

(Without Reference to File)

ASSEMBLY THIRD READING

AB 1458 (Quirk)

As Amended January 23, 2020

Majority vote

SUMMARY:

Modifies the allowed variance in cannabis laboratory testing.

Major Provisions

Requires, for edible cannabis products, the certificate of analysis to report that the milligrams (mg) of Tetrahydrocannabinol (THC) per serving does not exceed 10 milligrams per serving, plus or minus 12% until January 1, 2022, and plus or minus 10% after January 1, 2022.

COMMENTS:

Cannabis testing laboratories are required to evaluate the levels of contaminants of cannabis samples, including residual solvent, processing chemicals, foreign material (such as hair and insects) and microbiological impurities. Testing also determines the concentrations of active chemicals and to ensure compliance with safety standards.

Edibles and THC. Edibles have become popular among users in states where cannabis is legal for recreational or medicinal purposes (or both). For example, in Colorado in 2014, 1.96 million units of edible medicinal cannabis-infused products and 2.85 million units of edible retail cannabis-infused products were sold, which accounted for about 45 percent of the total cannabis sales in the state.

According to BCC, licensed testing laboratory shall deem a sample to have passed testing for all edible cannabis products if the milligrams per serving for THC does not exceed 10 mg/serving, plus 10.0%. Industry indicates that 10 mg is roughly one "dose" of THC. THC dosing recommendations, according to industry standards, vary based on a consumer's tolerance to edibles. This bill creates a standard maximum dose of 10 mg THC in statute and provides a higher sensitivity threshold of 12% until January 1, 2022.

According to the Author:

The regulated cannabis industry is at risk. The legal market has been unable to drive out the remnants of underground cannabis markets, and there are serious concerns that under current regulation regulations the black market may never be driven out. AB 1458 allows cannabis manufacturers to avoid unnecessary and costly waste when a certificate of analysis (COA) is erroneous due to human error or problems in the testing process. Currently there is no way to amend a COA, and if a manufacture knows or believes there is an error they must either destroy their product, or sell it with what they believe is incorrect labeling. AB 1470 allows for a sensible process to correct and amend COAs, ensuring the longevity of the regulated market while protecting consumer safety.

Arguments in Support:

The Southern California Coalition states, "The testing of cannabis manufactured products is an essential part of quality assurance. Because considerable expense is entailed in manufacturing

cannabis products and the sourced ingredients are tested prior to manufacture to avoid contaminating the final product, it would be highly unusual for a manufactured product to fail testing. While both the manufacturer and the testing labs exercise extreme caution failed batches do sometimes occur. This bill gives the manufacturer and the laboratory the option to determine the source of the failure, correct it and retest. For instance, if laboratory equipment was not properly cleaned after a prior test, various residues might show up in a subsequent test."

Arguments in Opposition:

None on file

FISCAL COMMENTS:

According to the Assembly Appropriations Committee, likely minor and absorbable costs to BCC to promulgate regulations (Cannabis Control Fund).

VOTES:**ASM BUSINESS AND PROFESSIONS: 15-1-3**

YES: Low, Arambula, Bloom, Chen, Chiu, Eggman, Gipson, Gloria, Grayson, Holden, Irwin, McCarty, Mullin, Obernolte, Ting

NO: Cunningham

ABS, ABST OR NV: Brough, Fong, Medina

ASM APPROPRIATIONS: 13-3-2

YES: Gonzalez, Bloom, Bonta, Calderon, Carrillo, Chau, Eggman, Gabriel, Eduardo Garcia, Maienschein, Petrie-Norris, Quirk, Robert Rivas

NO: Bigelow, Megan Dahle, Diep

ABS, ABST OR NV: Brough, Fong

UPDATED:

VERSION: January 23, 2020

CONSULTANT: Danielle Sires / B. & P. / (916) 319-3301

FN: 0002673