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To: Current and Prospective Adult Use Cannabis Program Licensees
From: Interim Director Vernon Malloch, Office of Cannabis Policy
Date: Monday, November 21, 2022
Subject: Updated Guidance Regarding Mandatory Testing for Pesticides

This updated guidance is provided by the Office of Cannabis Policy (OCP) in response to questions and concerns raised by adult use licensees in response to OCP's [Second Advance Notice of Mandatory Testing for Pesticides](#). In light of those questions and concerns, OCP is revising and clarifying the timeline for the implementation of mandatory testing for pesticides as outlined in this guidance.

- 1. Beginning December 12, 2022**, cannabis testing facilities that are certified to conduct mandatory testing for pesticides may begin accepting samples of cannabis flower, trim, and concentrate for mandatory pesticides testing.
- 2. As of January 12, 2023**, all cannabis flower, trim, and concentrate must pass mandatory testing for pesticides before it is manufactured into a cannabis product or transferred to a cannabis store for sale to consumers. All cannabis products manufactured on or after January 12, 2023 must be manufactured using cannabis flower, trim, or concentrate that has passed mandatory testing for pesticides.
- 3. After June 12, 2023**, no cannabis flower, trim, or concentrate that passed all mandatory testing required before December 12, 2022 may be transferred to retail for sale to consumers without also passing mandatory testing for pesticides.

These updates to the pesticides testing implementation timeline mean that licensees will have one full month to submit their existing untested inventory for mandatory pesticides testing in advance of the requirement that all cannabis cultivated, manufactured, and sold to adult use consumers passes mandatory testing for pesticides. To ensure smooth implementation of this timeline, we are providing answers to the following frequently asked questions along with a table outlining the steps of the timeline on page 3.

By implementing pesticides testing in this way, OCP hopes to have alleviated industry concerns around potential supply shortages and testing expenses for already manufactured, packaged, and tested goods. OCP thanks all of you who reached out and brought these concerns to our attention. We value the partnership between industry and regulators.

To ensure smooth implementation of this timeline, we are providing answers to the following frequently asked questions along with a table outlining the steps of the timeline on page 3.

Frequently Asked Questions

Q: If I test batches of cannabis flower, trim, or concentrate for pesticides before January 12, 2023 and the batch fails, can I still transfer that batch to a cannabis store before January 12, 2023?

A: No. Once a sample of cannabis flower, trim, or concentrate is submitted to a cannabis testing facility for **mandatory testing**, the existing rules for mandatory testing of cannabis and cannabis products apply. If a sample of cannabis flower, trim, or concentrate fails mandatory testing for pesticides, a licensee may not remediate the failed batch but may submit two samples from the failed batch for retesting by the testing facility that conducted the initial testing, if the licensee believes the failure was in error.

Q: Do I need to test my existing inventory of cannabis and cannabis products for pesticides if I transfer it to a cannabis store before January 12, 2023?

A: No. Existing inventory at cannabis stores, and inventory that is transferred from cultivation or products manufacturing facilities to cannabis stores **before** January 12, 2023, is not required to be tested for pesticides. New cannabis products manufactured **on or after** January 12, 2023 must be manufactured using cannabis flower, trim, or concentrate that has been subject to mandatory testing for pesticides.

Please note that “manufacture” **does not** include packaging and labeling of cannabis products. Cannabis products **manufactured before** January 12, 2023 may be **packaged, labeled, and transferred to a cannabis store after** January 12, 2023 without being required to submit that cannabis product for mandatory testing of pesticides.

Q: Do I need to test my existing inventory of cannabis and cannabis products for pesticides if I do not transfer it to a cannabis store before January 12, 2023?

A: It depends.

All cannabis products manufactured **before** January 12, 2023 are not required to be submitted for mandatory testing for pesticides.

All cannabis products manufactured **on or after** January 12, 2023 must be manufactured using cannabis flower, trim, or concentrate that has passed mandatory testing for pesticides.

All cannabis flower, trim, or concentrate that was **submitted for testing (and passed)** for all mandatory tests required before December 12, 2022 that is **transferred** to a cannabis store **after** January 12, 2023 is not required to be submitted for mandatory testing for pesticides, except that no such cannabis, trim, or concentrate may be transferred to a cannabis store after June 12, 2023 without passing mandatory testing for pesticides.

Any other cannabis flower, trim, or concentrate that **was not submitted for** mandatory testing **before** December 12, 2022 that is **transferred** to a cannabis store **after** January 12, 2023 must pass mandatory testing for pesticides.

Please use the lefthand column in the table below to find the description of your item in question, then follow the row across to see when pesticides testing is and is not required for that item.

	Pesticides Testing Required	Pesticides Testing Not Required	Pesticides Testing Required <i>After</i> June 12, 2023
Cannabis flower, trim, and concentrate that was not submitted for testing before December 12, 2022	Must be tested for pesticides if transferred to a cannabis store after January 12, 2023		
Cannabis products manufactured after January 12, 2023	Must be manufactured using cannabis trim, flower, or concentrate that was tested for pesticides		
Existing inventory of cannabis (including flower, trim, concentrate) and/or cannabis products transferred to a cannabis store before January 12, 2023		May be transferred to a cannabis store without testing for pesticides	
Cannabis products manufactured before January 12, 2023		May be transferred to a cannabis store without testing for pesticides	
Cannabis (including flower, trim, and concentrate) that passed all mandatory testing required before December 12, 2022		May be transferred to a cannabis store without testing for pesticides, except →	Any inventory of cannabis flower, trim, or concentrate that passed mandatory testing before December 12, 2022 and has not been transferred for retail sale to consumers by June 12, 2023 must be submitted for mandatory pesticides testing before it can be transferred to retail after June 12, 2023

Conclusion

- Effective December 12, 2022, pesticides testing will be available.
- Effective January 12, 2023, mandatory testing will include testing cannabis flower, trim, and concentrate for pesticides.
- Cannabis flower, trim, and concentrate that passed all mandatory testing requirements prior to December 12, 2022 may be transferred to retail stores until June 12, 2023 without the need for additional pesticides testing. After June 12, 2023, all cannabis flower, trim, and concentrate must pass all mandatory testing, including pesticides, before it can be transferred to retail.
- Edible products and beverages manufactured after January 12, 2023 are required to use concentrates that have passed testing for pesticides.

Note: OCP fully anticipates one or more testing facilities being certified to conduct mandatory pesticides testing in advance of December 12, 2022.