



PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: October 06, 2026

TIME: 10:49 AM

WSR 26-20-094

Agency: Department of Health

☒ **Original Notice**

☐ **Supplemental Notice to WSR**

☐ **Continuance of WSR**

☒ **Preproposal Statement of Inquiry was filed as** WSR 22-23-001; **or**

☐ **Expedited Rule Making--Proposed notice was filed as** WSR _____; **or**

☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

☐ **Proposal is exempt under RCW _____.**

Title of rule and other identifying information: (describe subject) Medical Cannabis Product Compliance.

The Department of Health (department) is proposing to amend WAC 246-70-010 through 246-70-090 to update the term "marijuana" to "cannabis," establish updated medical cannabis product classification standards, amend the THC and CBD thresholds for certain medical grade products, update labeling requirements including QR code and product transparency requirements, and revise quality assurance testing standards. A new section WAC 246-70-100 concerning tax exemptions is also proposed. The proposed addition of a new section codifies an existing policy statement that collects the various tax exemptions found in statute to make them clearer in rule for interested parties.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
November 10, 2026	11:00 a.m.	Virtual: Register in advance for this webinar: https://us02web.zoom.us/webinar/register/WN_a4tUNfryRIWdPJ71VuHiFQ After registering you will receive a confirmation email containing information about joining the webinar.	This rule hearing will be virtual.

Date of intended adoption: November 17, 2026 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Annie Kause

Address: Office of Health Professions,
PO Box 47852,
Olympia, WA 98504-7852

Email: annie.kause@doh.wa.gov

Fax: N/A

Other: <https://fortress.wa.gov/doh/policyreview/>

Beginning (date and time) The date and time of this filing

By (date and time) November 10, 2026 at 11:59 p.m.

Assistance for persons with disabilities:

Contact: Annie Kause

Phone: 360-236-2940

Fax: N/A

TTY: 711

Email: annie.kause@doh.wa.gov

Other:

By (date) October 27, 2026

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The purpose of the rule proposal is to amend chapter 246-70 WAC by updating and aligning rules with recent changes in state law. Amending rules will ensure better safety, transparency, and consistency across cannabis products for cannabis consumers, particularly medical patients.

In 2022, Second Substitute House Bill (2SHB) 1210 (chapter 16, Laws of 2022) was passed, requiring that the term "marijuana" be replaced with "cannabis" in state law. These proposed rules update the term "cannabis" from "marijuana" throughout chapter 246-70 WAC.

Additionally, the cannabis program received a rulemaking petition on May 4, 2022, requesting the department to review and update the logo and label requirements on medical cannabis products. The petition was granted in June 2022 to review and update the labels and logos. The update to the labels and logos ensures clearer and easier interpretation for consumers.

In 2024, Substitute House Bill (SHB) 1453 (chapter 79, Laws of 2024) codified as RCW 69.50.535 was passed to provide tax exemptions and tax preferences for medical cannabis patients. The department is proposing to update the current classifications for compliant cannabis products to align with HB 1453. These updates will help consumers make informed decisions about product choices, ensure cannabis categories are clear, and that products meet quality assurance standards. The proposed amendments also clarify terms such as tax-exempt product and medical cannabis product, which requires additional testing and a pre-selected label. Updating the rule ensures that patients are receiving the benefits they are entitled to under state law.

Lastly, the department is proposing amendments to align the department's quality assurance standards with the Washington State Liquor and Cannabis Board (LCB). This includes technical updates to ensure more stringent safety measures for cannabis products.

LCB, as well as Washington State Department of Revenue (DOR) regulate licensed marijuana retailers which may have an interest in this proposal. The department has organized meetings, discussions, and email correspondence with both agencies regarding this rule proposal.

Reasons supporting proposal: The proposed amendments bring chapter 246-70 WAC into alignment with changes made to RCW 69.50.375 and 69.50.535 following the passage of 2SHB 1210 in 2022 and SHB 1453 in 2024. The proposed rule updates terms, label requirements, and tax exemptions for medical cannabis products. The proposed changes allow the department to uphold standards that protect public safety.

The proposed amendments are also intended to improve patient transparency, establish updated medical product standards, align testing requirements with current scientific and regulatory practices, and clarify distinctions between tax-exempt cannabis products and medical grade cannabis products.

Statutory authority for adoption: RCW 69.50.375 and Second Substitute House Bill 1210 (chapter 16, Laws of 2022)

Statute being implemented: Second Substitute House Bill 1210 (chapter 16, Laws of 2022) and Substitute House Bill (SHB) 1453 (chapter 79, Laws of 2024) codified as RCW 69.50.535, and chapter 69.51A RCW

Is rule necessary because of a:

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: (person or organization) Department of Health

Type of proponent: ☐ Private. ☐ Public. ☒ Governmental.

Name of agency personnel responsible for:

Name		Office Location	Phone
Drafting	Annie Kause	111 Israel Road, S.E. Tumwater, WA 98501	360-236-2940
Implementation	Annie Kause	111 Israel Road, S.E. Tumwater, WA 98501	360-236-2940
Enforcement	Annie Kause	111 Israel Road, S.E. Tumwater, WA 98501	360-236-2940

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?

☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

☒ Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name Annie Kause
Address Office of Health Professions,
PO Box 47852,
Olympia, WA 98504-7852

Phone 360-236-2940
Fax N/A
TTY 711
Email annie.kause@doh.wa.gov
Other

☐ No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.

☒ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(3). Check all that apply:

- | | |
|---|---|
| ☐ RCW 34.05.310 (4)(b)
(Internal government operations) | ☐ RCW 34.05.310 (4)(e)
(Dictated by statute) |
| ☒ RCW 34.05.310 (4)(c)
(Incorporation by reference) | ☐ RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| ☒ RCW 34.05.310 (4)(d)
(Correct or clarify language) | ☐ RCW 34.05.310 (4)(g)
(i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(4). (Does not affect small businesses).

☐ This rule proposal, or portions of the proposal, is exempt under RCW ____.

Explanation of how the above exemption(s) applies to the proposed rule: Portions of the proposed rule are exempt from analysis because the change incorporates references without material change and clarifies the meanings of terms throughout chapter 246-70 WAC. Specifically, WAC 246-70-010, 246-70-020, 246-70-030, 246-70-070, and 246-70-080 are exempt under RCW 34.05.310(4)(d) because they clarify intent, definitions, and terms without changing the rule's effect. WAC 246-70-100 is exempt from analysis under RCW 34.05.310(4)(c) because it incorporates by reference without material change two Washington state statutes.

(2) Scope of exemptions: *Check one.*

- ☐ The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.
- ☒ The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)): See Explanation above.
- ☐ The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- ☐ No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.
- ☒ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

A brief description of the proposed rule including the current situation/rule, followed by the history of the issue and why the proposed rule is needed. A description of the probable compliance requirements and the kinds of professional services that a small business is likely to need in order to comply with the proposed rule.

Currently, chapter 246-70 WAC governs cannabis product compliance for medical cannabis in Washington State. The Washington State Department of Health (department) is proposing updates to these rules to align with recent changes in state law and ensure better safety, transparency, and consistency across cannabis products for cannabis consumers, particularly medical patients. This chapter includes rules on compliant product definitions, labeling, and product classifications for medical cannabis.

In 2022, Second Substitute House Bill (2SHB) 1210 (chapter 16, Laws of 2022) was passed changing the term marijuana to cannabis in state law. This rule change will update chapter 246-70 WAC to now reflect the word cannabis. The department initiated rulemaking to update the term "marijuana" to "cannabis," to examine the definition of compliant product, to review compliant product labeling, and align quality control standards with the Washington State Liquor and Cannabis Board (LCB).

Small businesses are likely to require limited professional or technical services to comply with the proposed rule because many of the requirements build upon existing LCB standards and current industry practices. Depending on their current level of operational capacity, some producer/processors (P/Ps) will need accredited laboratory services for terpene testing and some laboratories may need to validate their methods to Washington State Department of Agriculture (WSDA) standards to meet updated action levels for medical cannabis products.

Some businesses may also require website, internet link/QR code development services to maintain or update a website capable of hosting Certificates of Analysis (COAs) and other required product information. In addition, businesses may need graphic design, labeling, or packaging services to revise product labels and packaging layouts to accommodate additional required information. Some entities may also utilize compliance or regulatory consulting services, or internal administrative staff time, to review and implement updated labeling, testing, and product information requirements.

However, many businesses may already have these systems and services in place because internet links or QR codes and testing are already required under existing LCB regulations; therefore, the level of additional professional services needed will vary depending on existing business practices and current compliance status.

The purpose of the proposed rule is to establish and update several requirements in chapter 246-70 WAC, Medical Marijuana Product Compliance, including:

1. **Term Update:** In 2022, [Second Substitute House Bill \(2SHB\) 1210](#) (chapter 16, Laws of 2022) was passed changing the term marijuana to cannabis in state law. This rule change will update chapter 246-70 WAC to now reflect the word cannabis.
2. **Definition Revisions:** Revising definitions in the chapter for consistency and clarity.
3. **Product Classifications:** Updating the classifications for compliant cannabis products, particularly for medical cannabis. This includes reviewing the categories of High CBD, High THC, and General Use products, as well as distinguishing between tax-exempt products and those that require additional testing and labeling.
4. **Quality Control Alignment:** Aligning the quality control standards with LCB. This includes technical updates to ensure more stringent safety measures for cannabis products.
5. **Labeling Changes:** Proposing changes to product labeling to improve patient transparency, based on a rulemaking petition received in 2022. This includes reorganizing labeling sections and adding new requirements.

6. **Logo Review:** Proposing changes to compliant product logos to ensure clearer and easier interpretation for consumers.
7. **Tax Exemptions:** Adding a new section to clarify tax exemptions for medical cannabis patients as established in [Substitute House Bill \(SHB\) 1453 \(chapter 79, Laws of 2024\), codified as RCW 69.50.535](#). This update eliminates the need for a previous policy statement, MMJ 21-01, regarding the sales and use tax exemptions for recognition cardholders, that was effective from October 22, 2021.

Identification and summary of which businesses are required to comply with the proposed rule using the North American Industry Classification System (NAICS).

SBEIS Table 1. Summary of Businesses Required to comply to the Proposed Rule

NAICS Code (4, 5 or 6 digit)	NAICS Business Description	Number of businesses in Washington State	Minor Cost Threshold
541380	Testing Laboratories and Services	203 ¹	\$7,988.07
111998	All Other Miscellaneous Crop Farming	552	\$2,398.59
111419	Other Food Crops Grown Under Cover	252	\$3,290.84

Analysis of probable costs of businesses in the industry to comply to the proposed rule and includes the cost of equipment, supplies, labor, professional services, and administrative costs. The analysis considers if compliance with the proposed rule will cause businesses in the industry to lose sales or revenue.

The following SBEIS Table 2. identifies rule sections or portions of rule sections that have been determined exempt from significant analysis based on the exemptions provided in RCW 34.05.310(4) (a).

SBEIS Table 2. Summary of Sections not requiring Analysis

WAC Section and Title	Description of Proposed Changes	Rationale for Exemption Determination
WAC 246-70-010 Findings.	The proposed change to this section clarify that cannabis products most beneficial for medical use are defined not by strain or cannabinoid content, but by meeting higher quality control standards and providing information to support informed patient decision-making.	This section is exempt under RCW 34.05.310(4)(d), as it clarifies the intent of the chapter, without changing its effect.
WAC 246-70-020 Applicability of WSLCB rules.	The proposed changes update the term “marijuana” to “cannabis,” explain the scope of the regulations, and make other housekeeping changes.	This section is exempt under RCW 34.05.310(4)(d) because the proposed changes make name changes and clarify the rule without changing its effect.
WAC 246-70-030 Definitions.	The proposed changes to this section define new and clarify existing terms to ensure consistency and improve	This section is exempt under RCW 34.05.310(4)(d), as it clarifies the meaning of terms used throughout the chapter.

¹ The Department of Revenue (DOR) reported 203 businesses categorized as Testing Laboratories and Services, but of those 203 the Department of Health know of only four testing labs that test cannabis in Washington state as of September 29, 2026,

	understanding for patients and interested parties.	
WAC 246-70-070 Compliant product safe handling	The proposed changes in this section update terms from “marijuana” to “cannabis.”	This section is exempt under RCW 34.05.310(4)(d) because it makes name changes without changing its effect.
WAC 246-70-080 Employee training	The proposed changes in this section update terms from “marijuana” to “cannabis.”	This section is exempt under RCW 34.05.310(4)(d) because it makes name changes without changing its effect.
(NEW Section) WAC 246-70-100 Tax exemptions.	The proposed addition of a new section codifies an existing policy statement that collects the various tax exemptions found in statute to make them clearer in rule for interested parties.	This section is exempt under RCW 34.05.310(4)(c), as the content incorporates by reference without material change two state statutes.

WAC 246-70-040 MARIJUANA PRODUCTS COMPLIANT WITH THIS CHAPTER.

Description: Original WAC 246-70-040 established three compliant classes of marijuana products, each with strict limits on THC content, allowed product forms, labeling, and who may purchase them.

While the three categories (general use, high THC, and high CBD) remain, the proposed rule relabels all categories as “medical grade,” changing the logo and language to help patients easily identify products in the retail store and are intended to represent products that meet higher medical-use expectations rather than just basic compliance.

Additionally, the proposed changes to this section update and expand the requirements for the three medical cannabis product categories on THC content and limits, allowed product forms, packaging language, and the distinction between tax-exempt products and medical cannabis products.

Cost(s): The proposed changes to this section primarily involve clarifying the requirements for the three medical cannabis product categories, reinforcing the distinction between tax-exempt and medical cannabis products, updating THC-related provisions, and revising packaging language. These updates are intended as clarifications and expansions to existing requirements rather than new regulatory burdens and therefore are **not expected to incur additional costs**.

WAC 246-70-050 QUALITY ASSURANCE TESTING.

Description: P/Ps of medical cannabis in Washington are licensed by LCB. Testing laboratories of medical cannabis are accredited by the Washington State Department of Agriculture (WSDA) and certified by the state Liquor and Cannabis Board (LCB).

The current rule outlines the quality control testing requirements that the licensed P/Ps must complete for products including, but not limited to, pesticide, heavy metal, and mycotoxin screenings. It sets specific testing schedules, sample sizes, and standards for product safety.

The proposed changes align quality control sampling standards with LCB. In addition, the department is establishing more health-protective quality control testing requirements for heavy metals, bile- tolerant gram- negative bacteria (BTGN), benzene, and requiring terpene testing. All testing is still required to be done by an accredited and certified lab that is licensed by the LCB.

The proposed updates enhance patient safety by lowering action levels for certain contaminants and aligning testing standards with more appropriate medical and inhalation-based guidance. These changes ensure that testing thresholds better reflect medical use conditions and reduce potential exposure risks for sensitive patient populations, including immunocompromised individuals. Testing for heavy metals, benzene, and BTGN is already performed under current LCB standards, and laboratories are already using appropriate technologies to meet these requirements, meaning no new testing platforms would be required for these analytes.

While laboratories and P/Ps may incur some incremental costs, such as method validation at updated action levels and terpene testing, many entities are already conducting these tests. Therefore, a portion of regulated businesses are expected to experience minimal or no additional cost impacts.

Additionally, improved transparency and standardized testing information support more informed patient decision-making by ensuring consistent access to product safety and quality data. Any potential cost increases associated with expanded testing requirements are expected to be limited.

Cost(s): The department anticipates that P/Ps, laboratories, retailers, and patients may incur costs for testing in several areas. Heavy metals, BTGN, and benzene are already being tested. The proposed rule adjusts/lowers the limits of BTGN, benzene, and heavy metals. Terpenes are a new requirement, although labs are already doing terpene testing upon request of the P/Ps. The department assumes items already being tested will not cost P/Ps more money as they're already paying for these tests. Terpene testing is the only increase for P/Ps because they are not required to pay for testing. The cost estimates are as follows:

P/Ps:

- Based on a survey of advertised pricing for lab services, terpene testing **costs range between \$25 and \$35 per batch**². Batches can be up to 50 pounds for flower and 35 kilograms for concentrates. Batch size and testing frequency depend entirely on the individual P/Ps. Smaller P/Ps may only have a few batches ready for testing each month, and their batches rarely approach the 50-pound limit. Larger P/Ps may produce and test multiple batches each week. Therefore, the number of batches tested in any given time is unable to be estimated, and the **total cost to P/Ps are indeterminate**.

Laboratories:

Laboratories will incur initial costs associated with validating analytical methods to meet the proposed lower action levels. Laboratories are required to “validate” or demonstrate the ability to meet new action levels by the WSDA. Method validation and implementation may require additional consumables, staff labor, instrument downtime. **The extent of these costs is indeterminate** and will vary depending on each laboratory’s current testing methods, equipment capabilities, and operational practices. The department is proposing the following lower action level requirements:

- **Heavy metals.** Specialized instrumentation is required to measure heavy metals. Laboratories that already perform this analysis possess the necessary equipment, so no additional capital investment is expected. However, there are labor, consumable, and opportunity costs associated with validating methods to meet lower action levels. These costs cannot be readily quantified.
- **Benzene.** Instruments that are currently being used to test for benzene are sufficient to test for benzene at the lower action level. Labs will need to validate their methods to demonstrate their ability to detect benzene at the lower levels.
- **BTGN.** The methods and equipment that are currently being used by labs to quantify BTGN bacteria are sufficient to detect BTGN bacteria at the lower action level. Labs will need to validate their methods to demonstrate the ability to detect BTGN bacteria at the lower levels in unprocessed plant material.
- **Terpenes.** Many labs already offer terpene determination services, they should have validated their methods internally before offering this service. Validations are necessary to demonstrate scientific integrity. However, because testing for terpenes was not previously mandatory, there were no uniform validation standards or consistent performance requirements across laboratories. Requiring terpene testing will establish standardized expectations and bring all laboratories into alignment with validation and quality standards required by the WSDA.

Retailers and Patients:

- Labs will incur a one-time cost to initially validate analytical methods and may choose to raise their prices as a result. P/Ps may respond by raising retail prices for medical cannabis products purchased by retailers and patients. These price increases are not coupled to the actual cost incurred by labs, so **costs are indeterminate** and will vary by business.

Overall, no additional equipment is expected to be needed to support the proposed testing changes. Heavy metals, benzene, and BTGN are already tested under existing standards; the proposed changes primarily lower certain action levels and add one additional required test for products seeking medical cannabis designation. Laboratories will incur initial costs to validate testing methods at the updated action levels, as required by the WSDA when new laboratory standards are established, and P/Ps will incur costs associated with terpene testing. Many P/Ps already conduct terpene testing and therefore may not experience additional costs. Estimated **costs associated with the proposed changes are indeterminate** due to the wide range of laboratory capabilities, business operations, and existing compliance practices. Any increased compliance or testing costs incurred by laboratories and P/Ps may also result in increased costs to retailers and patients purchasing medical cannabis products.

² [Medicine Creek Analytics, June 2024 Pricing Sheet](#), [Integrity Labs Olympia - Pricing](#), [Green Grower Labs – Spokane Cannabis Testing Service](#) Accessed May 2026.

WAC 246-70-060 COMPLIANT PRODUCT LABELING.

Description: The current rule establishes labeling requirements for cannabis products classified as “general use,” “High THC,” and “High CBD.”

The proposed changes in this section respond to a granted rulemaking petition to clarify and organize compliant product labeling requirements and propose additional transparency measures. The current rule primarily requires compliant cannabis products to display a medical logo in black or dark blue, prohibits medical symbols or terms such as “RX,” requires a disclaimer stating the product is not FDA-approved, and limits logo use to compliant products, with violations reported to the LCB.

Under existing LCB requirements, licensees must already make required product information available to consumers through an internet link, website, or QR code. The department is not creating a new requirement; rather, the proposed changes expand the type of information that must already be accessible through that existing digital access point. This includes linking to Certificates of Analysis (COAs), and listing pesticides and production substances, and the product label with the top three terpenes, and harvest and production dates for respective product types. The department is also reiterating the existing requirement that a hard copy of COAs must be provided upon request by a patient or designated provider.

Cost(s): The department anticipates that P/Ps may incur costs with the proposed requirements. The cost estimates to comply with the proposed rule are as follows:

P/Ps:

QR codes and subsequent website for hosting test results:

- QR code generation, website development and hosting cost can range depending on complexity and customization preferences and frequency of updates.³ While maintaining a website is implied in the proposed rule to host COA results, an internet link or QR code is not a new requirement, as this is currently required by the LCB. The department’s rule instead specifies additional information that must be made available through this existing digital access point.

Many businesses are already compliant with this requirement and maintain websites or QR codes to provide product information. The department acknowledges there may be additional labor and maintenance costs associated with updating and managing this information; however, due to wide variation in business practices, operational systems, and current compliance levels across licensees, the overall **cost impact is indeterminate**.

Requiring larger “zebra labels” to accommodate the additions of required information on products and packaging redesign:

- The cost for larger labels and any associated packaging redesign needed to accommodate additional proposed information will vary depending on the product type and current label size. The department also acknowledges there may be additional labor costs associated with implementing and updating label changes. However, due to wide variation in business practices, packaging configurations, and product formats across licensees, the department cannot reasonably estimate costs across all product types. Additionally, because production volumes and compliance approaches differ significantly among P/Ps, **total costs are indeterminate**.

WAC 246-70-090 MARIJUANA PRODUCT COMPLIANT LOGOS.

Description: The current rule provides three logos reflecting the categories of General Use, High THC and High CBD, with chapter 246-70 WAC outlining the logo, along with the term “Compliant product.” The patient community has provided feedback that these logos are not easily identifiable, or helpful with the current terminology and outlining of the chapter 246-70 WAC.

The proposed changes introduce new logo illustrations to reflect the updated term from “Compliant product” to “medical grade,” aiming to help patients more easily identify medical cannabis products.

Cost(s): There are **no anticipated costs** associated with the department’s redesigned logos to align with the new rules. There will be no charge for P/Ps to use the department’s logo design. The department plans to implement the new logos with a defined sunset period for the old logos, permitting the continued use of existing logo inventory. This approach is intended to reduce waste and alleviate the need for immediate packaging changes upon implementation.

³ Options for website builders – Wix, Website Builder - SquareSpace. Accessed May 2026.

Summary of all Cost(s)

SBEIS Table 3. Summary of Section 3 probable cost(s)

WAC Section and Title	Probable Cost(s)
WAC 246-70-040	No anticipated costs , these updates are intended as clarifications and expansions to existing requirements rather than new regulatory burden
WAC 246-70-050 QUALITY ASSURANCE TESTING.	Additional testing to P/Ps: • Terpene Testing: \$25-\$35 per batch Laboratory validation: • Laboratories will incur initial costs associated with validating analytical methods to meet the proposed lower action levels. The cost is indeterminate. Laboratory verification: • Laboratories have to verify their terpene methods annually. Other methods are already required to be verified annually. The cost is indeterminate. Retailer and Patient: • Any increased compliance or testing costs incurred by laboratories and P/Ps may also result in increased costs to retailers and patients purchasing medical cannabis products. The cost is indeterminate.
WAC 246-70-060 COMPLIANT PRODUCT LABELING.	Cost for P/Ps to create QR code, website hosting, larger labels, and packaging redesign: • The cost for these changes are indeterminate due to variation in business practices, unknown packaging configurations, volume, and product formats across licensees
WAC 246-70-090 MARIJUANA PRODUCT COMPLIANT LOGOS	No anticipated costs associated with the department's redesigned logos to align with the proposed rules due to sunset period implementation.

Analysis on if the proposed rule may impose more than minor costs for businesses in the industry. Includes a summary of how the costs were calculated.

Yes, the costs of the proposed rule (\$25-35 per batch for terpene testing and other indeterminate costs) are greater than the minor cost threshold established in Section 2 of the SBEIS ranging from \$2,398.59 to \$7,988.07. Due to the fact that some costs associated with compliance with the proposed rule are indeterminate the department decided to be more protective of businesses by determining that costs may be greater than the minor cost threshold.

Summary of how the costs were calculated:

The department evaluated probable costs for licensed cannabis P/Ps, laboratories, retailers, and patients associated with amendments to chapter 246-70 WAC. The analysis considered direct testing costs, labeling and packaging changes, website and QR-code information maintenance, and laboratory validation and verification requirements.

The primary quantifiable cost identified is under WAC 246-70-050 Quality Assurance Testing, where P/Ps seeking medical grade designation may incur additional terpene testing costs estimated at approximately \$25 to \$35 per batch. Because batch size and testing frequency vary significantly among businesses, total annual costs differ widely depending on operational scale.

Additional probable costs were identified where possible but, in some cases, could not be precisely quantified. These include:

- Laboratory validation costs associated with demonstrating compliance with lower action levels for heavy metals, benzene, BTGN bacteria, and terpene testing, including staff labor, consumables, instrument downtime, and opportunity costs.
- Laboratories will have annually recurring costs to verify their terpene methods.
- Potential downstream price increases passed from laboratories to P/Ps, retailers, and patients.
- Costs associated with updating QR-code linked information, maintaining websites, uploading Certificates of Analysis (COAs), and managing expanded transparency requirements under WAC 246-70-060.
- Packaging redesign and larger label costs needed to accommodate additional required product information.

The department determined these costs are indeterminate because they vary substantially depending on existing compliance practices, current laboratory capabilities, business size and production volume, frequency of testing, existing website and packaging infrastructure, and whether businesses already conduct terpene testing voluntarily.

The proposed logo changes in WAC 246-70-090 are not expected to impose additional costs because the department will provide logo designs at no charge and allow a sunset period for use of existing packaging inventory.

The cannabis industry in Washington includes a substantial number of affected entities. As of fiscal year 2024, Washington reported 161 producers, 221 processors, and 816 producer-processors licensed by the Washington State Liquor and Cannabis Board.

Because the rule introduces new mandatory terpene testing requirements and additional compliance obligations whose cumulative impacts may exceed the statutory minor cost threshold for some businesses, particularly small P/Ps, the department concludes the proposed rule may impose more than minor costs on businesses within the industry.

Determination on if the proposed rule may have a disproportionate impact on small businesses as compared to the 10 percent of businesses that are the largest businesses required to comply with the proposed rule.

Yes, the proposed rule may have a disproportionate impact on small businesses as compared to the 10 percent of businesses that are the largest businesses required to comply with the proposed rule.

Explanation of the determination

Several proposed requirements build upon existing LCB requirements and existing industry practices. For example, heavy metals, benzene, and BTGN testing are already required under current standards, and many laboratories already possess the equipment and analytical capability necessary to comply with the proposed lower action levels. Similarly, internet links or QR codes are already required by the LCB, and many P/Ps already maintain websites or digital systems that provide product information to consumers. These existing systems and practices may reduce the additional costs associated with compliance.

The department also determined that several proposed costs are indeterminate due to variability across businesses. The primary quantifiable cost identified was terpene testing, estimated at approximately \$25 to \$35 per batch. Businesses that produce fewer or smaller batches may incur similar per-batch testing costs but have fewer sales or production units over which to distribute those costs. As a result, the cost may represent a greater proportion of sales or other measures of business activity for small businesses than for larger businesses. Larger producers/processors may conduct testing across greater production volumes and may benefit from economies of scale, potentially reducing the relative impact of the testing requirement.

The proposed logo changes are not anticipated to create significant additional costs because the department provides the logo designs at no charge and intends to implement a sunset period allowing businesses to use existing inventory before transitioning to new packaging. Nevertheless, packaging and labeling changes may result in costs that vary by product type, packaging configuration, and individual business practices.

Based on these considerations, the department determined that the proposed rule may have a disproportionate cost impact on small businesses.

Mitigation

The department conducted extensive rulemaking engagement and considered mitigation measures intended to reduce the costs and potential impacts of the rule on small businesses. Feedback received through these engagements was actively considered, and several initial proposals were modified or not advanced after the department determined that they could create unnecessary burdens or adverse impacts on cannabis businesses.

Mitigation measures include phased implementation through sunset periods for packaging and logo changes, reliance on existing digital compliance systems already required by the LCB, alignment of testing requirements with current laboratory

practices, and planning flexibility for implementation timelines. These measures are intended to reduce the additional compliance burden on small businesses while maintaining the objectives of the proposed rule.

The department recognizes, however, that certain costs associated with this rulemaking may be unavoidable. For example, packaging and labeling redesign will be necessary to accommodate newly required test results, expanded product information, and updated labeling standards. The extent of these costs will vary depending on product type, packaging configuration, and individual business practices. For some producer/processors, particularly those with established labeling systems or specialized product formats, these costs may be more significant.

The department concludes that the mitigation strategies incorporated into the rule, together with alignment with existing regulatory systems and the use of flexible implementation timelines, are expected to reduce the potential for disproportionate impacts on small businesses relative to larger businesses.

Description of how small businesses were involved in the development of the proposed rule.

Small businesses were actively involved in the development of the proposed rule through a structured and ongoing interested party engagement process conducted by the department.

The department held five rulemaking workshops with interested parties throughout the development of Chapter 246-70 WAC revisions. These workshops included participation from a broad range of interested parties, including P/Ps, laboratories, retailers, patients, advocacy groups, and small business representatives. Small businesses were directly represented in these discussions and provided both verbal and written feedback on proposed regulatory changes.

Throughout the workshops, the department presented draft rule concepts related to product classifications, quality control testing, labeling requirements, and compliant product logos. Small business participants were given opportunities to review draft language, ask questions, and provide practical feedback regarding operational impacts, implementation challenges, and cost concerns.

The department also accepted written comments outside of workshops and used this input to revise proposed rule language. In several instances, feedback led to the modification or removal of proposed requirements that were identified as potentially burdensome or difficult for businesses, including small cannabis P/Ps, to implement.

Overall, small businesses played a direct and meaningful role in shaping the proposed rule through repeated engagement opportunities, written submissions, and incorporation of their feedback into the final rule language.

The estimated number of jobs that will be created or lost in result of the compliance with the pro-posed rule.

The estimated number of jobs that will be created or lost as a result of compliance with the proposed rule is dependent on how each individual business currently operates. Technical roles required to support compliance are already in place for testing laboratories and P/Ps, and no widespread net job losses or large-scale job creation are anticipated.

P/Ps may experience some incremental need for additional labor or contracted professional services related to packaging and labeling updates, including redesign of packaging to accommodate expanded labeling requirements and required test results. These impacts are expected to vary by business size, production volume, and existing labeling systems. In some cases, businesses may rely on existing staff reallocations rather than new hires, while others may contract out design or compliance work.

Overall, any employment impacts are expected to be limited and indirect. Some additional workload may be absorbed by testing laboratories due to expanded testing requirements, but these roles generally involve adjustments within existing staffing levels rather than significant net employment changes.

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

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Other	

Date: October 6, 2026	Signature:
Name: Kristin Peterson, JD for Dennis E. Worsham	
Title: Chief of Policy for Secretary of Health	

Chapter 246-70 WAC
((MARIJUANA PRODUCT COMPLIANCE)) MEDICAL CANNABIS PRODUCT STANDARDS

AMENDATORY SECTION (Amending WSR 16-20-022, filed 9/27/16, effective 10/28/16)

WAC 246-70-010 Findings. ~~((Anecdotal and limited scientific))~~ Evidence indicates that the use of ~~((marijuana))~~ cannabis may be beneficial to alleviate the symptoms of certain physical and mental conditions. However, due to the ~~((current))~~ federal classification of ~~((marijuana))~~ cannabis as a schedule 1 controlled substance, scientific research has not been performed that would allow for standardized indications of particular strains, which can vary ~~((radically))~~ significantly in cannabinoid composition; standard, reproducible formula or dosage; or accepted standards for drug purity, potency and quality for the ~~((various))~~ health conditions for which the medical use of ~~((marijuana))~~ cannabis may be authorized. At this time, the decision of ~~((what marijuana))~~ types of cannabis products may be therapeutically beneficial is best made by patients in consultation with their health care practitioners. ~~((For this reason, the department will not limit the types of products available to qualifying patients. Instead))~~ The department has determined that cannabis products that may be most beneficial for medical use are defined not by strain or cannabinoid content but rather meet a higher quality standard and provide information to aid patient decision making. For this reason, the department intends to create standards for products that any consumer can rely upon to be reasonably safe and meet quality ~~((assurance))~~ control measures.

AMENDATORY SECTION (Amending WSR 16-20-022, filed 9/27/16, effective 10/28/16)

WAC 246-70-020 Applicability of ~~((WSLCB))~~ LCB rules. This chapter establishes additional medical cannabis product standards administered by the department and does not replace licensing or enforcement authority administered by the LCB under chapter 314-55 WAC. The requirements in this chapter are in addition to all ~~((WSLCB))~~ LCB requirements ~~((in))~~ under chapter 314-55 WAC. They are intended to build upon all other requirements for licensed ~~((marijuana))~~ cannabis producers, processors and retailers, and certified third-party labs.

AMENDATORY SECTION (Amending WSR 16-20-022, filed 9/27/16, effective 10/28/16)

WAC 246-70-030 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) ~~((("Allowed pesticide" means a pesticide registered by the Washington state department of agriculture under chapter 15.58 RCW as allowed for use in the production, processing, and handling of marijuana.~~

~~(2) "Batch" means a quantity of marijuana-infused product containing material from one or more lots of marijuana.~~

~~(3) "CBD concentration" means the percent of cannabidiol content per dry weight of any part of the plant Cannabis, or per volume or weight of marijuana product.~~

~~(4) "Certified third-party testing lab" means a laboratory certified by the WSLCB or its vendor under WAC 314-55-102.~~

~~(5) "Database")) "Batch" has the same meaning as in WAC 314-55-010.~~

~~(2) "Cannabis-infused products" has the same meaning as in RCW 69.50.101.~~

~~(3) "Cannabis concentrates" or "concentrates" has the same meaning as in RCW 69.50.101.~~

~~(4) "Cannabis mix" has the same meaning as in WAC 314-55-010.~~

~~(5) "Cannabis mix packaged" has the same meaning as in WAC 314-55-010.~~

~~(6) "Cannabis processor" has the same meaning as in RCW 69.50.101.~~

~~(7) "Cannabis producer" has the same meaning as in RCW 69.50.101.~~

~~(8) "Cannabis product" has the same meaning as in RCW 69.50.101.~~

~~(9) "CBD concentration" has the same meaning as in RCW 69.51A.010.~~

~~(10) "CBD product" has the same meaning as in RCW 69.50.101.~~

~~(11) "Compliant cannabis product" is cannabis or a cannabis product that meets LCB standards in chapter 314-55 WAC and is purchased by a qualifying patient or their designated provider.~~

~~(12) "Database" or "registry" means the medical ((marijuana)) cannabis authorization database created pursuant to RCW 69.51A.230.~~

~~((+6)) (13) "Department" means the Washington state department of health.~~

~~((+7)) (14) "Designated provider" has the same meaning as in RCW 69.51A.010((+4)).~~

~~((+8) "Harvest" means the marijuana plant material derived from plants of the same strain that were brought into cultivation at the same time, grown in the same manner and physical space, and gathered at the same time.~~

~~(9) "Imported cannabinoid" means any cannabinoid derived of the plant Cannabis with a THC concentration 0.3 percent or less that is not produced by a licensed marijuana producer.~~

~~(10) "Intermediate product" means marijuana flower lots or other material lots that have been converted by a marijuana processor to a marijuana concentrate or marijuana-infused product that must be further processed prior to retail sale.~~

~~(11) "Lot" means either of the following:~~

~~(a) The flowers from one or more marijuana plant(s) of the same strain. A single lot of flowers cannot weigh more than allowed by the WSLCB in chapter 314-55 WAC; or~~

~~(b) The trim, leaves, or other plant matter from one or more marijuana plant(s). A single lot of trim, leaves, or other plant matter cannot weigh more than allowed by the WSLCB in chapter 314-55 WAC.~~

~~(12) "Marijuana" means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part~~

of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

~~(13) "Marijuana concentrates" or "concentrates" means products consisting wholly or in part of the resin extracted from any part of the plant *Cannabis* and having a THC concentration greater than ten percent.~~

~~(14) "Marijuana-infused products" means products that contain marijuana or marijuana extracts, are intended for human use, are derived from marijuana as defined in subsection (11) of this section, and have a THC concentration no greater than ten percent. The term "marijuana-infused products" does not include either usable marijuana or marijuana concentrates.~~

~~(15) "Marijuana processor" means a person licensed by the WSLCB under RCW 69.50.325 to process marijuana into marijuana concentrates, usable marijuana and marijuana-infused products, package and label marijuana concentrates, usable marijuana and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, usable marijuana and marijuana-infused products at wholesale to marijuana retailers.~~

~~(16) "Marijuana producer" means a person licensed by the WSLCB under RCW 69.50.325 to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.~~

~~(17) "Marijuana product" means marijuana, marijuana concentrates, usable marijuana, and marijuana-infused products as defined in this section.~~

~~(18) "Medical use of marijuana" has the same meaning as RCW 69.51A.010((16)).~~ (15) "End product" has the same meaning as in WAC 314-55-010.

(16) "Harvest" has the same meaning as in WAC 314-55-010.

(17) "Intermediate product" has the same meaning as in WAC 314-55-010.

(18) "Laboratory" or "lab" means a laboratory accredited by the Washington state department of agriculture and certified by the Washington state liquor and cannabis board.

(19) "LCB" means the Washington state liquor and cannabis board.

(20) "Medical grade cannabis products" or "medical grade" means cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products that comply with this chapter and in accordance with chapters 69.50, 69.51A, 82.08, and 82.12 RCW.

(21) "Package" has the same meaning as in RCW 69.50.101.

(22) "Pesticide" has the same meaning as in WAC 314-55-010.

~~((19))~~ (23) "Plant" ((means a marijuana plant)) has the same meaning as in chapter 69.51A RCW.

~~((20))~~ (24) "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of ((marijuana)) cannabis.

~~((21))~~ (25) "Qualifying patient" or "patient" has the same meaning as in RCW 69.51A.010((19)).

~~((22) "Pesticide" means, but is not limited to: (a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, snail, slug, fungus, weed, and any other form of plant or animal life or virus, except virus on or in~~

a living person or other animal which is normally considered to be a pest; (b) any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant; and (c) any spray adjuvant. Pesticides include substances commonly referred to as herbicides, fungicides, insecticides, and cloning agents.))

(23) "Recognition card" means a card issued to qualifying patients and designated providers by a marijuana retailer with a medical marijuana endorsement that has entered them into the medical marijuana database.

(24) "Retail outlet" means a location licensed by the WSLCB under RCW 69.50.325 for the retail sale of usable marijuana and marijuana-infused products.

(25) "Retail outlet with a medical marijuana endorsement" means a location licensed by the WSLCB under RCW 69.50.325 for the retail sale of marijuana products to the public and, under RCW 69.50.375, to qualifying patients and designated providers for medical use.

(26) "Secretary" means the secretary of the department of health or the secretary's designee.

(27) "Tablet" means a solid preparation containing a single serving of THC. Tablets must not be formulated to be chewable, dispersible, effervescent, orally disintegrating, used as a suspension, or otherwise consumed in a manner other than swallowed whole. Tablets must not contain any added natural or artificial flavor or sweetener.

(28) "THC concentration" means the percent of Delta 9 tetrahydrocannabinol content per dry weight of any part of the plant *Cannabis*, or per volume or weight of marijuana product, or the combined percent of Delta 9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant *Cannabis* regardless of moisture content.

(29) "Tincture" means a solution containing marijuana extract. A single unit of tincture cannot exceed two fluid ounces.

(30) "Topical product" means a product intended for use only as an application to human body surfaces, does not cross the blood-brain barrier, and is not meant to be ingested by humans or animals.

(31) "Unit" means an individually packaged marijuana product containing up to ten servings or applications.

(32) "Usable marijuana" means dried marijuana flowers. The term "usable marijuana" does not include either marijuana-infused products or marijuana concentrates.

(33) "WSLCB" means the Washington state liquor and cannabis board.)) (26) "Recognition card" has the same meaning as in RCW 69.51A.010.

(27) "Retail outlet" has the same meaning as in RCW 69.51A.010.

(28) "Retail outlet with a medical cannabis endorsement" has the same meaning as in RCW 69.51A.010.

(29) "THC concentration" has the same meaning as in RCW 69.50.101.

(30) "Tincture" means a solution containing cannabis extract meant to be sublingually administered.

(31) "Topical product" has the same meaning as in WAC 314-55-105.

(32) "Total CBD" has the same meaning as in WAC 314-55-105.

(33) "Total THC" has the same meaning as in WAC 314-55-010.

(34) "Unit" has the same meaning as in RCW 69.50.101.

(35) "Useable cannabis" has the same meaning as in RCW 69.50.101.

(36) "WSDA" means the Washington state department of agriculture.

WAC 246-70-040 ((~~Marijuana products compliant with this chapter.~~) Cannabis product classifications. ((To be classified as a compliant marijuana product, the product must meet all requirements of this chapter. Compliant marijuana products must fall into one of the following classifications:

~~(1) General use.~~

~~(a) "General use compliant product" means any marijuana product approved by the WSLCB and meeting the requirements of this chapter including edible marijuana-infused products and marijuana products with CBD/THC ratios that do not qualify as "high CBD compliant products" under subsection (3) of this section.~~

~~(b) General use marijuana-infused compliant products may be packaged in servings or applications containing up to ten milligrams of active THC. A unit must not contain more than ten servings or applications and must not exceed one hundred total milligrams of active THC.~~

~~(c) General use compliant products must be labeled "Chapter 246-70 WAC, Compliant - General Use" and must use the logo found in WAC 246-70-090 to indicate compliance with this chapter.~~

~~(d) General use compliant products may be purchased by any adult age twenty-one or older, and qualifying patients between the ages of eighteen and twenty who are entered into the database and hold a valid recognition card.~~

~~(e) General use compliant products may be sold at retail outlets and retail outlets with a medical marijuana endorsement.~~

~~(2) High THC.~~

~~(a) "High THC compliant product" means a marijuana product containing more than ten but no more than fifty milligrams of THC per serving or application and meeting the requirements of this chapter.~~

~~(b) The following is an exclusive list of marijuana products that may qualify for classification as a high THC compliant product:~~

~~(i) Capsules and tablets;~~

~~(ii) Tinctures;~~

~~(iii) Transdermal patches; and~~

~~(iv) Suppositories.~~

~~(c) No other marijuana products can be classified as a high THC compliant product or contain more than ten milligrams of active THC per serving or application.~~

~~(d) High THC compliant products may be packaged in servings or applications containing up to fifty milligrams of active THC. A unit must not contain more than ten servings or applications and must not exceed five hundred total milligrams of active THC.~~

~~(e) High THC compliant products must be labeled "Chapter 246-70 WAC Compliant - High THC" and must use the logo found in WAC 246-70-090 to indicate compliance with this chapter.~~

~~(f) High THC compliant products may be purchased only by qualifying patients age eighteen and older and designated providers who are entered into the database and hold a valid recognition card.~~

~~(g) High THC compliant products may be sold only at retail outlets with a medical marijuana endorsement.~~

~~(3) High CBD.~~

~~(a) "High CBD compliant product" means any marijuana product, except usable marijuana or other plant material intended for smoking,~~

allowed by the WSLCB, including edibles, meeting the requirements of this chapter and containing the following ratios:

~~(i) Marijuana extracts containing not more than two percent THC concentration and at least twenty-five times more CBD concentration by weight.~~

~~(ii) Marijuana-infused edible products containing not more than two milligrams of active THC and at least five times more CBD per serving by weight for solids or volume for liquids.~~

~~(iii) Marijuana-infused topical products containing at least five times more CBD concentration than THC concentration.~~

~~(b) High CBD compliant products must be labeled "Chapter 246-70 WAC Compliant - High CBD" and must use the logo found in WAC 246-70-090 to indicate compliance with this chapter.~~

~~(c) High CBD compliant products may be purchased by any adult age twenty-one or older, and qualifying patients between the ages of eighteen and twenty who are entered into the database and hold a valid recognition card.~~

~~(d) High CBD compliant products may be sold at retail outlets and retail outlets with a medical marijuana endorsement.)) Compliant cannabis product meets LCB standards in chapter 314-55 WAC and is purchased by a qualifying patient or their designated provider.~~

Medical grade cannabis products must meet LCB standards in chapter 314-55 WAC and requirements of this chapter. Medical grade cannabis products must be tested to standards in WAC 246-70-050 and must fall into one of the following classifications:

(1) Medical grade high CBD.

(a) Medical grade high CBD products must meet the following requirements:

(i) Cannabis extracts must not contain more than 15 percent THC concentration and must have at least five times more CBD concentration by weight;

(ii) Cannabis-infused products meant to be eaten or swallowed in solid form must not contain more than 10 milligrams of total THC and must have at least five times more total CBD per unit; and

(iii) Topical products in this category must contain at least five times more total CBD than total THC.

(b) Medical grade products under this category:

(i) Must display the logo in WAC 246-70-090.

(ii) May be purchased by any adult aged 21 or older, by qualifying patients and designated providers aged 18 or older, and by designated providers purchasing for minor patients who are entered into the registry and hold a valid recognition card.

(iii) May be sold at retail outlets or retail outlets with a medical cannabis endorsement.

(2) Medical grade high THC.

(a) Medical grade high THC products include only the following:

(i) Cannabis-infused products meant to be eaten or swallowed in solid or liquid form;

(ii) Capsules and tablets;

(iii) Tinctures, which cannot exceed two fluid ounces per unit;

(iv) Transdermal patches; and

(v) Suppositories.

(b) Medical grade products under this category:

(i) Must be packaged in units of no less than 10 milligrams and no more than 50 milligrams of total THC. A package must not exceed 500 milligrams of total THC.

(ii) Must display the logo in WAC 246-70-090 that contains the language "medical grade high THC."

(iii) May only be purchased by qualifying patients and designated providers aged 18 or older, and by designated providers purchasing for minor patients who are entered into the registry and hold a valid recognition card.

(iv) May only be sold at retail outlets with a medical cannabis endorsement.

(3) Medical grade general use.

(a) Medical grade general use products include all cannabis products that are approved by the LCB and meet the requirements of this chapter, but do not fall into classification as medical grade high CBD or medical grade high THC under this section.

(b) Medical grade products under this category:

(i) Must display the logo in WAC 246-70-090 that contains the language "medical grade general use."

(ii) May be purchased by any adult aged 21 or older, by qualifying patients and designated providers aged 18 and older, and by designated providers purchasing for minor patients who are entered into the registry and hold a valid recognition card.

(iii) May be sold at retail outlets or retail outlets with a medical cannabis endorsement.

(c) Cannabis-infused products under this category must be packaged in units of up to 10 milligrams of total THC. A package must not exceed 100 total milligrams of total THC.

AMENDATORY SECTION (Amending WSR 16-20-022, filed 9/27/16, effective 10/28/16)

WAC 246-70-050 Quality ((assurance)) control testing. ((-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.)) 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 under chapter 16-310 WAC, certified by the LCB under chapter 314-55 WAC, and reported to the state's traceability system.

(2) Pesticide, mycotoxin, microbiological, and residual solvent testing.

(a) Pesticide, mycotoxin, microbiological, and residual solvent testing is required in accordance with WAC 314-55-102, unless otherwise specified in this subsection.

(b) For the residual solvent benzene, results exceeding 1µg/g fail quality control testing.

(c) For bile-tolerant gram-negative bacteria (BTGN) sample and related quantity of unprocessed plant material fail quality control testing if the results exceed 1000 CFU/g.

(3) Heavy metal testing.

(a) Heavy metal testing is required for all cannabis products in accordance with subsections (5) and (6) of this section. A sample and related quantity of cannabis product fail quality control testing for heavy metal if the results exceed the following:

Metal	Limit (µg/g)
<u>Arsenic</u>	<u>0.20</u>
<u>Cadmium</u>	<u>0.20</u>
<u>Lead</u>	<u>0.50</u>
<u>Mercury</u>	<u>0.10</u>

(b) Any cannabis product exceeding the limits fails quality testing and may not utilize the department logos in WAC 246-70-090.

(4) Terpene testing.

(a) Terpene testing is required as described in subsection (5) of this section. At a minimum, the following terpenes must be quantified when present at concentrations exceeding 500 µg/g:

Terpene	CAS #
<u>alpha-Pinene</u>	<u>80-56-8</u>
<u>beta-Pinene</u>	<u>127-91-3</u>
<u>beta-Ocimene</u>	<u>13877-91-3</u>
<u>Caryophyllene</u>	<u>87-44-5</u>
<u>Humulene</u>	<u>6753-98-6</u>
<u>Limonene</u>	<u>5989-27-5</u>
<u>Linalool</u>	<u>78-70-6</u>
<u>Myrcene</u>	<u>123-35-3</u>
<u>Terpinolene</u>	<u>586-62-9</u>

(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.

(5) Required quality control tests. Heavy metal and terpene testing is required for each product type as described in this subsection. These are minimum requirements and do not preclude additional quality control testing.

(a) Cannabis flower.

(i) Heavy metal testing is required when pesticide testing is required by LCB.

(ii) Terpene testing is required when cannabinoid concentration analysis is required by LCB.

(b) Intermediate products. Heavy metal testing is required when pesticide testing is required by LCB.

(c) End products.

(i) For cannabis-infused products, cannabis concentrates, cannabis mix packaged, and cannabis mix infused products sold from a processor to a retailer, heavy metal testing is required of the intermediate products.

(ii) For cannabis mix packaged, cannabis mix infused, and cannabis-infused products for inhalation, terpene testing is required when the final cannabinoid concentration analysis is required by LCB.

(iii) End products consisting of only one intermediate product that has not been changed in any way are not subject to additional heavy metal testing.

(iv) End products consisting of only one intermediate product that has not been changed in any way require terpene testing when cannabinoid concentration analysis is required by LCB.

(d) A CBD product obtained from a source not licensed by the LCB must be tested in accordance with WAC 314-55-109 in addition to the requirements in subsection (3) of this section.

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

(a) For flower, 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 lot as follows:

Lot Weight	Minimum number of samples weighing at least one gram each
<u><10 pounds</u>	<u>8</u>

<u>Lot Weight</u>	<u>Minimum number of samples weighing at least one gram each</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) Intermediate product batch sizes are limited to 35,000 grams.

(c) Minimum sampling requirements for intermediate products are as follows:

<u>Intermediate product batch size</u>	<u>Minimum weight of sample</u>
<u><50 grams</u>	<u>2 grams</u>
<u>51-150 grams</u>	<u>3 grams</u>
<u>151-500 grams</u>	<u>5 grams</u>
<u>501-1,200 grams</u>	<u>8 grams</u>
<u>1,201-3,200 grams</u>	<u>13 grams</u>
<u>3,201-10,000 grams</u>	<u>20 grams</u>
<u>10,001-35,000 grams</u>	<u>32 grams</u>

AMENDATORY SECTION (Amending WSR 16-20-022, filed 9/27/16, effective 10/28/16)

WAC 246-70-060 ((Compliant product labeling-)) Medical grade cannabis product labeling and information. Requirements of this section are in addition to LCB requirements under chapter 314-55 WAC.

(1) Upon request materials. The medically endorsed licensee must provide a hard copy of the certificate of analysis upon patient or designated provider request.

(2) Medical grade product logos. Medical grade 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. ((A)) The logo:

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

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

(c) Must be at least 1/2 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 marijuana)) medical grade 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:)) 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.

(3) Label requirements.

(a) All product labels must include an internet link, web address, or QR code that provides:

(i) A certificate of analysis that includes all required lab testing results for that product; and

(ii) Product-specific information disclosing all pesticides applied 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 concentration of the three most prominent terpenes.

(4) Label restrictions. Labels for 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) Use additional logos indicating medical grade compliance or terminology other than department logos in WAC 246-70-090.

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

~~((e))~~ (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 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.)~~

AMENDATORY SECTION (Amending WSR 16-20-022, filed 9/27/16, effective 10/28/16)

WAC 246-70-070 Compliant product safe handling. (1) ~~((Marijuana))~~ Cannabis processors shall ensure all processing facilities that create or handle ~~((marijuana))~~ cannabis-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))~~ Cannabis processors that do not create or handle ~~((marijuana))~~ cannabis-infused products and all ~~((marijuana))~~ cannabis 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))~~ cannabis or ~~((marijuana))~~ cannabis 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))~~ cannabis, cannabis plants, or cannabis 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~~) cannabis, cannabis plants, or cannabis 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~~) cannabis, cannabis plants, or cannabis 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~~) cannabis, cannabis plants, or cannabis 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.

(f) There is adequate lighting in all areas where (~~marijuana, marijuana plants, or marijuana~~) cannabis, cannabis plants, or cannabis 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~~) cannabis concentrates must be identified, held and stored in a manner that protects against contamination of (~~marijuana, marijuana plants, and marijuana~~) cannabis, cannabis plants, and cannabis 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~~) cannabis, cannabis plants, or cannabis 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.

AMENDATORY SECTION (Amending WSR 16-20-022, filed 9/27/16, effective 10/28/16)

WAC 246-70-080 Employee training. (1) (~~(Marijuana)~~) Cannabis producers, processors and retailers that create, handle, or sell compliant (~~(marijuana)~~) cannabis products shall adopt and enforce policies and procedures to ensure employees and volunteers receive training about the requirements of this chapter.

(2) (~~(Marijuana)~~) Cannabis retailers holding a medical (~~(marijuana)~~) cannabis 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)~~) cannabis 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)~~) cannabis concentrates, useable cannabis, and cannabis-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)~~) cannabis consultant or represent themselves as a medical (~~(marijuana)~~) cannabis 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)~~) cannabis products or any other means or instrumentality; or

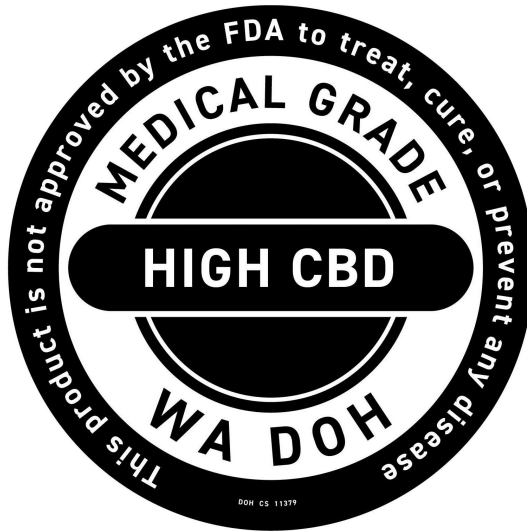
(c) Recommend or suggest modification or elimination of any course of treatment that does not involve the medical use of (~~(marijuana or marijuana)~~) cannabis or cannabis products.

AMENDATORY SECTION (Amending WSR 16-20-022, filed 9/27/16, effective 10/28/16)

WAC 246-70-090 (~~(Marijuana product compliant)~~) Medical grade cannabis product logos.







NEW SECTION

WAC 246-70-100 Tax exemptions. (1) For the purposes of the retail sales and use tax in RCW 82.08.9998 and 82.12.9998, a compliant product is either:

(a) A product meeting the quality standards in chapter 314-55 WAC that is purchased by qualifying patients or designated providers who have been issued recognition cards and have obtained such products from a cannabis retailer with a medical cannabis endorsement; or

(b) A medical grade product meeting the standards under WAC 246-70-040 that is purchased by a qualifying patient or designated provider who has been issued a recognition card and obtained such products from a cannabis retailer with a medical cannabis endorsement.

(2) For the purposes of RCW 82.08.9998 and 82.12.9998, retail sales and use tax do not apply to any medical grade high-CBD product

under WAC 246-70-040 purchased by any person from a cannabis retailer with a medical cannabis endorsement.

(3) For regulations related to excise tax exemptions, refer to RCW 69.50.535 and LCB regulations under chapter 314-55 WAC.