

Issue Paper

Quality Assurance Testing and Products Requirements.

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Presented by: Joanna Eide, Policy and Rules Coordinator

Description of the Issue

This Issue Paper requests approval from the Board to file the first stage of rulemaking (CR 101) for changes to rules in chapter 314-55 WAC regarding quality assurance testing and products requirements.

In this rulemaking, the WSLCB will consider the following topics for potential rulemaking changes:

- Lot and batch sizes;
- Fields of testing and pass/fail level adjustments;
- Potency testing requirements;
- Pesticide testing requirements for all cannabis products;
- Heavy metals testing requirements;
- Sample deduction requirements;
- General testing rule adjustments;
- Product, THC serving limits, and packaging requirements; and
- Other related rule changes that may be necessary or advisable.

The WSLCB has been in discussions with the Washington Department of Health (DOH) regarding ways in which our respective rules can be better synced to encourage testing efficiencies and remove barriers that may exist to the availability of compliant products. The WSLCB has also been in discussions with members of the industry and medical marijuana patients about testing requirements and general product availability. Additionally, a review of testing requirements is consistent with the previous rule changes the WSLCB made in August 2017 regarding quality assurance testing and lab rules. During that rulemaking project and the work group that preceded it, the WSLCB stated that it would review testing and lab rules over the next year to determine whether additional changes may be necessary or advisable.

Why is rule making necessary?

Rulemaking is necessary to make further adjustments to rules in an effort to seek more alignment with DOH's Compliant Products Rules (chapter 246-70 WAC) and to take the next incremental step in testing requirements for cannabis in Washington. These changes will seek to increase efficiencies in testing adult-use and compliant products, as well as increase the availability of compliant products or products of a similar nature and quality of testing. Requests from the

industry have also been received regarding testing requirements, and changes in testing requirements in other states have prompted further review of WSLCB rules for potential adjustment. Additionally, the WSLCB has heard from the medical marijuana patient community that they would like to see additional product types or levels of potency that are not currently supported by the regulatory structure. For these reasons, changes to products, serving amounts in packaging, and other related requirements may be considered as part of this rulemaking.

Process

The rule making process begins by announcing WSLCB's intent to add and make changes to existing rules by filing a CR 101 form. This allows staff and stakeholders to begin discussing necessary rule changes. At the CR 101 stage of the rulemaking process, no proposed language is offered. The public may comment on the subject of this rulemaking during the designated comment period. Notice will be sent to all who have indicated that they want to receive notice of rule changes. The notice will identify the public comment period and where comments can be sent. Based on public input received, staff will draft proposed changes for presentation to the Board at the next phase of the rule making process.