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Exempt Action: Final Regulation
Agency Background Document

Agency name	Virginia Cannabis Control Authority (CCA)
Virginia Administrative Code (VAC) Chapter citation(s)	3 VAC10-60
VAC Chapter title(s)	Testing of Cannabis Products
Action title	Chapter 60 updates
Final agency action date	October 9, 2024
Date this document prepared	October 10, 2024

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code.*

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

This action amends 3VAC10-60 Testing of Cannabis Products to advance public health and safety, provide additional clarity, codify existing practices, promote transparency, and comport with Chapter 732 of the 2024 Acts of Assembly.

This action clarifies and implements § 4.1-1602 D, which addresses independent laboratory testing standards and requires certain cannabis products to be homogenized for laboratory testing. This action also clarifies the standards for microbiological, mycotoxin, and residual solvent testing standards by specifying the applicable part of a document incorporated by reference and, where possible, including standards in the regulations rather than referring to external documents. The expiration date of cannabis products is also amended—six months to twelve—in this action as mandated by Chapter 732 of the 2024 Acts of Assembly.

On October 9, 2024, the CCA Board of Directors voted to approve amendments to the regulations of the medical cannabis program.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

The CCA Board of Directors determined it was necessary to amend the medical cannabis program regulations to clarify ambiguities that have resulted in numerous inquiries to CCA staff, properly address current practices, increase regulatory transparency, and integrate the requirements of Chapter 732 of the 2024 Acts of Assembly. Per § 4.1-1602 Q, "[w]ith the exception of § 2.2-4031, neither the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) nor public participation guidelines adopted pursuant thereto shall apply to the adoption of any regulation pursuant to this section."