
HOUSE BILL 1859

State of Washington

67th Legislature

2022 Regular Session

By Representatives Kloba and Chambers; by request of Department of Agriculture and Liquor and Cannabis Board

Prefiled 01/07/22.

1 AN ACT Relating to quality standards for laboratories conducting
2 cannabis analysis; amending RCW 69.50.348, 69.50.348, and 69.50.540;
3 adding a new chapter to Title 15 RCW; creating a new section;
4 providing an effective date; and providing an expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The purpose of this act is to create an
7 interagency coordination team responsible for the program that
8 establishes and maintains quality standards for laboratories
9 conducting analysis of recreational and medicinal cannabis with THC
10 levels greater than 0.3 percent. The interagency team includes the
11 department of agriculture, the liquor and cannabis board, and the
12 department of health. The standards must be adopted by rule by the
13 department of agriculture, and changes to standards may require
14 reference in liquor and cannabis board and department of health
15 rules. This authority to establish these rules transfers from the
16 liquor and cannabis board to the department of agriculture. This act
17 implements the recommendations of the cannabis science task force
18 established in RCW 43.21A.735.

19 According to the task force's recommendations: "Laboratory
20 quality standards are the elements used in the evaluation of a
21 product's compliance with established product standards. They consist

1 of approved methods, method validation protocols, and performance
2 measures and criteria applied to the testing of the product.
3 Establishing appropriate and well-defined laboratory quality
4 standards is essential to communicate to the testing laboratories
5 what standardized practices and procedures are appropriate.

6 Laboratory quality standards help ensure the data that
7 laboratories generate are credible and can be used to provide
8 consumer protections. They should represent sound scientific
9 protocols, and detail practical and specific guidance for the testing
10 subject matter. Together, well-established product standards,
11 laboratory quality standards, and accreditation standards should
12 function to garner confidence for consumers and the industry they
13 support."

14 NEW SECTION. **Sec. 2.** The definitions in this section apply
15 throughout this chapter unless the context clearly requires
16 otherwise.

17 (1) "Cannabis lab" means a laboratory that tests cannabis for
18 compliance with product standards established by rule by the state
19 liquor and cannabis board.

20 (2) "Team" means the interagency coordination team for cannabis
21 laboratory quality standards created in this chapter.

22 NEW SECTION. **Sec. 3.** (1) The interagency coordination team for
23 cannabis laboratory quality standards is created. The team consists
24 of the department, the liquor and cannabis board, and the department
25 of health. The department is designated lead agency for the team and
26 must provide the team with all necessary administrative support.

27 (2) The agencies that make up the team must each dedicate
28 administrative, policy, scientific, or other staff necessary to
29 successfully accomplish the duties assigned to the team.

30 (3) The team must:

31 (a) Coordinate among all participating agencies on agency
32 policies, actions, and regulatory activities that relate to marijuana
33 testing laboratory quality standards; and

34 (b) Advise the department on implementation and maintenance of
35 marijuana testing laboratory quality standards topics including, but
36 not limited to, analytical methods, validation protocols, quality
37 assurance and quality control practices, project planning and
38 sampling guides, and other topics as necessary to fulfill the

1 purposes of the team and this act. In making its recommendations, the
2 team must take into account the cannabis science task force
3 recommendations.

4 NEW SECTION. **Sec. 4.** (1) The department must establish and
5 maintain marijuana testing laboratory quality standards by rule in
6 accordance with chapter 34.05 RCW.

7 (2) Marijuana testing laboratory quality standards must include,
8 but are not limited to, approved methods for testing marijuana for
9 compliance with product standards established by rule by the state
10 liquor and cannabis board or the department of health, method
11 validation protocol, and performance measures and criteria applied to
12 testing of marijuana products.

13 (3) The department must take into account the recommendations of
14 the team created in section 3 of this act.

15 (4) Standards created under this chapter must be provided to the
16 state department of ecology for use in the lab accreditation process
17 described in RCW 69.50.348.

18 **Sec. 5.** RCW 69.50.348 and 2019 c 277 s 1 are each amended to
19 read as follows:

20 (1) On a schedule determined by the state liquor and cannabis
21 board, every licensed marijuana producer and processor must submit
22 representative samples of marijuana, useable marijuana, or marijuana-
23 infused products produced or processed by the licensee to an
24 independent, third-party testing laboratory (~~(meeting the~~
25 ~~accreditation requirements established by the state liquor and~~
26 ~~cannabis board, for inspection and testing)~~). The purpose of testing
27 representative samples is to certify compliance with quality
28 assurance and product standards adopted by the state liquor and
29 cannabis board under RCW 69.50.342 or the department of health under
30 RCW 69.50.375. In conducting tests of marijuana product samples,
31 testing laboratories must adhere to laboratory quality standards
32 adopted by the state department of agriculture under chapter 15.---
33 RCW (the new chapter created in section 10 of this act). Any sample
34 remaining after testing shall be destroyed by the laboratory or
35 returned to the licensee submitting the sample.

36 (2) Independent, third-party testing laboratories performing
37 marijuana product testing under subsection (1) of this section must
38 obtain and maintain accreditation.

1 (3) Licensees must submit the results of inspection and testing
2 for quality assurance and product standards required under subsection
3 (1) of this section to the state liquor and cannabis board on a form
4 developed by the state liquor and cannabis board.

5 ~~((3))~~ (4) If a representative sample inspected and tested under
6 this section does not meet the applicable quality assurance and
7 product standards established by the state liquor and cannabis board,
8 the entire lot from which the sample was taken must be destroyed.

9 ~~((4))~~ (5) The state liquor and cannabis board may adopt rules
10 necessary to implement this section. The state liquor and cannabis
11 board may adopt rules necessary to implement subsection (2) of this
12 section until a successor state agency or agencies assume
13 responsibility for establishing and administering laboratory
14 standards and accreditation.

15 **Sec. 6.** RCW 69.50.348 and 2019 c 277 s 2 are each amended to
16 read as follows:

17 (1) On a schedule determined by the state liquor and cannabis
18 board, every licensed marijuana producer and processor must submit
19 representative samples of marijuana, useable marijuana, or marijuana-
20 infused products produced or processed by the licensee to an
21 independent, third-party testing laboratory meeting the accreditation
22 requirements established by the state department of ecology(~~(, for~~
23 ~~inspection and testing)~~). The purpose of testing representative
24 samples is to certify compliance with quality assurance and product
25 standards adopted by the state liquor and cannabis board under RCW
26 69.50.342 or the department of health under RCW 69.50.375. In
27 conducting tests of marijuana product samples, testing laboratories
28 must adhere to laboratory quality standards adopted by the state
29 department of agriculture under chapter 15.--- RCW (the new chapter
30 created in section 10 of this act). Any sample remaining after
31 testing shall be destroyed by the laboratory or returned to the
32 licensee submitting the sample.

33 (2) Independent, third-party testing laboratories performing
34 marijuana product testing under subsection (1) of this section must
35 obtain and maintain accreditation.

36 (3) Licensees must submit the results of inspection and testing
37 for quality assurance and product standards required under RCW
38 69.50.342 to the state liquor and cannabis board on a form developed
39 by the state liquor and cannabis board.

1 ((+3)) (4) If a representative sample inspected and tested under
2 this section does not meet the applicable quality assurance and
3 product standards established by the state liquor and cannabis board,
4 the entire lot from which the sample was taken must be destroyed.

5 ((+4)) (5)(a) The department of ecology may determine, assess,
6 and collect annual fees sufficient to cover the direct and indirect
7 costs of implementing a state marijuana product testing laboratory
8 accreditation program, except for the initial program development
9 costs. The department of ecology must develop a fee schedule
10 allocating the costs of the accreditation program among its
11 accredited marijuana product testing laboratories. The department of
12 ecology may establish a payment schedule requiring periodic
13 installments of the annual fee. The fee schedule must be established
14 in amounts to fully cover, but not exceed, the administrative and
15 oversight costs. The department of ecology must review and update its
16 fee schedule biennially. The costs of marijuana product testing
17 laboratory accreditation are those incurred by the department of
18 ecology in administering and enforcing the accreditation program. The
19 costs may include, but are not limited to, the costs incurred in
20 undertaking the following accreditation functions:

- 21 (i) Evaluating the protocols and procedures used by a laboratory;
- 22 (ii) Performing on-site audits;
- 23 (iii) Evaluating participation and successful completion of
24 proficiency testing;
- 25 (iv) Determining the capability of a laboratory to produce
26 accurate and reliable test results; and
- 27 (v) Such other accreditation activities as the department of
28 ecology deems appropriate.

29 (b) The state marijuana product testing laboratory accreditation
30 program initial development costs must be fully paid from the
31 dedicated marijuana account created in RCW 69.50.530.

32 ((+5)) (6) The department of ecology and the ~~((liquor and
33 cannabis board))~~ interagency coordination team created in section 3
34 of this act must act cooperatively to ensure effective implementation
35 and administration of this section.

36 ((+6)) (7) All fees collected under this section must be
37 deposited in the dedicated marijuana account created in RCW
38 69.50.530.

1 **Sec. 7.** RCW 69.50.540 and 2021 c 334 s 986 are each amended to
2 read as follows:

3 The legislature must annually appropriate moneys in the dedicated
4 marijuana account created in RCW 69.50.530 as follows:

5 (1) For the purposes listed in this subsection (1), the
6 legislature must appropriate to the respective agencies amounts
7 sufficient to make the following expenditures on a quarterly basis or
8 as provided in this subsection:

9 (a) One hundred twenty-five thousand dollars to the health care
10 authority to design and administer the Washington state healthy youth
11 survey, analyze the collected data, and produce reports, in
12 collaboration with the office of the superintendent of public
13 instruction, department of health, department of commerce, family
14 policy council, and board. The survey must be conducted at least
15 every two years and include questions regarding, but not necessarily
16 limited to, academic achievement, age at time of substance use
17 initiation, antisocial behavior of friends, attitudes toward
18 antisocial behavior, attitudes toward substance use, laws and
19 community norms regarding antisocial behavior, family conflict,
20 family management, parental attitudes toward substance use, peer
21 rewarding of antisocial behavior, perceived risk of substance use,
22 and rebelliousness. Funds disbursed under this subsection may be used
23 to expand administration of the healthy youth survey to student
24 populations attending institutions of higher education in Washington;

25 (b) Fifty thousand dollars to the health care authority for the
26 purpose of contracting with the Washington state institute for public
27 policy to conduct the cost-benefit evaluation and produce the reports
28 described in RCW 69.50.550. This appropriation ends after production
29 of the final report required by RCW 69.50.550;

30 (c) Five thousand dollars to the University of Washington alcohol
31 and drug abuse institute for the creation, maintenance, and timely
32 updating of web-based public education materials providing medically
33 and scientifically accurate information about the health and safety
34 risks posed by marijuana use;

35 (d) (i) An amount not less than one million two hundred fifty
36 thousand dollars to the board for administration of this chapter as
37 appropriated in the omnibus appropriations act;

38 (ii) One million three hundred twenty-three thousand dollars for
39 fiscal year 2020 to the health professions account established under

1 RCW 43.70.320 for the development and administration of the marijuana
2 authorization database by the department of health;

3 (iii) Two million four hundred fifty-three thousand dollars for
4 fiscal year 2020 and two million four hundred twenty-three thousand
5 dollars for fiscal years 2021, 2022, and 2023 to the Washington state
6 patrol for a drug enforcement task force. It is the intent of the
7 legislature that this policy will be continued in the 2021-2023
8 fiscal biennium; and

9 (iv) Ninety-eight thousand dollars for fiscal year 2019 to the
10 department of ecology for research on accreditation of marijuana
11 product testing laboratories. Beginning in fiscal year 2023, three
12 hundred fifteen thousand eight hundred ninety dollars to the board,
13 seven hundred eighty thousand dollars to the department of
14 agriculture, and seven hundred seventy-seven thousand dollars to the
15 department of health to implement marijuana testing laboratory
16 quality standards pursuant to this act;

17 (e) Four hundred sixty-five thousand dollars for fiscal year
18 2020, four hundred sixty-four thousand dollars for fiscal year 2021,
19 two hundred seventy thousand dollars in fiscal year 2022, and two
20 hundred seventy-six thousand dollars in fiscal year 2023 to the
21 department of ecology for implementation of accreditation of
22 marijuana product testing laboratories;

23 (f) One hundred eighty-nine thousand dollars for fiscal year 2020
24 to the department of health for rule making regarding compassionate
25 care renewals;

26 (g) Eight hundred eight thousand dollars for each of fiscal years
27 2020 through 2023 to the department of health for the administration
28 of the marijuana authorization database;

29 (h) Six hundred thirty-five thousand dollars for fiscal year
30 2020, six hundred thirty-five thousand dollars for fiscal year 2021,
31 six hundred twenty-one thousand dollars for fiscal year 2022, and six
32 hundred twenty-seven thousand dollars for fiscal year 2023 to the
33 department of agriculture for compliance-based laboratory analysis of
34 pesticides in marijuana;

35 (i) One million six hundred fifty thousand dollars for fiscal
36 year 2022 and one million six hundred fifty thousand dollars for
37 fiscal year 2023 to the department of commerce to fund the
38 ((marijuana)) cannabis social equity technical assistance
39 ((competitive)) grant program under RCW 43.330.540; and

1 (j) One hundred sixty-three thousand dollars for fiscal year 2022
2 and one hundred fifty-nine thousand dollars for fiscal year 2023 to
3 the department of commerce to establish a roster of mentors as part
4 of the cannabis social equity technical assistance grant program
5 under Engrossed Substitute House Bill No. 1443 (cannabis industry/
6 equity) (~~(chapter 169, Laws of 2021)~~) chapter 169, Laws of 2021;
7 and

8 (2) From the amounts in the dedicated marijuana account after
9 appropriation of the amounts identified in subsection (1) of this
10 section, the legislature must appropriate for the purposes listed in
11 this subsection (2) as follows:

12 (a)(i) Up to fifteen percent to the health care authority for the
13 development, implementation, maintenance, and evaluation of programs
14 and practices aimed at the prevention or reduction of maladaptive
15 substance use, substance use disorder, substance abuse or substance
16 dependence, as these terms are defined in the Diagnostic and
17 Statistical Manual of Mental Disorders, among middle school and high
18 school-age students, whether as an explicit goal of a given program
19 or practice or as a consistently corresponding effect of its
20 implementation, mental health services for children and youth, and
21 services for pregnant and parenting women; PROVIDED, That:

22 (A) Of the funds appropriated under (a)(i) of this subsection for
23 new programs and new services, at least eighty-five percent must be
24 directed to evidence-based or research-based programs and practices
25 that produce objectively measurable results and, by September 1,
26 2020, are cost-beneficial; and

27 (B) Up to fifteen percent of the funds appropriated under (a)(i)
28 of this subsection for new programs and new services may be directed
29 to proven and tested practices, emerging best practices, or promising
30 practices.

31 (ii) In deciding which programs and practices to fund, the
32 director of the health care authority must consult, at least
33 annually, with the University of Washington's social development
34 research group and the University of Washington's alcohol and drug
35 abuse institute.

36 (iii) For each fiscal year, the legislature must appropriate a
37 minimum of twenty-five million five hundred thirty-six thousand
38 dollars under this subsection (2)(a);

39 (b)(i) Up to ten percent to the department of health for the
40 following, subject to (b)(ii) of this subsection (2):

1 (A) Creation, implementation, operation, and management of a
2 marijuana education and public health program that contains the
3 following:

4 (I) A marijuana use public health hotline that provides referrals
5 to substance abuse treatment providers, utilizes evidence-based or
6 research-based public health approaches to minimizing the harms
7 associated with marijuana use, and does not solely advocate an
8 abstinence-only approach;

9 (II) A grants program for local health departments or other local
10 community agencies that supports development and implementation of
11 coordinated intervention strategies for the prevention and reduction
12 of marijuana use by youth; and

13 (III) Media-based education campaigns across television,
14 internet, radio, print, and out-of-home advertising, separately
15 targeting youth and adults, that provide medically and scientifically
16 accurate information about the health and safety risks posed by
17 marijuana use; and

18 (B) The Washington poison control center.

19 (ii) For each fiscal year, the legislature must appropriate a
20 minimum of nine million seven hundred fifty thousand dollars under
21 this subsection (2)(b);

22 (c)(i) Up to six-tenths of one percent to the University of
23 Washington and four-tenths of one percent to Washington State
24 University for research on the short and long-term effects of
25 marijuana use, to include but not be limited to formal and informal
26 methods for estimating and measuring intoxication and impairment, and
27 for the dissemination of such research.

28 (ii) For each fiscal year, except for the 2019-2021 and 2021-2023
29 fiscal biennia, the legislature must appropriate a minimum of one
30 million twenty-one thousand dollars to the University of Washington.
31 For each fiscal year, except for the 2019-2021 and 2021-2023 fiscal
32 biennia, the legislature must appropriate a minimum of six hundred
33 eighty-one thousand dollars to Washington State University under this
34 subsection (2)(c). It is the intent of the legislature that this
35 policy will be continued in the 2023-2025 fiscal biennium;

36 (d) Fifty percent to the state basic health plan trust account to
37 be administered by the Washington basic health plan administrator and
38 used as provided under chapter 70.47 RCW;

39 (e) Five percent to the Washington state health care authority to
40 be expended exclusively through contracts with community health

1 centers to provide primary health and dental care services, migrant
2 health services, and maternity health care services as provided under
3 RCW 41.05.220;

4 (f) (i) Up to three-tenths of one percent to the office of the
5 superintendent of public instruction to fund grants to building
6 bridges programs under chapter 28A.175 RCW.

7 (ii) For each fiscal year, the legislature must appropriate a
8 minimum of five hundred eleven thousand dollars to the office of the
9 superintendent of public instruction under this subsection (2) (f);
10 and

11 (g) At the end of each fiscal year, the treasurer must transfer
12 any amounts in the dedicated marijuana account that are not
13 appropriated pursuant to subsection (1) of this section and this
14 subsection (2) into the general fund, except as provided in (g) (i) of
15 this subsection (2).

16 (i) Beginning in fiscal year 2018, if marijuana excise tax
17 collections deposited into the general fund in the prior fiscal year
18 exceed twenty-five million dollars, then each fiscal year the
19 legislature must appropriate an amount equal to thirty percent of all
20 marijuana excise taxes deposited into the general fund the prior
21 fiscal year to the treasurer for distribution to counties, cities,
22 and towns as follows:

23 (A) Thirty percent must be distributed to counties, cities, and
24 towns where licensed marijuana retailers are physically located. Each
25 jurisdiction must receive a share of the revenue distribution under
26 this subsection (2) (g) (i) (A) based on the proportional share of the
27 total revenues generated in the individual jurisdiction from the
28 taxes collected under RCW 69.50.535, from licensed marijuana
29 retailers physically located in each jurisdiction. For purposes of
30 this subsection (2) (g) (i) (A), one hundred percent of the proportional
31 amount attributed to a retailer physically located in a city or town
32 must be distributed to the city or town.

33 (B) Seventy percent must be distributed to counties, cities, and
34 towns ratably on a per capita basis. Counties must receive sixty
35 percent of the distribution, which must be disbursed based on each
36 county's total proportional population. Funds may only be distributed
37 to jurisdictions that do not prohibit the siting of any state
38 licensed marijuana producer, processor, or retailer.

1 (ii) Distribution amounts allocated to each county, city, and
2 town must be distributed in four installments by the last day of each
3 fiscal quarter.

4 (iii) By September 15th of each year, the board must provide the
5 state treasurer the annual distribution amount, if any, for each
6 county and city as determined in (g)(i) of this subsection (2).

7 (iv) The total share of marijuana excise tax revenues distributed
8 to counties and cities in (g)(i) of this subsection (2) may not
9 exceed fifteen million dollars in fiscal years 2018, 2019, 2020, and
10 2021, and twenty million dollars per fiscal year thereafter.

11 NEW SECTION. **Sec. 8.** Section 5 of this act expires July 1,
12 2024.

13 NEW SECTION. **Sec. 9.** Section 6 of this act takes effect July 1,
14 2024.

15 NEW SECTION. **Sec. 10.** Sections 2 through 4 of this act
16 constitute a new chapter in Title 15 RCW.

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