



Washington State Liquor and Cannabis Board

Bill Description: Reassigning the accreditation of private cannabis testing laboratories from the Department of Ecology to the Department of Agriculture

Bill Number: 2SHB 2151

Sponsor: Rep. Kristine Reeves

Effective Date: Rulemaking provisions took effect on 3/13/2024 and the transfer of authority for accreditation takes effect 7/1/2024

Amends: Amends RCW 69.50.348, creates a new section, and repeals RCW 43.21A.736

Background

The Washington State Liquor and Cannabis Board (LCB) is responsible for certifying and accrediting private cannabis testing laboratories in Washington. LCB had used a third-party contractor to assess the labs and test their ability to detect and measure a range of substances to ensure cannabis products are safe, and to then accredit those who meet criteria. Accredited labs are then certified by the LCB to test cannabis in the state.

In 2019, the Legislature passed a bill that would shift the responsibility for accreditation to the Department of Ecology. Thus, LCB would no longer use the contractor, as the testing would be done by Ecology, who would then accredit labs. LCB would continue to certify them to operate. The date of the switch in authority for accreditation was July 1, 2024. The bill required this work to be paid for by fees from the private laboratories and collected by the Department of Ecology.

Current law states that if a sample tested by a lab fails or “does not meet the applicable quality assurance and product standards,” then the entire lot the sample was taken from must be destroyed. In practice, rules created by the Board allow some producers or processors the opportunity to remediate or make the material into extracts instead of destroying it.

Summary

2SHB 2151 amends the upcoming transfer of authority over lab accreditations by naming the Washington State Department of Agriculture (WSDA) as the entity to accredit labs instead of the Department of Ecology. The LCB will still certify labs and enforce compliance, but accreditation moves to WSDA. The WSDA must coordinate with LCB and write rules to implement this change.

The requirement that fees charged to the accreditor be sufficient to cover the costs of the work was changed to say that the fees must “support” these costs.

The provision in law stating that the entire lot from which a sample that fails its quality assurance tests was taken was modified to include the phrase, “except as otherwise provided by the board in rule,” basically pointing to the rules and exceptions listed in WAC 314.55.102 (6). 2SHB 2151 was an agency request bill from WSDA.