

Chapter 246-70 WAC MEDICAL CANNABIS PRODUCT COMPLIANCE

WAC Sections

246-70-010	Findings.
246-70-020	Applicability of WSLCB rules.
246-70-030	Definitions.
246-70-040	Cannabis products compliant with this chapter.
246-70-050	Quality assurance testing.
246-70-060	Compliant product labeling.
246-70-070	Compliant product safe handling.
246-70-080	Employee training.
246-70-090	Cannabis product compliant logos.

WACs 246-70-010 through -040

These sections are under revision based on feedback during and following the Feb 2024 rulemaking workshop. We will share the second round of language after we get through the remaining sections of rule.

WAC 246-70-050

Quality assurance and quality control testing.

Requirements of this section are in addition to WSLCB requirements under chapter 314-55 WAC.

(1) All testing must be performed by a lab accredited by the WSDA and certified by the WSLCB.

(~~1~~2) Testing interval. Testing is required at the following times. These are minimum requirements and do not preclude additional quality control testing.

(a) For all cannabis flowers, trim, leaves, or other plant matter, intended for retail sale without extraction, after material is harvested. ~~at the time of harvest or when placed into lots.~~

(b) For all products intended for retail sale as concentrates, extracts, or for use as an intermediate product, screening is required only after extraction. ~~and is not required according to (b)(i) of this subsection.~~

(c) ~~An imported cannabinoid.~~ A cannabinoid product obtained from a source not licensed by the WSLCB must be screened prior to addition to any cannabis product and in accordance with WAC 314-55-109.

(~~3~~3) Sample size. Minimum sample size must meet the below requirements or requirements set by WSLCB in WAC 314-55-101, whichever is more stringent:

(a) For flower, samples must weigh at least one gram, be of roughly equal weight, and deducted from a harvest as follows:

<u>Flower Lot Weight</u>	<u>Minimum number of samples weighing at least one gram each</u>
<u><10 pounds</u>	<u>8</u>
<u>10 ≤ 20 pounds</u>	<u>12</u>
<u>20 ≤ 30 pounds</u>	<u>15</u>
<u>30 ≤ 40 pounds</u>	<u>18</u>
<u>40 ≤ 50 pounds</u>	<u>19</u>

(b) For screening a batch of finished concentrates, extracts, or intermediate products, two grams per batch.

(c) For screening ~~imported cannabinoids~~ a cannabinoid product obtained from a source not licensed by the WSLCB, one percent of the product as packaged by the manufacturer ~~of the imported cannabinoid~~ but in no case shall the sample be less than two grams.

~~(b)(i) For screening at harvest, three grams for every three pounds of harvested product. Harvest amounts will be rounded up to the next three-pound interval. For example, a harvest of less than three pounds requires at least three grams for testing; a harvest of three or more pounds but less than six pounds requires at least six grams for testing.~~

~~(ii) For screening a lot, three grams per lot.~~

~~(iii) For screening a batch of finished concentrates, extracts, or intermediate products, two grams per batch.~~

~~(iv) For screening imported cannabinoids, one percent of the product as packaged by the manufacturer of the imported cannabinoid but in no case shall the sample be less than two grd) Mycotoxin screening is required whenever microbial testing for any marijuana product is required by the WSLCB.~~

~~(e) Licensed marijuana producers, licensed marijuana processors, and certified third-party labs must follow the sampling protocols in chapter ~~314-55~~ WAC.~~

~~(f) At the request of the producer or processor, the WSLCB may authorize a retest to validate a failed test result on a case-by-case basis. All costs of the retest will be borne by the producer or processor.~~

(34) Heavy metal screening.

(a) For non-ingestible products, a sample and related quantity of product fail quality control testing for heavy metals if the results, based on a maximum daily dose of 10 g, exceed the limits provided in the table below:

<u>Metal</u>	<u>µg/g</u>
<u>Arsenic</u>	<u>0.2</u>

Cadmium	0.2
Lead	0.5
Mercury	0.1

[\(b\) For ingestible products, a sample and related quantity of product fail quality control testing for heavy metals if the results, based on a maximum daily dose of 10 g, exceed the limits provided in the table below:](#)

Metal	µg/g
Arsenic	1.5
Cadmium	0.5
Lead	0.5
Mercury	3.0

[\(c\) Any product exceeding the provided limits is subject to recall and destruction.](#)

(5) Terpenes.

[\(a\) Terpene testing is required whenever final potency testing for the product is required by the WSLCB.](#)

~~Terpene analysis is not required. If terpene content is listed on product packaging or label, a terpene analysis from a certified third-party lab must be available for review by the consumer upon request.~~

(b) The addition of any terpene to useable cannabis is prohibited. Only the following terpenes may be added to a cannabis product other than useable cannabis.

(i) Terpenes naturally occurring in cannabis; or

(ii) Terpenes permitted or generally recognized as safe by, and used in accordance with, 21 C.F.R., Chapter I, subchapter B.

[\(6\) Pesticide, mycotoxin, microbiological, solvent screening.](#)

[Pesticide, mycotoxin, microbiological, and solvent screening must be done in accordance with WAC 314-55-102.](#)

~~(2) Pesticide screening.~~

~~(a) Only allowed pesticides shall be used in the production, processing, and handling of marijuana. Pesticide use must be consistent with the manufacturer's label requirements.~~

~~(b) Certified third-party labs must screen for any pesticides that are not allowed and are designated as having the potential for misuse on a list created, maintained, and periodically updated by the department in consultation with the Washington state department of agriculture and the WSLCB. Certified third-party labs must also screen for pyrethrins and piperonyl butoxide (PBO) in samples of concentrates, extracts, intermediate products, and imported cannabinoids. Certified third-party labs may also screen for additional pesticides.~~

~~(c) For purposes of the pesticide screening, a sample of any marijuana product shall be deemed to have failed if a pesticide that is not allowed is detected above the action level for that pesticide as determined by the WSLCB under chapter ~~314-55~~ WAC.~~

~~(d) A harvest, lot, or batch deemed to have failed pesticide screening must be destroyed according to chapter ~~314-55~~ WAC. Marijuana flowers, trim, leaves, or other plant matter deemed to have failed pesticide screening must not be used to create extracts or concentrates. Imported cannabinoids deemed to have failed pesticide screening must not be added to any marijuana product.~~

~~(e) Pesticides containing allowed pyrethrins or piperonyl butoxide (PBO) may not be applied less than seven days prior to harvest.~~

~~(f) All individuals applying pesticides shall adhere to the agricultural use requirements on the label. Pesticide applications that do not follow the pesticide product label may pose risks to public health and safety and are a violation of chapter ~~15.58~~ RCW.~~

~~(4) For purposes of mycotoxin screening, a sample shall be deemed to have passed if it meets the following standards:~~

Test	Specification
The total of aflatoxin B1, aflatoxin B2, aflatoxin G1 and aflatoxin G2	<20 µG/kg of substance
Ochratoxin A	<20 µG/kg of substance

[Statutory Authority: RCW **69.50.375** and **80.08.9998**. WSR 16-20-022, § 246-70-050, filed 9/27/16, effective 10/28/16.]

WAC 246-70-060

Compliant product labeling.

(1) Products meeting the requirements of this chapter must be readily identifiable to the consumer by placement on the product's label of the appropriate logo found in WAC **246-70-090**. A logo must be used in compliance with this chapter and any guidance for use developed by the department. A logo may not be used on any object or merchandise other than a compliant marijuana product. A logo used in accordance with this chapter must be printed in either black or dark blue.

(2) Labels for compliant products must not:

(a) Use any word(s), symbol, or image commonly used in or by medical or pharmaceutical professions including, but not limited to: Depiction of a caduceus, staff of Asclepius, bowl of Hygieia, or mortar and pestle; or use of the word "prescription" or letters "RX";

(b) State or imply any specific medical or therapeutic benefit; or

(c) Mimic a brand of over-the-counter or legend drug.

(3) The label must prominently display the following statement: "This product is not approved by the FDA to treat, cure, or prevent any disease."

(4) Only marijuana products complying with this chapter may use a logo found in WAC **246-70-090**. Marijuana products that use a logo but do not meet the requirements in this chapter will be reported to the WSLCB.

[Statutory Authority: RCW **69.50.375** and **80.08.9998**. WSR 16-20-022, § 246-70-060, filed 9/27/16, effective 10/28/16.]

WAC 246-70-070

Compliant product safe handling.

(1) Marijuana processors shall ensure all processing facilities that create or handle marijuana-infused products are constructed, kept, and maintained in a clean and sanitary condition in accordance with rules as prescribed by the Washington state department of agriculture under chapters **16-165** and **16-167** WAC.

(2) Marijuana processors that do not create or handle marijuana-infused products and all marijuana producers shall adopt and enforce policies and procedures to ensure that operations involving the growing, receiving, inspecting, transporting, segregating, preparing, production, packaging, and storing of marijuana or marijuana products are conducted in accordance with adequate sanitation principles including:

(a) Any person who, by medical examination or supervisory observation, is shown to have, or appears to have, an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination for whom there is a reasonable possibility of contact with marijuana, marijuana plants, or marijuana products shall be excluded from any operations that may be expected to result in microbial contamination until the condition is corrected.

(b) Hand-washing facilities must be available and furnished with running water. Hand-washing facilities shall be located in the permitted premises and where good sanitary practices require employees to wash or sanitize their hands, and provide effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices.

(c) All persons working in direct contact with marijuana, marijuana plants, or marijuana products must conform to hygienic practices while on duty including, but not limited to:

(i) Maintaining personal cleanliness;

(ii) Washing hands thoroughly in hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated;

(iii) Refraining from having direct contact with marijuana, marijuana plants, or marijuana products if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.

(d) Litter and waste are properly removed and the operating systems for waste disposal are maintained in a manner so that they do not constitute a source of contamination in areas where marijuana, marijuana plants, or marijuana products may be exposed.

(e) Floors, walls and ceilings are constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.

DRAFT language for July 18, 2024 Department of Health Rulemaking Workshop

- (f) There is adequate lighting in all areas where marijuana, marijuana plants, or marijuana products are stored and where equipment or utensils are cleaned.
- (g) There is adequate screening or other protection against the entry of pests. Rubbish must be disposed of so as to minimize the development of odor and minimize the potential for the waste becoming an attractant, harborage, or breeding place for pests.
- (h) Any buildings, fixtures, and other facilities are maintained in a sanitary condition.
- (i) Toxic cleaning compounds, sanitizing agents, and solvents used in the production of marijuana concentrates must be identified, held and stored in a manner that protects against contamination of marijuana, marijuana plants, and marijuana products, and in a manner that is in accordance with any applicable local, state, or federal law, rule, regulation, or ordinance.
- (j) All contact surfaces, including utensils and equipment used for the preparation of marijuana, marijuana plants, or marijuana products must be cleaned and sanitized regularly to protect against contamination. Equipment and utensils must be designed and be of such material and workmanship as to be adequately cleanable, and must be properly maintained. Sanitizing agents must be used in accordance with labeled instructions.
- (k) The water supply must be sufficient for the operations and capable of providing a safe, potable, and adequate supply of water to meet the facility's needs. Each facility must provide its employees with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.

[Statutory Authority: RCW **69.50.375** and **80.08.9998**. WSR 16-20-022, § 246-70-070, filed 9/27/16, effective 10/28/16.]

WAC 246-70-080

Employee training.

- (1) Marijuana producers, processors and retailers that create, handle, or sell compliant marijuana products shall adopt and enforce policies and procedures to ensure employees and volunteers receive training about the requirements of this chapter.
- (2) Marijuana retailers holding a medical marijuana endorsement shall also adopt and enforce policies and procedures to ensure employees and volunteers receive training about:
 - (a) Procedures regarding the recognition of valid authorizations and the use of equipment to enter qualifying patients and designated providers into the medical marijuana authorization database;
 - (b) Identification of valid recognition cards;
 - (c) Adherence to confidentiality requirements; and
 - (d) Science-based information about cannabinoids, strains, varieties, THC concentration, CBD concentration, and THC to CBD ratios of marijuana concentrates, usable marijuana, and marijuana-infused products available for sale when assisting qualifying patients and designated providers at the retail outlet.
- (3) Nothing in subsection (2) of this section allows any owner, employee, or volunteer to:
 - (a) Perform the duties of a medical marijuana consultant or represent themselves as a medical marijuana consultant unless the person holds a valid certificate issued by the secretary under chapter **246-72** WAC;

(b) Offer or undertake to diagnose or cure any human or animal disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or mental, real or imaginary, by use of marijuana products or any other means or instrumentality; or

(c) Recommend or suggest modification or elimination of any course of treatment that does not involve the medical use of marijuana or marijuana products.

[Statutory Authority: RCW 69.50.375 and 80.08.9998. WSR 16-20-022, § 246-70-080, filed 9/27/16, effective 10/28/16.]

WAC 246-70-090

Marijuana product compliant logos.



[Statutory Authority: RCW 69.50.375 and 80.08.9998. WSR 16-20-022, § 246-70-090, filed 9/27/16, effective 10/28/16.]

