

National Cannabis Laboratory Council Proposes Standardized Testing for Cannabis Products

DENVER (July 6, 2022)—The National Cannabis Laboratory Council (NCLC) has today proposed a standardized, national approach to the testing of cannabis products as the U.S. legal cannabis market continues to expand. The recommendations come as legal sales of cannabis are expected to exceed \$33 billion by the end of 2022, and a bill to federally legalize cannabis awaits a Senate vote after its passage by the House in April.

The NCLC, in a white paper titled [Standardizing Lab Testing Nationally](#), recommends new rules to govern standard test panels, sampling requirements, testing methodologies, lab accreditation, and proficiency testing requirements, proposing a unified approach to transition past the current patchwork of state cannabis regulations and allow for interstate commerce.

The NCLC anticipates the federal government will de-schedule marijuana and adopt national standards, unraveling several legal challenges. As it stands, the Constitution's "dormant" commerce clause—which implies states cannot interfere with interstate commerce—poses an obstacle to cannabis trade across state lines.

"Because of conflicting state laws, state regulations risk being deemed unconstitutional by federal courts applying the Dormant Commerce Clause, ultimately placing consumers at risk," said Andrew Kline, a senior counsel with Perkins Coie's [Cannabis Law industry group](#). "We hope that by establishing a nationalized framework ahead of time, we'll be able to better prioritize the health and safety of cannabis consumers and to unleash interstate commerce as soon as possible after cannabis is de-scheduled."

To create a baseline for quality testing and allow for interstate commerce, the white paper proposes unified standards in the following five areas: cannabinoid and terpene testing; microbiological contaminant testing; chemical contaminant testing; other testing that encompasses shelf stability, water activity, and moisture content; and testing instrumentation, methods, and published standards.

Differences among state test requirements for cannabis, which have proliferated in recent years, have underscored the need for unified testing standards, according to the white paper. Distinct lab testing obligations, as well as specific track-and-trace, packaging and labeling, and licensing requirements have complicated trade between states. In addition, variability in testing standards and a lack of consistent enforcement have allowed packaging and labels to misrepresent product ingredients.

As the cannabis industry prepares for federal legalization and the subsequent opening up of interstate commerce, major stakeholders will need to proactively develop testing standards that can be implemented across state lines, according to the NCLC. Such work would also enable better oversight of consumer health and safety standards.

Perkins Coie and numerous lab scientists and operators from around the country, including Rm3 Labs, PSI Labs, Kaycha Laboratories, Kennebec Analytical Services, LLC, Green Scientific Labs, Smithers, and Rocky Mountain Reagents, formed the NCLC in 2021. The council's focus is on establishing and promoting science-based national lab testing standards for cannabis products.

To learn more, read the white paper [here](#).

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