mycotoxin (~~(screening)~~) testing;
- (vi) Pesticide (~~(screening)~~) testing; and
- (vii) Residual solvent (~~(screening)~~) testing.



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WAC 314-55-102 (1)(b) & (c) – align with WSDA rules

(b) (~~Certified labs may be certified for heavy metal testing.~~) Certified labs must comply with the guidelines for (~~each~~) quality control fields of testing described in this chapter and chapter 16-309 WAC if they offer (~~that~~) testing services to other certified laboratories.

(c) Certified labs may reference samples for (~~mycotoxin, heavy metal, or pesticide~~) testing by subcontracting for (~~these~~) fields of testing to other laboratories certified by the LCB.



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WAC 314-55-102 (2)(f) & (3) – align with CCRS reporting format & clarifies retesting

(2) **General product quality control testing requirements for certified labs.**

(f) For the purposes of this section, (~~limits have been written to the number of significant digits that~~) certified laboratories are expected to use (~~when reporting~~) two significant figures for all test parameters except foreign matter when reporting test results to the board and on associated certificates of analysis.

(3) **Quality control analysis and (~~screening~~) testing.** The following analysis and (~~screening~~) testing are only required for samples that have not been previously tested, or that have been authorized by the LCB to retest following failed quality control testing.



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WAC 314-55-102 (3)(c)-(f) - align terminology with WSDA rules

(c) **Foreign matter** ((~~screening~~)) inspection. The sample fails quality control testing for foreign matter

((~~screening~~)) inspection if the results exceed the following limits:

(i) Five percent of stems 3 mm or more in diameter; or

(ii) Two percent of seeds or other foreign matter; or

(iii) One insect fragment, one hair, or one mammalian excreta in sample.

(d) **Microbiological** ((~~screening~~)) testing. The sample and the related population fails quality control

testing for microbiological ((~~screening~~)) testing if the results exceed the following limits:

(e) **Mycotoxin** ((~~screening~~)) testing. The sample and the related population fails quality control testing

if the results exceed the following limits:

(f) **Residual solvent** ((~~screening~~)) testing. Except as otherwise provided in this subsection, a sample

and the related population fails quality control testing for residual solvents if the results exceed the limits provided in the table below.



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WAC 314-55-102 (3)(f) – Align with CCRS reporting format

(f) **Residual solvent** ((~~screening~~) testing). Except as otherwise provided in this subsection, a sample and the related population fails quality control testing for residual solvents if the results exceed the limits provided in the table below.

Solvent	(($\mu\text{g/g}$))	$\mu\text{g/g}$ ((ppm (simplified)))	CAS #
Acetone	(($5.0 * 10^3$))	5000	67-64-1
Benzene	((2.0))	((2)) <u>2.0</u>	71-43-2
Butanes (Sum of Isomers)	(($5.0 * 10^3$))	5000	
• n-butane			106-97-8
• 2-methylpropane (isobutane)			75-28-5
Cyclohexane	(($3.9 * 10^3$))	3880	110-82-7
Chloroform	((2.0))	((2)) <u>2.0</u>	67-66-3
Dichloromethane	(($6.0 * 10^2$))	600	75-09-2
Ethanol	(($5.0 * 10^3$))	5000	64-17-5
Ethyl acetate	(($5.0 * 10^3$))	5000	141-78-6
Heptanes (Single Isomer)	(($5.0 * 10^3$))	5000	
• n-heptane			142-82-5
Hexanes (Sum of Isomers)	(($2.9 * 10^2$))	290	
• n-hexane			110-54-3
• 2-methylpentane			107-83-5



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WAC 314-55-102 (7) – aligns with WSDA rules, clarifies retesting, and COAs

(7) **Referencing.** Certified laboratories may reference samples for (~~mycotoxins, heavy metals, and pesticides~~) testing to other certified labs by subcontracting for (~~these~~) fields of testing. Laboratories may not reference samples for conducting retesting of samples for fields of testing they have already analyzed.

(a) Laboratories must record all referencing to other labs on a chain-of-custody manifest that includes, but is not limited to, the following information: Lab name, certification number, transfer date, address, contact information, delivery personnel, sample ID numbers, field of testing, and receiving personnel.

(b) All test results (fields of testing) that were subcontracted to other certified laboratories must be clearly indicated on the certificate of analysis including the name and certification number of the laboratory that tested the sample.



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WAC 314-55-102 (9) – reference DOH rules

(8) Certified laboratories are not limited in the amount of useable cannabis and cannabis products they may have on their premises at any given time, but a certified laboratory must have records proving all cannabis and cannabis-infused products in the certified lab's possession are held only for the testing purposes described in this chapter.

(9) A certificate of analysis issued by a certified laboratory for any cannabis product subject to the requirements of this chapter and chapter 246-70 WAC that has not already been transferred to a retail location expires 12 calendar months after issuance.



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WAC 314-55-1035 (1)(c) & (f) – correction and removed reference to 314-55-103 & -1025

WAC 314-55-1035 Laboratory certification—Suspension and revocation. (1) The board may summarily suspend or revoke the certification of any lab certified under WAC 314-55-0995 for any of the following reasons:

(c) Evidence the certificate holder or owner made false statements in any material ~~((regard))~~ including, but not limited to:

(i) On the application for certification;

(ii) In submissions to the board relating to receiving or maintaining certification; or

(iii) Regarding any testing performed or results provided to ~~((WSLCB))~~ LCB or the cannabis licensee by the certificate holder or owner pursuant to WAC 314-55-102.

(f) The laboratory staff denies entry to any employee of the ~~((WSLCB or WSLCB's vendor))~~ LCB during normal business hours for an on-site assessment or inspection, as required by ~~((WAC 314-55-0995, 314-55-102, 314-55-1025, or 314-55-103))~~ chapter 314-55 WAC.



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WAC 314-55-1035 (2)(a)(i)-(iii) – requirements for reporting accreditation changes to LCB

(2) (a) The following violations are subject to the penalties as provided in (b) of this subsection:

(i) The laboratory fails to submit an acceptable corrective action report in response to a deficiency report, and failure to implement corrective action related to any deficiencies found during a laboratory assessment.

(ii) ~~The laboratory fails to ((report proficiency testing results pursuant to WAC 314-55-1025))~~ notify the LCB of changes in accreditation status with the WSDA as required under WAC 314-55-0995. This includes failure to notify the LCB of any notices received from WSDA which identify a potential for future change to accreditation status for any or all fields of testing as required under WAC 314-55-0995.

(iii) ~~((The laboratory fails to remit certification fees within the time limit established by a certifying authority.~~



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WAC 314-55-109 (1) & (1)(a) & (b) – replace accredited

WAC 314-55-109 Cannabinoid additives—Requirements, restrictions, and quality assurance testing. (1) As provided in RCW 69.50.326 Licensed

cannabis producers and licensed cannabis processors may use a cannabidiol (CBD) product obtained from a source not licensed under this chapter, provided the CBD product:

(a) Is not cannabis or a cannabis product, as defined in chapter 69.50 RCW; and

(b) Has been tested for contaminants and toxins by a testing laboratory (~~accredited~~) certified under this chapter and in accordance with testing standards established in this section.



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WAC 314-55-109 (4)(b)(iii) – Reference testing limits tables in WAC 314-55-102

(iii) **Heavy metal** (~~((screening))~~) testing. For the purposes of heavy metal (~~((screening))~~) testing, a sample fails quality assurance testing and must be disposed of consistent with WAC 314-55-097 if it meets or exceeds the (~~((following))~~) limits (~~((÷))~~) provided in WAC 314-55-102.

((Metal	Limit, µg/daily dose (5 grams)
Inorganic arsenic	10.0
Cadmium	4.1
Lead	6.0
Mercury	2.0)

Same or similar amended language for residual solvents testing (iv), microbiological testing (v), and mycotoxin testing (vi)



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- Today's recording & slides will be posted on our webpage later this week.
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Thank You!

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2SHB 2151 Rulemaking Project Timeline

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