



## NOTICE OF ADOPTION OF POLICY STATEMENT

**Title of Policy Statement:** Implementation of Marijuana [Cannabis] Quality Assurance and Quality Control Rules – Policy Statement Number PS-22-01.

**Issuing Entity:** Washington State Liquor and Cannabis Board

**Subject Matter:** This policy statement describes licensed marijuana [cannabis] producer and processor postharvest “phase in” and licensed marijuana [cannabis] retail “sell-down” periods for marijuana [cannabis] products that must meet updated quality assurance and quality control rules described in WAC 314-55-101, 314-55-102, and 314-55-1025 effective **April 2, 2022**.

**Effective Date:** April 2, 2022   **Expiration Date:** December 31, 2022

**Contact Person:** Katherine Hoffman, Policy and Rules Manager, 360-664-1622

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: March 31, 2022**

**TIME: 8:50 AM**

**WSR 22-08-042**



## Policy Statement

**Title:** Implementation of Marijuana [Cannabis] Quality Assurance and Quality Control Rules *Number PS-22-01*

**References:** [RCW 69.50.325](#)  
[RCW 69.50.342](#)  
[RCW 69.50.345](#)  
[RCW 69.50.348](#)  
[WAC 314-55-101](#)  
[WAC 314-55-102](#)  
[WAC 314-55-1025](#)

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### [RCW 34.05.230 – Interpretive and policy statements](#)

- (1) An agency is encouraged to advise the public of its current opinions, approaches, and likely courses of action by means of interpretive or policy statements. Current interpretive and policy statements are advisory only. To better inform the public, an agency is encouraged to convert long-standing interpretive and policy statements into rules.

### INTRODUCTION

This policy statement describes licensed marijuana [cannabis] producer and processor postharvest “phase in” and licensed marijuana [cannabis] retail “sell-down” periods for marijuana [cannabis] products that must meet updated quality assurance and quality control rules described in WAC 314-55-101, 314-55-102, and 314-55-1025 effective **April 2, 2022**.

### POLICY STATEMENT

WSLCB recognizes that there are currently products in licensed marijuana [cannabis] retail outlets that were produced and processed before mandatory pesticide testing rules became effective on April 2, 2022.

WSLCB also recognizes that on April 2, 2022, licensed processors and producers may possess postharvest marijuana [cannabis] product that complied with prior quality assurance testing rules.

To provide a reasonable “sell down” period, all marijuana [cannabis] product sold by licensed marijuana [cannabis] retailers after **December 31, 2022** must have an accompanying certificate of analysis, or COA **demonstrating the retail product is in compliance with the rules effective on April 2, 2022.**

To provide a reasonable “phase in” period, all postharvest marijuana [cannabis] products in the possession of or being processed by a **licensed marijuana [cannabis] producer, licensed processor, or licensed producer/processor** before April 2, 2022 may be sold at wholesale to licensed marijuana [cannabis] producers, licensed cannabis processors or licensed marijuana [cannabis] retailers through **September 30, 2022.**

## **STATUTORY AUTHORITY**

**RCW 69.50.325** describes the marijuana [cannabis] producer, processor and retailer license types.

**RCW 69.50.342** describes the Board’s authority to establish and adopt rules, including approved pesticide testing requirements and quality control standards for marijuana [cannabis] products.

**RCW 69.50 345** describes the Board’s authority to establish rules concerning, among other things, the quality of marijuana [cannabis] concentrates, usable marijuana [cannabis], and marijuana [cannabis]-infused products produced, processed, packaged, or sold by licensees.

**RCW 69.50.348** provides that based on a schedule determined by the Board, every licensed marijuana [cannabis] producer and processor must submit representative samples of marijuana [cannabis], usable marijuana [cannabis], or marijuana [cannabis]-infused products produced or processed by the licensee to a third-party testing laboratory meeting certain qualifications. The statute provides that the Board may adopt rules necessary to implement these requirements.

**WAC 314-55-101**, amended effective April 2, 2022 describes marijuana [cannabis] product quality control sampling protocols.

**WAC 314-55-102**, amended effective April 2, 2022 describes marijuana [cannabis] product quality assurance and quality control.

**WAC 314-55-1025**, amended effective April 2, 2022 describes marijuana [cannabis] proficiency testing.

## **BACKGROUND AND ANALYSIS**

In early 2018, several stakeholders, including medical marijuana [cannabis] patients, consumers, and licensees, urged the WSLCB to require marijuana [cannabis] producers and processors to test adult use marijuana [cannabis] crops for pesticides and heavy metals. In August 2018, the WSLCB began the initial stages of rule development regarding marijuana [cannabis] quality control and product requirements to consider the addition of pesticide and heavy metal testing for all adult use products.

In 2019 and 2020, the agency hosted collaborative rule development opportunities designed to engage licensees across cannabis license types, certified marijuana [cannabis] testing labs, medical marijuana [cannabis] patients and other consumers. Two public hearings were held on rule proposals in 2020. These proposals would have required pesticide and heavy metal testing for all adult use marijuana [cannabis] products produced, processed and sold in Washington state. Based on public comment received at those hearings, the agency revised the proposal to require mandatory pesticide testing for all products. Rather than requiring heavy metal testing for all products, the rules established compliance standards for heavy metals that will be verified through random testing performed by WSLCB. The Board approved this rule proposal in late 2021, and a public hearing was held in early 2022. Rules were ultimately adopted on March 2, 2022, with an effective date of April 2, 2022.

The agency recognizes that there are currently products in licensed marijuana [cannabis] retail outlets that were produced and processed before these rules became effective on April 2, 2022.

The agency also recognizes that on April 2, 2022, licensed processors and producers may possess postharvest marijuana [cannabis] product that complied with prior quality assurance testing rules.

WAC 314-55-102(11) provides that all cannabis products produced, processed, distributed, or sold after the effective date of the new cannabis quality control rules must comply with the new rules. The rule also provides that postharvest products in the possession of or being processed by a licensee that do not comply with the rules as of their effective date may be sold, distributed or both within a reasonable period of time determined by the board.

This policy statement addresses licensed marijuana [cannabis] producer and processor postharvest “phase in” and licensed marijuana [cannabis] retail “sell-down” periods for marijuana [cannabis] products that must meet updated quality control standards described in WAC 314-55-101, 314-55-102, and 314-55-1025 that were adopted by the Board on March 2, 2022 and became effective April 2, 2022.

## **CONCLUSION**

All marijuana [cannabis] products produced, processed, distributed, or sold after **April 2, 2022** must comply with the provisions of chapter 314-55 WAC generally, and WAC 314-55-101, 314-55-102, and 314-55-1025 specifically.

To provide a reasonable “sell down” period, all marijuana [cannabis] product sold by licensed marijuana [cannabis] retailers after **December 31, 2022** must have an accompanying certificate of analysis, or COA **demonstrating the retail product is in compliance with the rules effective on April 02, 2022.**

To provide a reasonable “phase in” period, all postharvest marijuana [cannabis] products in the possession of or being processed by a **licensed marijuana [cannabis] producer, licensed processor, or licensed producer/processor** before April 2, 2022 may be sold at wholesale to licensed marijuana [cannabis] producers, licensed cannabis processors or licensed cannabis retailers through **September 30, 2022**.