



## CR 101 Memorandum

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

Date: July 17, 2024  
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#### **Background**

Rulemaking is being proposed to implement recent legislation concerning the transfer of responsibility and authority for cannabis laboratory (lab) quality standards and accreditation. The relevant bills are [House Bill \(HB\) 2052](#), [HB 1859](#), and [2SHB 2151](#), which collectively aim to streamline and improve the regulation of cannabis testing labs.

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, created 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, the WSDA [adopted rules](#) implementing HB1859 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, reassigned 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 is being delayed until January 1, 2025, to accommodate a transition period for laboratories. LCB will continue to certify labs and enforce compliance with quality assurance and product standards.

Rulemaking is being proposed to implement recent legislation concerning the transfer of responsibility and authority for cannabis testing laboratory quality standards and accreditation.

### **Reasons Rulemaking is Needed**

Rulemaking is needed to amend chapter [314-55](#) WAC, as necessary, to implement the provisions of [HB 1859](#), [HB 2052](#), and [2SHB 2151](#) regarding the transfer of regulatory authority of lab quality standards and lab accreditation from LCB to WSDA, and to clarify LCB's role in certifying cannabis testing labs.

### **Process**

The negotiated rulemaking process begins by announcing the Board's intent to consider changes to existing rules, add new rule sections, or both by filing a pre-proposal statement of inquiry (CR 101) form with the Office of the Code Reviser. This allows staff, stakeholders, and agency partners to begin discussing possible rule changes.

At the CR 101 stage of the rulemaking process, no proposed language is offered. Any interested person may comment on this possible rulemaking during the designated comment periods. Engagement sessions will also be held to allow stakeholders and other interested parties to engage with LCB to formulate proposed rules.