Concise Explanatory Statement for the establishment of Chapter 16-171 WAC Hemp Extract Certification

On May 26, 2022, the Washington State Department of Agriculture held a hearing remotely via the Microsoft Teams Video and Teleconferencing service to accept testimony on its proposal to establish chapter 16-171 WAC as directed by Engrossed Senate Bill 5372 (Chapter 104, Laws of 2021):

The proposed rule, establishing chapter 16-171 WAC, includes:

1. Establishing requirements for new hemp extract certification applications and renewals including setting fees.
2. Establishing inspection criteria and a rating system that will be used to determine whether a hemp extract certification applicant is in compliance with chapters 69.07 and 15.130 RCW, and regulations adopted thereunder, including but not limited to Title 21 C.F.R.
3. Identifying steps leading to enforcement actions by the department.

Reasons for Adopting the Rule

In 2021, the legislature passed Engrossed Senate Bill 5372 (Chapter 104, Laws of 2021) authorizing the department to conduct rulemaking to establish a voluntary hemp extract certification program.

The new law defines ‘hemp extract’ as a substance or compound intended for human ingestion that is derived from, or made by, manufacturing hemp. Hemp extract is not an approved food ingredient in Washington State or at the federal level.

Other states that allow hemp-derived ingredients in food, beverages, and dietary supplements often require these ingredients to be sourced from processors that are registered and certified as meeting basic food safety inspection and sanitation requirements.

The bill requires the department to regulate hemp extract processing the same as other food processing, and to issue a hemp extract certification in lieu of a food processing license to a hemp processor that meets the application requirements. Hemp extract processors who want voluntary certification must comply with requirements established in rule.

June 6, 2022
This rule will allow a processor to apply for a hemp extract certification, which will evaluate a hemp processor’s compliance with Washington State’s food safety inspection and sanitation requirements. If a manufacturer is found to meet requirements, this certification may aid in facilitating interstate and international commerce.

**Summary of Comments and the Department’s Response**

The public comment period ran from April 11, 2022, until the close of business on May 26, 2022. During that time, no written comments were received regarding the proposed rule. No oral comments were received.

*The following summarizes the testimony:*

No comments received.

**Differences Between the Proposed and Adopted Rule**

No changes between the proposed and adopted rule.