



CR 102 Memorandum

Implementing HB 1859, HB 2052, and 2SHB 2151 – Transferring authority of laboratory quality standards and accreditation of private cannabis testing laboratories.

Date: February 26, 2025
Presented by: Denise Laflamme, Policy and Rules Coordinator

Background

The Liquor and Cannabis Board (LCB) is responsible for certifying private cannabis testing labs in Washington who meet accreditation criteria. Initially, LCB was responsible for the regulation and oversight of cannabis testing laboratories, and established standards and accreditation processes to ensure the safety and quality of cannabis products. In 2019, the Legislature passed [House Bill 2052](#) (chapter 277, Laws of 2019), shifting the responsibility for accreditation from LCB to the Department of Ecology (Ecology). LCB would continue to certify labs to operate. The date of the switch in authority for accreditation was July 1, 2024. HB 2052 also established the Cannabis Science Task Force (Task Force) comprised of LCB, the Department of Agriculture (WSDA), the Department of Health (DOH), and Ecology, as well as other members selected by the agencies, to collaborate on the development of appropriate lab quality standards for cannabis product testing laboratories.

In 2022, [House Bill 1859](#) (chapter 135, Laws of 2022), jointly requested by both the LCB and WSDA, amended RCW 69.50.348 to create an Interagency Coordination Team (ICT), consisting of LCB, WSDA, and DOH, to advise and coordinate around cannabis testing lab quality standards. The law re-assigned the responsibility for developing cannabis testing lab quality standards from LCB to WSDA, taking into account the recommendations of the ICT. Testing labs must adhere to lab quality standards adopted by the WSDA and the legislation clarifies that cannabis testing labs must obtain and maintain accreditation. On April 17, 2024, WSDA [adopted rules](#) implementing HB 1859 and established the Cannabis Laboratory Accreditation Standards Program in chapter [16-309 WAC](#).

[Second Substitute House Bill \(2SHB\) 2151](#) (chapter 69, Laws of 2024), passed in 2024, amended RCW 69.50.348 to reassign the transfer of authority over lab accreditation from Ecology to WSDA. WSDA's proposed rules for accreditation of cannabis laboratories ([chapter 16-310 WAC](#)) were filed on April 17, 2024 under expedited rulemaking, per 2SHB 2151, and became effective July 1, 2024. Full implementation of WSDA's new accreditation requirements was delayed until January 1, 2025, to accommodate a transition period for laboratories. LCB will continue to certify

laboratories and enforce compliance with quality assurance, product standards, and other requirements. (Attachment A).

After consultation with the project team, four WAC sections are amended, and two WAC sections are repealed. These changes removed and replaced references to LCB's requirements for laboratory standards and accreditation, and added references and aligned terminology with WSDA's laboratory standards and accreditation rules (chapters 16-309 and 16-310 WAC, respectively). Additional changes were made to clarify LCB's requirements for certification of laboratories and enforcement of compliance with quality assurance and product standards.

The CR 101 was approved on July 17, 2024 ([WSR 24-15-067](#)). We received comments from Nick Mosely with Confidence Analytics during the informal comment period that ended August 16, 2024 (Attachment B). Their comments included recommendations for amending rule language to remove references to LCB's accreditation requirements.

Stakeholder Engagement

As part of the LCB's collaborative rulemaking process, the agency held two stakeholder feedback sessions on February 3 and February 6, 2025. Draft rule language was made available prior to stakeholder feedback sessions as posted on the Rules webpage. A [GovDelivery](#) with information about the Stakeholder sessions including links to the draft rule language for discussion was sent out on January 23, 2025. Session PowerPoint slides and session recordings were posted on the rules [Outreach and Public Engagement webpage](#) following the sessions.

Following stakeholder engagement, we received written comments from the following (see Attachment C with complete comments):

- Nick Mosely, Confidence Analytics (received 02/06/25)
- Vicki Christophersen, Washington Cannabusiness Association (WACA) (received 02/07/25)
- Tanner Spires, A2LA (received 02/11/25)
- Trecia Ehrlich, Washington State Dept. of Agriculture (received 02/13/25)

Explanation of Rule Changes

Changes were made to rule language to reflect the transfer of laboratory quality standards and accreditation to WSDA. These changes consist of:

- Repealing two WAC sections:
 - WAC 314-55-1025 Proficiency Testing, which is part of laboratory accreditation that has been moved to WSDA oversight under chapter 16-310 WAC.
 - WAC 314-55-103 Good Laboratory Practice Checklist, which includes laboratory performance and standards that have been moved to WSDA oversight under chapter 16-309 WAC.

- Amending four WAC sections: 314-55-0995, 314-55-102, 314-55-1035, and 314-55-109 that consist of:
 - Removing references to accreditation and accreditation activities.
 - Adding references to WSDA rules for cannabis testing laboratory quality standards (chapter 16-309 WAC) and laboratory accreditation (chapter 16-310 WAC) where applicable.
 - Aligning terminology and other language with WSDA rules.
 - Removing references to repealed sections WAC 314-55-1025 and WAC 314-55-103.

Additional changes were made to consolidate and clarify LCB laboratory certification requirements including:

- Require laboratories to submit documentation to LCB when applying and re-applying for certification.
- Description of LCB approval of certification approval and criteria for denial of certification.
- Clarify that certification is valid for 1 year and when laboratories are expected to re-apply.
- Require laboratories to notify LCB within 48 hours of any change in accreditation status with WSDA.
- Clarify violations related to certification and penalties.
- Retain portions of WAC 314-55-103, including requirement that laboratories must report results into the LCB traceability system.
- Align format for reporting results to LCB with current reporting requirements.

Other changes were made for consistency or to align with other rulemaking, including:

- Replace WSLCB with LCB, to align with recent rulemaking [WSR #24-11-037](#).
- Remove duplicative tables in WAC 314-55-109 that contain testing limits for heavy metals, residual solvents, microbiological, and mycotoxins, and insert reference to WAC 314-55-102 that contain tables with the same limits.
- Replace “lab” with “laboratory” throughout for consistency.

All specific changes are listed in the Table below under Rule Necessity.

Estimated Costs of Compliance

Under the Regulatory Fairness Act (RFA) in chapter 19.85 RCW, agencies are required to consider the costs that complying with the proposed rules will impose on businesses, unless the proposed rules are subject to an exemption to this requirement. The CR 102 form describes these exemptions in more detail. None of the exemptions apply to this rulemaking.

LCB applied a default estimated compliance cost when analyzing whether the rules would have a disproportionate impact on small businesses as defined in RCW 19.85.020(3). This estimate is an estimate for costs affiliated with any additional required record-keeping. This cost was estimated to be \$1000.00. This is less than the

minor cost calculated for each type of affected licensee, which is detailed in the Small Business Economic Impact Statement (SBEIS) section of the CR 102 form filed today.

Rule Necessity

These rule changes are needed to implement legislation that transferred the authority for cannabis testing laboratory standards and accreditation from the LCB to WSDA.

Description of Rule Changes

Rule Section	Current Rule Language	Proposed New Language	Rule Necessity
314-55-0995 Laboratory certification and accreditation requirements.			
Title	Laboratory certification and accreditation requirements.	Laboratory certification requirements.	Remove accreditation term.
Introduction	The following requirements apply to third-party labs seeking certification by the WSLCB or its designee to do quality assurance testing on cannabis and cannabis products in Washington state, and for certified third-party laboratories (certified labs) to remain certified by the WSLCB. The requirements provided in this section are continuing requirements, and must be adhered to and maintained for a third-party lab to remain certified. The WSLCB may summarily suspend a lab's certification if a certified lab is found out of compliance with the requirements of this chapter.	The following requirements apply to third-party laboratories seeking certification by the LCB to conduct quality assurance testing on cannabis and cannabis products in Washington state, and for certified third-party laboratories (certified laboratories) to remain certified by the LCB. The requirements provided in this section are continuing requirements, and must be adhered to and maintained for a third-party laboratory to remain certified.	Remove reference to LCB designee for certification. Remove language related to summarily suspending laboratory's certification which is moved to WAC 314-55-1035.
(1)	A third-party laboratory must be certified by the WSLCB or their vendor as meeting the WSLCB's accreditation and other requirements prior to conducting quality assurance tests required under this chapter. Certified labs must conspicuously display the certification letter received by the WSLCB upon certification at the lab's premises in a conspicuous location where a customer may observe it unobstructed in plain sight.	A third-party laboratory must be certified by the LCB and meet WSDA accreditation requirements under chapter 16-310 WAC prior to conducting quality assurance tests required under this chapter. Certified laboratories must conspicuously display the certification letter received by the LCB upon certification at the laboratory's premises in a conspicuous location where a customer may observe it unobstructed in plain sight.	Remove reference to LCB vendor, which no longer applies with accreditation requirements transferred to WSDA. Insert WSDA accreditation and reference WSDA rules (chapter 16-310 WAC) for accreditation requirements.
(2)	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 must disclose to the WSLCB by affidavit any direct or	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	Add sentence to clarify producers or processors may not have financial interest in a certified laboratory.

	indirect financial interest in a licensed cannabis producer or processor.	person with direct or indirect financial interest in a certified laboratory must disclose to the LCB by affidavit any direct or indirect financial interest in a licensed cannabis producer or processor.	
(3)(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.	Each laboratory must employ a scientific director responsible to ensure the achievement and maintenance of quality standards of practice. The scientific director must possess the minimum qualifications under chapter 16-309 WAC.	Remove specific educational requirements for laboratory scientific director. Insert reference to WSDA requirements for laboratory scientific director under chapter 16-309 WAC.
(3)(b)	Certified labs must follow the analytical requirements most current version of the <i>Cannabis Inflorescence and Leaf Monograph</i> published by the <i>American Herbal Pharmacopoeia</i> or notify the WSLCB or its designee what alternative scientifically valid testing methodology the lab is following for each quality assurance test. Third-party validation by the WSLCB or its designee is required for any monograph or analytical method followed by a certified lab to ensure the methodology produces scientifically accurate results prior to use of alternative testing methods to conduct required quality assurance tests.	Certified laboratories must follow the analytical requirements under chapter 16-309 WAC.	Insert reference to WSDA's laboratory standards program under chapter 16-309 WAC.
(3)(c)	The WSLCB may require third-party validation and ongoing monitoring of a certified lab's basic proficiency to correctly execute the analytical methodologies employed by the certified lab. The WSLCB may contract with a vendor to conduct the validation and ongoing monitoring described in this subsection. The certified lab must	Certified laboratories must be accredited by WSDA for each type of test conducted under chapter 16-310 WAC.	Remove reference to proficiency testing, contracting with a vendor, and vendor fees as activities relate to accreditation transferred to WSDA. Add reference to

	pay all vendor fees for validation and ongoing monitoring directly to the WSLCB's vendor.		WSDA accreditation rules under chapter 16-310 WAC.
(3)(d) new	N/a	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.	Lists documentation laboratories are required to submit to LCB when applying for certification.
(3)(e) new	N/a	LCB will provide a certification letter to laboratories applying for certification to indicate whether certification is approved or denied.	Clarifies that LCB sends a letter to laboratory following application for certification.
(3)(e)(i) new	N/a	Certification approval will include approved fields of testing, requirements for maintaining certification, and the date of expiration for certification.	Specifies information included with LCB's approval for certification.
(3)(e)(ii) new	N/a	Incomplete, inaccurate, or falsified documents submitted for an initial certification or renewal of certification is grounds for denial of certification.	Specifies what constitutes grounds for LCB denying certification.
(3)(f) new	N/a	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, but no more than 60 days, prior to their certification expiration date.	Clarifies time period laboratory certification is valid for, and requirements for applying for renewal of certification each year.
(3)(g) previously (4)	(4) Certified labs must allow the WSLCB or the WSLCB's vendor to conduct physical visits and inspect related laboratory equipment, testing and other related records during normal business hours without advance notice.	Certified laboratories must allow the LCB to conduct physical visits and inspect related laboratory equipment, testing and other related records during normal business hours without advance notice.	Language is unchanged and moved from (4). Clarifies laboratory must allow LCB to conduct visits as part of certification requirements.
(3)(h) new	N/a	Certified laboratories must report all test results directly into LCB's traceability system within 24 hours of completion. Laboratories must	Retain language from WAC 314-55-103 for requirement that 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 cannabis waste disposal requirements pursuant to WAC 314-55-097 and RCW 69.50.3255, or returned to the customer.	report test results to LCB under RCW 69.50.348. Insert reference to RCW 69.50.3255: Cannabis producers and processors – Cannabis waste.
(3)(i) new	N/a	A certified laboratory must notify the LCB of any changes in their WSDA accreditation status within 48 hours of the change, including newly accredited testing parameters, discontinuing previously accredited testing parameters, or revocation of accreditation per WAC 16-310-180.	Adds time frame requirement for laboratories to notify LCB of changes in their accreditation with WSDA.
(4)	Certified labs must allow the WSLCB or the WSLCB's vendor to conduct physical visits and inspect related laboratory equipment, testing and other related records during normal business hours without advance notice.	Existing language in (4) is moved to (3)(g) and (4) is deleted.	Moved to be part of certification requirements.
(5)	As a condition of certification, labs must adopt and follow minimum good lab practices (GLPs) as provided in WAC 314-55-103, and maintain internal standard operating procedures (SOPs), and a quality control/quality assurance (QC/QA) program as specified by the WSLCB. The WSLCB or authorized third-party organization (WSLCB's designee) may conduct audits of a lab's GLPs, SOPs, QC/QA, and inspect all other related records.	Deleted.	Remove as this language references WAC 314-55-103 which is repealed; these activities are moved to WSDA under chapter 16-309 WAC.
(6)	The WSLCB or its designee will take immediate disciplinary action against any certified lab that fails to comply with the provisions of this chapter or falsifies records related to this section including, without limitation, revoking the certification of the certified lab.	Deleted with parts are moved and integrated into WAC 314-55-1035 (2).	Combined with suspension and revocation actions under WAC 314-55-1035.
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	Certified laboratory quality control testing. To become certified, a third-party laboratory must meet the board's certification requirements as described in WAC 314-55-0995 and this chapter before conducting quality control tests required under this	Remove "accreditation" terminology and insert correct reference to WSDA accreditation rules (chapter 16-310 WAC).

	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 WAC.	section. Cannabis licensees must use a laboratory certified by the board to conduct quality control testing required under this chapter. Prior to becoming certified, laboratories must be accredited by the WSDA as specified in chapter 16-310 WAC.	
(1)(a)	Licensees must use certified laboratories to conduct testing on cannabis and cannabis products in the following required fields of testing:	Licensees must use LCB certified laboratories to conduct testing on cannabis and cannabis products in the following required fields of testing:	Insert LCB to clarify.
(1)(b)	Certified labs may be certified for heavy metal testing. Certified labs must comply with the guidelines for each quality control field of testing described in this chapter if they offer that testing service.	Certified laboratories may be certified for heavy metal testing and terpene analysis. Certified laboratories must comply with the guidelines for quality control fields of testing described in this chapter and chapter 16-309 WAC if they offer testing services to other certified laboratories.	Add terpenes as a parameter laboratories may be certified for to be consistent with DOH chapter 246-70 WAC. Insert reference to WSDA rules.
(1)(c)	Certified labs may reference samples for mycotoxin, heavy metal, or pesticide testing by subcontracting for those fields of testing.	Certified laboratories may reference samples for testing by subcontracting for fields of testing to other laboratories certified by the LCB.	Remove restriction that laboratories may only subcontract for three parameters, to align with WSDA rules.
(2)(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 to the board and on associated certificates of analysis.	For the purposes of this section, certified laboratories are expected to use two significant figures for all test parameters except foreign matter when reporting test results to the board and on associated certificates of analysis.	Align format of reporting results with current reporting requirements for LCB traceability system.
(3)	Quality control analysis and screening. The following analysis and screening are only required for samples that have not been previously tested, or that have failed quality control testing.	Quality control analysis and testing. The following analysis and 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.	Clarify that LCB must authorize retesting of samples.
(3)(f) Residual Solvent Table	Four columns with headings: Solvent, µg/g, ppm (simplified), CAS #	Remove column with heading µg/g, and replace column heading ppm (simplified) with µg/g.	Align terms with current LCB reporting requirements for traceability system.
(4)	Required quality control tests. The following quality control tests are required for each of the cannabis products described below. Licensees and certified labs may opt to perform additional quality control tests on the same sample.	Required quality control tests. The following quality control tests are required for each of the cannabis products described below. Licensees and certified labs may opt to perform <u>optional</u> quality control tests on the same sample.	Replace “additional” with “optional” to make terms consistent within this section.

(4)(a) & (c)	The term “screening” used throughout these subsections	The term “screening” is replaced with the term “testing” or “inspection” in several places.	Align terms with terms used in WSDA rules.
(6)(a)	Upon approval by the board, failed quantities of cannabis or batches may be used to create extracts. After processing, the extract must pass all quality control tests required in this section before it may be sold, unless failed for tests that require immediate destruction.	Upon approval by the board, failed quantities of cannabis or batches may be used to create extracts. After processing, the extract must pass all quality control tests required in this section before it may be sold, unless failed for heavy metal or pesticide tests that require immediate destruction.	Clarify that samples that fail heavy metal or pesticide tests require immediate destruction under chapter 314-55 WAC.
(7)	Referencing. Certified laboratories may reference samples for mycotoxins, heavy metals, and pesticides testing to other certified labs by subcontracting for those fields of testing. 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.	Referencing. Certified laboratories may reference samples for testing to other certified laboratories by subcontracting for 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 laboratories 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, address, and certification number of the laboratory that tested the sample.	Remove restriction for laboratories to only be able to reference samples for mycotoxins, heavy metals, and pesticides to be consistent with WSDA rules. Clarify that laboratories may not reference samples for retesting. Clarify information laboratories are required to have on a certificate of analysis if samples are subcontracted to other certified laboratories. This required information is retained from WAC 314-55-103, which is being repealed.
(9)	A certificate of analysis issued by a certified laboratory for any cannabis product subject to the requirements of this chapter that has not already been transferred to a retail location expires 12 calendar months after issuance.	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.	Insert reference to DOH medical cannabis rules, chapter 246-70 WAC as these additional requirements apply.
(11)	All cannabis products produced, processed, distributed, or sold after the effective date of these rules, must comply with these rules and this chapter; however, postharvest products in the possession of or being processed by a licensee that do not comply with	All cannabis products produced, processed, distributed, or sold after the effective date of these rules, must comply with these rules and this chapter.	Remove language that pertains to prior rulemaking. Retain language related to compliance with existing rules.

	these rules as of their effective date may be sold, distributed, or both within a reasonable period of time, determined by the board.		
314-55-1025 Proficiency testing.			
Entire section		Repeal	Remove proficiency testing requirements which have been transferred to WSDA under chapter 16-310 WAC.
314-55-103 Good laboratory practice checklist			
Entire section		Repeal	Remove laboratory practice activities most of which is transferred to WSDA under chapter 16-309 WAC. Laboratory requirements related to reporting to LCB are retained and moved to WAC 314-55-0995 or WAC 314-55-1035.
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:	The board may suspend or revoke the certification of any laboratory certified under WAC 314-55-0995 for violations of any of the following:	Summarily suspension is moved subsection (2). Lists violations corresponding to requirements under WAC 314-55-0995 for which LCB may revoke or suspend certification.
(1)(c)	Evidence the certificate holder or owner made false statements in any material regard:	Evidence the certificate holder or owner made false statements in any material including, but not limited to:	Correct an apparent typographical error.
(1)(f)	The laboratory staff denies entry to any employee of the WSLCB or WSLCB's vendor 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.	(1)(f) moved to (n). Replaced with: The laboratory conducts testing under this chapter outside of their approved scope of WSDA accreditation under chapter 16-310 WAC.	Relates to WAC 314-55-0995 and other requirements.
(1)(g) new	N/a	The laboratory conducts testing for which the accredited testing parameter has been suspended by the WSDA under chapter 16-310 WAC.	Relates to WAC 314-55-0995 and other requirements.
(1)(h) new	N/a	The laboratory fails to properly submit laboratory results to the board into the traceability system.	Relates to WAC 314-55-0995 and other requirements

(1)(i) new	N/a	The laboratory fails to maintain laboratory records required under this chapter.	Relates to WAC 314-55-0995 and other requirements
(1)(j) new	N/a	The laboratory has any financial interest in a licensed producer or processor.	Relates to WAC 314-55-0995 and other requirements
(1)(k) new	N/a	The laboratory fails to correct any identified non-compliance with this chapter.	Relates to WAC 314-55-0995 and other requirements
(1)(l) new	N/a	The laboratory omits testing result information found during testing.	Relates to WAC 314-55-0995 and other requirements
(1)(m) new	N/a	The laboratory fails to notify LCB of any change in accreditation status with the WSDA as required under WAC 314-55-0995.	Relates to WAC 314-55-0995 requirements
(1)(n) Previously (f)	(f) The laboratory staff denies entry to any employee of the WSLCB or WSLCB's vendor 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.	The laboratory staff denies entry to any employee of the LCB during normal business hours for an on-site assessment or inspection, as required by chapter 314-55 WAC.	Remove vendor which applies to accreditation that is moved to WSDA. Remove reference to repealed sections.
(2)(a)	The following violations are subject to the penalties as provided in (b) of this subsection:	Renumbered as (2): The LCB may summarily suspend a laboratory's certification if a certified laboratory is found to have falsified test results, records, or engages in activities upon a determination that immediate cessation of the licensed activities is necessary for the protection or preservation of the public health, safety, or welfare.	Moved and expanded from (1) for conditions that may result in summarily suspending certification. Mirrors language in WAC 314-55-220 related to destruction of cannabis and cannabis products.
(a)(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.	Deleted	Incorporated into new (1)(k) for failure to correct non-compliance.
(a)(ii)	The laboratory fails to report proficiency testing results pursuant to WAC 314-55-1025.	Deleted	Remove as proficiency testing is moved to WSDA under accreditation.
(a)(iii)	The laboratory fails to remit certification fees within the time limit established by a certifying authority.	Deleted	Remove as LCB does not collect fees for certification.
(a)(iv)	The laboratory fails to meet recordkeeping requirements as required by chapter 314-55 WAC unless the failure to maintain records is substantial enough to warrant a suspension or revocation under subsection (1) of this section.	Deleted	Incorporated into new (1)(i) for failure to maintain laboratory records.

(2)(b)	The penalties for the violations in (a) of this subsection are as follows:	Renumbered as (3): The penalties for violations in subsection (1) of this section are as follows:	Establish separate subsection for penalties.
(2)(b)(i)	First violation: Ten-day suspension of the lab's certification or until the lab corrects the violation leading to the suspension, whichever is longer.	Renumbered as (3)(a): First violation: Ten-day suspension of the laboratory's certification or until the laboratory corrects the violation leading to the suspension, whichever is longer.	Renumbered under penalties.
(2)(b)(ii)	Second violation within a three-year period: Thirty-day suspension of laboratory certification or until the laboratory corrects the violation leading to the suspension, whichever is longer.	Renumbered as (3)(b): Second violation within a three-year period: Thirty-day suspension of laboratory certification or until the laboratory corrects the violation leading to the suspension, whichever is longer.	Renumbered under penalties.
(2)(b)(iii)	Third violation within a three-year period: Revocation of the lab's certification.	Renumbered as (3)(c): Third violation within a three-year period: Revocation of the laboratory's certification.	Renumbered under penalties.
(3)	A certified lab may also be subject to a suspension of certification related to proficiency testing requirements under WAC 314-55-1025.	Language removed.	Remove proficiency testing requirements, now part of WSDA accreditation.
314-55-109 Cannabinoid additives – Requirements, restrictions, and quality assurance testing.			
(1)(b)	Has been tested for contaminants and toxins by a testing laboratory accredited under this chapter and in accordance with testing standards established in this section.	Has been tested for contaminants and toxins by a testing laboratory certified under this chapter and in accordance with testing standards established in this section.	Remove accreditation terminology which is transferred to WSDA.
(4)(b) Required fields of testing	Tables with testing limits for (iii) heavy metals, (iv) residual solvents, (v) microbiological, and (vi) mycotoxins.	Tables are removed. Add reference to tables for each field of testing with the same limits in WAC 314-55-102.	Remove duplicate tables that appear in 2 sections; resolves inconsistent units for heavy metals limits.
All sections (WAC 314-55-0995, WAC 314-55-102, WAC 314-55-1035, WAC 314-55-109)			
Replace instances of WSLCB with LCB – to be consistent with recent rulemaking WSR #24-11-037 to modernize the agency acronym.			
Replace lab with laboratory for consistency.			
Sections WAC 314-55-102 and WAC 314-55-109			
Replace the terms “screen” and “screening” with “test” and “testing” or “inspection” to align with terminology used in WSDA lab quality standards and accreditation rules.			

Attachments:

Attachment A: Regulatory Oversight of Cannabis Testing Laboratories - Graphic

Attachment B: CR 101 Informal Comments

Attachment C: Written comments provided following Stakeholder Engagement Sessions