



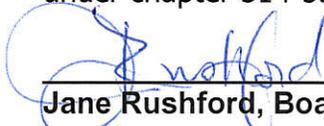
Liquor and Cannabis Board Interim Policy BIP-12-2019

Subject: WAC 314-55-109 – Cannabinoid additives - Requirements, restrictions, and quality assurance testing.

Effective Date: June 12, 2019

Ending Date: Upon the effective date of a Board Interim Policy repealing this Policy that announces the implementation of a Leaf Data System workflow that will accommodate test results of CBD product obtained from a source that is not licensed by the Washington State Liquor and Cannabis Board under chapter 314-55 WAC.

Approved:



Jane Rushford, Board Chair



Ollie Garrett, Board Member



Russ Hauge, Board Member

Background:

Chapter 69.50 RCW, also known as the Uniform Controlled Substances Act, contains statutory provisions that authorize and assist the Washington State Liquor and Cannabis Board (WSLCB) in framing and maintaining a tightly regulated system around the production, processing, and sale of marijuana products. RCW 69.50.326 provides that licensed marijuana producers and licensed marijuana processors may use a CBD product as an additive for the purposes of enhancing cannabinoid concentration of any product authorized for production, processing, and sale consistent with chapter 69.50 RCW. RCW 60.50.010(2)(d) defines CBD product as “any product containing or consisting of cannabidiol.”

RCW 69.50.326(1) additionally provides that licensed marijuana processors and producers must use a CBD product produced by, or purchased from, a processor or producer licensed under chapter 69.50 RCW, with one exception consisting of two elements:

- Licensed marijuana processors and producers may use a CBD product obtained from a source that is not licensed under chapter 69.50 RCW, as long as the product,
 - Has a THC level of 0.3 percent or less on a dry weight basis, and
 - The product has been tested for contaminants and toxins by a testing laboratory accredited by the WSLCB .

Consistent with the rulemaking authority provided to the WSLCB under RCW 69.50.326(3), the agency adopted rules regarding the use of additives to enhance CBD concentration of authorized products. WAC 314-55-109 became effective December 1, 2018. In addition to establishing requirements, restrictions, and quality assurance standards for CBD additives, including stringent testing protocols that align with existing testing standards for marijuana and marijuana products, the rule also requires that test results from CBD products obtained from both inside and outside the licensed structure must be entered into the state's existing traceability system, known as the Leaf Data System.

While the Leaf Data System is capable of tracking CBD products that are produced within the licensed structure, it does not have the ability to track CBD products that are produced outside of the licensed structure. Tracking CBD products that are produced outside of the licensed structure creates an additional workflow that the Leaf Data System is currently unable to support.

Purpose:

The purpose of this interim policy is to suspend the current requirement in WAC 314-55-109 that licensees must enter test results from CBD products obtained from a source not licensed under chapter 314-55 WAC into the the Leaf Data System. Once the WSLCB is able to implement the necessary system workflow, the rule suspension will be removed and the requirement will be enforced.

Policy Statement:

Licensees are not required to enter test results from CBD products obtained from a source not listed under chapter 314-55 WAC until the implementation of a Leaf Data System workflow that will allow marijuana licensees to enter test results of such CBD products.

All ofther requirements of WAC 314-55-109, including but not limited to record keeping, remain in full force and effect.