

HB 1347 - S COMM AMD

By Committee on Labor & Commerce

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 69.50.348 and 2024 c 69 s 2 are each amended to read as follows:

(1) On a schedule determined by the board, every licensed cannabis producer and processor must submit representative samples of cannabis, useable cannabis, or cannabis-infused products produced or processed by the licensee to an independent, third-party testing laboratory meeting the accreditation requirements established by the state department of agriculture. The purpose of testing representative samples is to certify compliance with quality assurance and product standards adopted by the board under RCW 69.50.342 or the department of health under RCW 69.50.375. In conducting tests of cannabis product samples, testing laboratories must adhere to laboratory quality standards adopted by the state department of agriculture under chapter 15.150 RCW. Any sample remaining after testing shall be destroyed by the laboratory or returned to the licensee submitting the sample.

(2) Independent, third-party testing laboratories performing cannabis product testing under subsection (1) of this section must obtain and maintain accreditation. The board must accept the accreditation by the department of agriculture. A laboratory accredited by the department of agriculture is authorized to conduct quality assurance and product standards testing.

(3) Licensees must submit the results of inspection and testing for quality assurance and product standards required under RCW 69.50.342 to the board on a form developed by the board.

(4) If a representative sample inspected and tested under this section does not meet the applicable quality assurance and product standards established by the board then, except as otherwise provided by the board in rule, the entire lot from which the sample was taken must be destroyed.

(5) The department of agriculture may determine, assess, and collect annual fees to support the direct and indirect costs of implementing a state cannabis product testing laboratory accreditation program and laboratory quality standards program, except for the initial program development costs. The department of agriculture may establish a payment schedule requiring periodic installments of the annual fee. The department of agriculture must review and update its fee schedule biennially. The costs of cannabis product testing laboratory accreditation are those incurred by the department of agriculture in administering and enforcing the accreditation program. The costs may include, but are not limited to, the costs incurred in undertaking the following accreditation functions:

- (a) Evaluating the protocols and procedures used by a laboratory;
- (b) Performing on-site audits;
- (c) Evaluating participation and successful completion of proficiency testing;
- (d) Determining the capability of a laboratory to produce accurate and reliable test results; and
- (e) Such other accreditation activities as the department of agriculture deems appropriate.

~~((The department of agriculture and the interagency coordination team created in RCW 15.150.020 must act cooperatively to ensure effective implementation and administration of this section.~~

~~(7))~~ All fees collected under this section must be deposited in the dedicated cannabis account created in RCW 69.50.530.

NEW SECTION. **Sec. 2.** A new section is added to chapter 69.50 RCW to read as follows:

(1) Any authority previously exercised by the board to accredit, certify, approve, or otherwise authorize cannabis testing laboratories is terminated.

(2) The board must recognize laboratory accreditation issued by the department of agriculture under chapter 15.150 RCW.

(3) The board may not impose any additional requirements on cannabis testing laboratories, including any of the following:

- (a) Certifications or licenses;
- (b) Audits or inspections; or
- (c) Compliance processes related to laboratory accreditation.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 69.50
2 RCW to read as follows:

3 (1) The board may take enforcement action related to laboratory
4 accreditation only upon formal notice from the department of
5 agriculture that a laboratory is no longer in good standing.

6 (2) The board may request that the department of agriculture take
7 enforcement action if the board identifies evidence of unethical,
8 deceptive, or fraudulent laboratory practices relating to the
9 generation or reporting of analytical data.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 69.50
11 RCW to read as follows:

12 (1) Nothing in this act shall be deemed to terminate the
13 authority of the board to adopt rules in accordance with RCW
14 69.50.342.

15 (2) Nothing in this section shall be deemed to grant authority to
16 the board to establish laboratory accreditation standards,
17 certification requirements, quality management system requirements,
18 or laboratory operational standards.

19 **Sec. 5.** RCW 15.150.030 and 2022 c 135 s 4 are each amended to
20 read as follows:

21 (1) The department must establish and maintain cannabis testing
22 laboratory quality standards by rule in accordance with chapter 34.05
23 RCW.

24 (2) Cannabis testing laboratory quality standards must include,
25 but are not limited to, approved methods for testing cannabis for
26 compliance with product standards established by rule by the state
27 liquor and cannabis board or the department of health, method
28 validation protocol, and performance measures and criteria applied to
29 testing of cannabis products.

30 (3) ~~((The department must take into account the recommendations~~
31 ~~of the team created in RCW 15.150.020.~~

32 ~~(4) Standards created under this chapter must be provided to the~~
33 ~~state department of ecology for use in the lab accreditation process~~
34 ~~described in RCW 69.50.348.))~~ The department of agriculture shall
35 serve as the accrediting authority for laboratories under this
36 chapter.

1 NEW SECTION. **Sec. 6.** Nothing in this act authorizes the liquor
2 and cannabis board to impose laboratory accreditation requirements
3 beyond those administered by the department of agriculture.

4 NEW SECTION. **Sec. 7.** RCW 15.150.020 (Interagency coordination
5 team for cannabis laboratory quality standards) and 2022 c 135 s 3
6 are each repealed."

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7 On page 1, line 3 of the title, after "agriculture;" strike the
8 remainder of the title and insert "amending RCW 69.50.348 and
9 15.150.030; adding new sections to chapter 69.50 RCW; creating a new
10 section; and repealing RCW 15.150.020."

EFFECT: • Requires LCB to accept the accreditation of testing
laboratories by WSDA, rather than requiring LCB to accept
accreditation from WSDA as the sole basis for establishing the
initial certification and any subsequent renewals if the laboratories
do not violate requirements established by LCB.

• Allows laboratories accredited by WSDA to conduct quality
assurance and product standards testing.

• Repeals provisions establishing the interagency coordination
team for cannabis laboratory quality standards.

• Terminates any authority previously exercised by LCB to
certify, approve, or otherwise authorize cannabis testing
laboratories.

• Provides that LCB may only take enforcement action related to
laboratory accreditation upon formal notice from WSDA that a
laboratory is no longer in good standing.

• Allows LCB to request that WSDA take enforcement action if LCB
identifies evidence of unethical, deceptive, or fraudulent laboratory
practices relating to the generation or reporting of analytical data.

• Provides that nothing in the act authorizes LCB to impose
accreditation requirements beyond those administered by WSDA.

• Makes conforming changes to related provisions.

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