

Washington to Become the First State to Certify Organic Cannabis

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On May 16, 2017, Washington Governor Jay Inslee signed GOP-sponsored Senate Bill 5131 to allow Washington State to be the first state in the nation to create a program to certify cannabis products as organic. The new law creates a voluntary program for the certification and regulation of organic cannabis products (both recreational and medicinal) to be administered by the Washington State Department of Agriculture (WSDA). The WSDA is now working on creating the rules for the new program and has stated that it will likely take several months to as long as a year before the rules are complete and certifications are handed out. The legislation also requires the Washington State Liquor and Cannabis Board (LCB) to adopt rules and regulations for certifying organic cannabis in a manner similar to how other products are currently certified as organic under federal regulations. Although the LCB is to adopt rules and regulations similar to current federal requirements, it is unknown at this time what will be used in place of the term "organic" in official marketing and packaging of the certified cannabis products. Currently, labelling of a product as "organic" requires certification granted and regulated by the U.S. Department of Agriculture (USDA). As cannabis is still illegal under federal law, the USDA does not deem it as a product eligible for organic certification. Therefore, on a state level, Washington may have to seek an alternative term to use for marketing and packaging of certified products. The new legislation may prove to be beneficial to both state licensed producers as well as consumers. Primarily, it will allow consumers to purchase cannabis that has been tested and certified to be pesticide, fungicide and otherwise chemical free. As such, organic producers may promote and sell their products at a premium. For example, organic raspberry farmers in Washington can sell their product at a 15-20% premium above their non-organic competitors. Finally, organic cannabis products may seem to be more "normalized" to consumers of other organic products.

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