

Chapter 246-70 WAC MEDICAL CANNABIS PRODUCT COMPLIANCE STANDARDS

WAC Sections

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WAC 246-70-050 Quality assurance and quality control testing.

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

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

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

(a) For cannabis flowers, trim, leaves, or other plant matter, intended for retail sale without extraction, grinding, or additives, testing is required after material is harvested and placed into lots.

(b) For rolled cannabis, testing is required at end product and must include the inhalable material with which the product is rolled. ~~at the time of harvest or when placed into lots.~~

(c) For products intended for retail sale as a cannabis-infused solid edible or a cannabis-infused liquid beverage, testing is required after extraction.

(d) For products intended for retail sale as concentrates, extracts, tinctures, ~~or for use as an intermediate product~~, testing is required at end product and includes testing the product's delivery device or primary packaging. ~~only after extraction and is not required according to (b)(i) of this subsection.~~

~~(de) An imported cannabinoid~~ A cannabinoid product obtained from a source not licensed by the LCB must be tested ~~screened prior to addition to any cannabis product~~ in accordance with WAC 314-55-109 prior to the sampling requirements according to (3) in this section.

(3) Sample size. Minimum sample size must meet the requirements set by LCB in WAC 314-55-101:

(a) For flower, harvest lot weight cannot exceed 50 pounds. Samples must be of roughly equal weight not less than one gram each. Each sample must be deducted from a harvest as follows:

<u>Harvest 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 all rolled cannabis products, finished concentrates, extracts, and tinctures, production batch sizes are limited to 35,000 units. Sampling requirements are as follows:~~The below table are testing requirements for the following products:For testing screening a batch of finished all rolled cannabis, finished concentrates, extracts, or tinctures. intermediate products, two grams per batch samples must be deducted from a batch as follows.:~~

<u>Product Batch Size</u>	<u>Minimum number of samples</u>
<u><50 units</u>	<u>2 units</u>
<u>51-150 units</u>	<u>3 units</u>
<u>151-500 units</u>	<u>5 units</u>
<u>501-1,200 units</u>	<u>8 units</u>
<u>1,201-3,200 units</u>	<u>13 units</u>
<u>3,201-10,000 units</u>	<u>20 units</u>
<u>10,001-35,000 units</u>	<u>32 units</u>

~~(c) For testing cannabis infused solid edibles or a cannabis infused liquid beverages, two grams per batch. sub.For testing screening imported cannabinoids a cannabinoid product obtained from a source not licensed by the LCB, 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.~~

(4) Heavy metals testing.

(a) Heavy metals testing is required in accordance with section (2) of this section. For all products, a sample and related quantity of product fail quality control testing for heavy metals if the results exceed the limits provided in the table below:

<u>Metal</u>	<u>µg/g</u>
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Arsenic	2.0 0.2
Cadmium	0.82 0.2
Lead	1.2 0.5
Mercury	0.40 0.1

[\(b\) Any product exceeding the provided limits is subject to recall and destruction. Product exceeding the provided limits may be reviewed to determine if they meet recreational testing requirements.](#)

(5) Terpene testing.

[\(a\) Terpene testing is required in accordance with section \(2\) of this section. At a minimum, the following terpenes must be quantified:](#)

[alpha-Pinene: 80-56-8](#)

[beta-Ocimene: 13877-91-3](#)

[beta-Pinene: 127-91-3](#)

[Caryophyllene: 87-44-5](#)

[Humulene: 6753-98-6](#)

[Limonene: 5989-27-5](#)

[Linalool: 78-70-6](#)

[Myrcene: 123-35-3](#)

[Terpinolene: 586-62-9](#)

~~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 testing.](#) [Pesticide, mycotoxin, microbiological, and solvent testing is required in accordance with WAC 314-55-102.](#)

~~(1) Testing interval and sample size.~~

~~(a) The testing requirements of this section are in addition to the tests required under WAC ~~314-55-102~~ and shall be performed by a third-party testing lab certified by the WSLCB.~~

~~(b) Pesticide screening and heavy metal screening are required at the following time(s):~~

(i) For all marijuana flowers, trim, leaves, or other plant matter, intended for retail sale without extraction, at the time of harvest or when placed into lots.

(ii) 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.

(iii) An imported cannabinoid must be screened prior to addition to any marijuana product.

(c) Minimum sample size for pesticide screening and heavy metal screening:

(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 grams.

(d) 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.

(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](#).~~

~~(3) Heavy metal screening.~~

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

Metal	Limit, µg/daily dose (5 grams)
Inorganic arsenic	10.0 -
Cadmium	4.1 -
Lead	6.0 -
Mercury	2.0 -

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

~~(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

~~(5) Terpenes.~~

~~(a) 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 marijuana is prohibited. Only the following terpenes may be added to a marijuana product other than useable marijuana.~~

~~(i) Terpenes naturally occurring in marijuana; or~~

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

[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~~ [Medical grade cannabis](#) product labeling.

[Requirements of this section are in addition to LCB requirements under chapter \[314-55 WAC\]\(#\).](#)

(1) Medical grade product logos. Products meeting the requirements of this chapter must be readily **identifiable** visible to the consumer by placement on the product's label of the appropriate logo found in WAC 246-70-090.

The logo:

(a) Must be used in accordance with this chapter and any guidance for use developed by the department;

(b) Must be printed in black or dark blue;

(c) Must be at least ½ inch in diameter;

(d) May not be altered; and

(e) May not be used on any object, ~~or merchandise,~~ or cannabis product other than a **compliant-medical grade** cannabis product. Cannabis products that use a logo but do not meet the requirements of this chapter may be reported to the LCB and subject to any penalties and enforcement actions imposed by LCB. ~~A logo used in accordance with this chapter must be printed in either black or dark blue.~~

~~The logo must be used in compliance with this chapter and any guidance for use developed by the department.~~

~~A~~ The logo: (2) Label requirements. Medical cannabis product labeling requirements apply as follows:

(a) All product labels must:

(i) Prominently display the following statement: "This product is not approved by the FDA to treat, cure, or prevent any disease";

(ii) Include through an internet link, web address, or QR code to the certificate of analysis that includes all required lab testing results for that product; and

(iii) Include through an internet link, web address, or QR code, product-specific information regarding pesticides and other substances required in accordance with WAC 314-55-105(9).

(b) For useable cannabis, the label must include the date of harvest.

(c) For cannabis concentrates and cannabis-infused products, the label must include the date of production.

(d) For useable cannabis and cannabis concentrates, the label must include the three most prominent terpenes.

(3) Label restrictions. Labels for **compliant-medical grade** 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) Contain additional logos indicating medical grade compliance or terminology.

[\(c\)](#) State or imply any specific medical or therapeutic benefit; or

[\(d\)](#) 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 cannabis products complying with this chapter may use a logo found in WAC [246-70-090](#). Cannabis products that use a logo but do not meet the requirements in this chapter will be reported to the WSLCBLCB.~~

[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.]