
SECOND SUBSTITUTE HOUSE BILL 2151

State of Washington

68th Legislature

2024 Regular Session

By House Appropriations (originally sponsored by Representatives Reeves, Chapman, and Kloba; by request of Department of Agriculture)

READ FIRST TIME 02/05/24.

1 AN ACT Relating to reassigning the accreditation of private
2 cannabis testing laboratories from the department of ecology to the
3 department of agriculture; reenacting and amending RCW 69.50.348;
4 creating a new section; repealing RCW 43.21A.736; providing an
5 effective date; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** (1) By July 1, 2024, the department of
8 agriculture must, in consultation with the liquor and cannabis board,
9 adopt rules to implement section 2, chapter 277, Laws of 2019.

10 (2) The department of agriculture is authorized to use expedited
11 rule making as authorized in chapter 34.05 RCW, the administrative
12 procedure act, in order to implement subsection (1) of this section
13 by July 1, 2024.

14 **Sec. 2.** RCW 69.50.348 and 2022 c 135 s 6 and 2022 c 16 s 68 are
15 each reenacted and amended to read as follows:

16 (1) On a schedule determined by the board, every licensed
17 cannabis producer and processor must submit representative samples of
18 cannabis, useable cannabis, or cannabis-infused products produced or
19 processed by the licensee to an independent, third-party testing
20 laboratory meeting the accreditation requirements established by the

1 state department of ~~((ecology))~~ agriculture. The purpose of testing
2 representative samples is to certify compliance with quality
3 assurance and product standards adopted by the board under RCW
4 69.50.342 or the department of health under RCW 69.50.375. In
5 conducting tests of cannabis product samples, testing laboratories
6 must adhere to laboratory quality standards adopted by the state
7 department of agriculture under chapter 15.150 RCW. Any sample
8 remaining after testing shall be destroyed by the laboratory or
9 returned to the licensee submitting the sample.

10 (2) Independent, third-party testing laboratories performing
11 cannabis product testing under subsection (1) of this section must
12 obtain and maintain accreditation.

13 (3) Licensees must submit the results of inspection and testing
14 for quality assurance and product standards required under RCW
15 69.50.342 to the board on a form developed by the board.

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

21 (5) ~~((a))~~ The department of ~~((ecology))~~ agriculture may
22 determine, assess, and collect annual fees ~~((sufficient))~~
23 ~~((cover))~~ support the direct and indirect costs of implementing a
24 state cannabis product testing laboratory accreditation program and
25 laboratory quality standards program, except for the initial program
26 development costs. ~~((The department of ecology must develop a fee~~
27 ~~schedule allocating the costs of the accreditation program among its~~
28 ~~accredited cannabis product testing laboratories.))~~ The department of
29 ~~((ecology))~~ agriculture may establish a payment schedule requiring
30 periodic installments of the annual fee. ~~((The fee schedule must be~~
31 ~~established in amounts to fully cover, but not exceed, the~~
32 ~~administrative and oversight costs.))~~ The department of ~~((ecology))~~
33 agriculture must review and update its fee schedule biennially. The
34 costs of cannabis product testing laboratory accreditation are those
35 incurred by the department of ~~((ecology))~~ agriculture in
36 administering and enforcing the accreditation program. The costs may
37 include, but are not limited to, the costs incurred in undertaking
38 the following accreditation functions:

39 ~~((i))~~ (a) Evaluating the protocols and procedures used by a
40 laboratory;

1 ~~((iii))~~ (b) Performing on-site audits;
2 ~~((iii))~~ (c) Evaluating participation and successful completion
3 of proficiency testing;
4 ~~((iv))~~ (d) Determining the capability of a laboratory to
5 produce accurate and reliable test results; and
6 ~~((v))~~ (e) Such other accreditation activities as the department
7 of ~~(ecology)~~ agriculture deems appropriate.
8 ~~((b) The state cannabis product testing laboratory accreditation
9 program initial development costs must be fully paid from the
10 dedicated cannabis account created in RCW 69.50.530.)~~
11 (6) The department of ~~(ecology)~~ agriculture and the interagency
12 coordination team created in RCW 15.150.020 must act cooperatively to
13 ensure effective implementation and administration of this section.
14 (7) All fees collected under this section must be deposited in
15 the dedicated cannabis account created in RCW 69.50.530.

16 NEW SECTION. **Sec. 3.** RCW 43.21A.736 (Cannabis product testing—
17 Fees—Rules) and 2019 c 277 s 5 are each repealed.

18 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect July 1,
19 2024.

20 NEW SECTION. **Sec. 5.** Sections 1 and 3 of this act are necessary
21 for the immediate preservation of the public peace, health, or
22 safety, or support of the state government and its existing public
23 institutions, and take effect immediately.

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