Date of Hearing: May 13, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Buffy Wicks, Chair
AB 1864 (Berman) – As Introduced February 11, 2026

Policy Committee:	Health	Vote:	16 - 0
	Judiciary		12 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill prohibits a manufacturer from producing, selling, or delivering benchtop nucleic acid synthesis equipment and prohibits a provider of synthetic nucleic acids (provider) from producing, selling, or delivering synthetic nucleic acids subject to screening unless the provider or manufacturer adheres to either a specified framework issued by the National Science and Technology Council (framework), or regulations adopted by the California Department of Public Health (CDPH) pursuant to this bill.

Specifically, this bill:

1) Defines "framework" to mean the Framework for Nucleic Acid Synthesis Screening issued by the Fast Track Action Committee on Synthetic Nucleic Acid Procurement Screening of the National Science and Technology Council, as revised in September 2024, unless the State Department of Public Health adopts regulations pursuant to this bill.

2) Prohibits a manufacturer from producing or selling or delivering benchtop nucleic acid synthesis equipment to a customer in this state unless the manufacturer adheres to the framework.

3) Prohibits a provider from producing or selling or delivering synthetic nucleic acids subject to screening to a customer in this state unless the provider adheres to the framework.

4) Specifies that if the framework uses the term "should," it is a requirement for a provider or manufacturer.

5) Specifies that if the framework uses the term "encouraged," it is a recommendation, but not a requirement, for a provider or manufacturer.

6) Provides that a manufacturer or provider that violates this chapter is subject to a civil penalty in an amount dependent on the severity of the violation, not exceeding $1,000 per day that the violation continues. Specifies that a civil penalty assessed pursuant to this section shall be recovered in a civil action brought only by the Attorney General.

7) Authorizes CDPH to adopt regulations that define "framework" to have the same meaning as one or more, either in combination or in the alternative, federal law, regulation, or guidance document if CDPH determines the regulations would result in an equal or greater degree of protection for the residents of California from relevant biohazards and would not impose, in

the judgment of the department, unreasonable burdens on manufacturers or providers.

8) Defines "benchtop nucleic acid synthesis equipment," "customer," "manufacturer", "provider," and "synthetic nucleic acids subject to screening" to have the same meaning as defined in the framework.

9) Requires CDPH, no later than one year after the adoption of any regulation adopted pursuant to this chapter, to submit a report to the Legislature assessing whether the regulations have maintained or enhanced the protection of the residents of California from relevant biohazards.

FISCAL EFFECT:

1) General Fund costs of an unknown amount to CDPH. CDPH would likely need to adopt regulations, which could cost hundreds of thousands of dollars or more, and prepare a report on the effects of the regulations on protection of California residents.

2) The Department of Justice (DOJ) estimates costs of $1.2 million in fiscal year (FY) 2026-27 and $2.3 million per year in FY 2027-28 and ongoing (General Fund). DOJ states it will work with an expert to assess when there is a violation and to litigate violations of this bill. DOJ's Healthcare Rights and Access Section will work with CDPH on the regulatory, administrative enforcement, and reporting aspects of this bill. DOJ projects it will need three deputy attorneys general, two legal secretaries, and $1 million for external consultant costs.

3) Cost pressures of an unknown but potentially significant amount to the courts to adjudicate additional filings resulting from this bill. Costs will depend on the number of cases filed and the amount of court time needed to resolve each case (Trial Court Trust Fund, General Fund). It generally costs approximately $1,000 to operate a courtroom for one hour. Although courts are not funded based on workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The state budget provides annual General Fund backfills to the Trial Court Trust Fund to offset revenue reductions, totaling approximately $117.3 million in 2025-26.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around $35 billion per year in FY 2027-28 and ongoing.

COMMENTS:

1) **Purpose**. This bill is sponsored by Encode and Secure AI Project. According to the author:

> Innovation cannot come at the expense of protecting public health and we must implement enforceable guardrails to ensure that gene synthesis technology is not misused to create dangerous bioweapons. [This bill] would protect Californians against the misuse of gene synthesis technology by requiring providers of synthetic genes and manufacturers of gene synthesis equipment to screen customer orders for dangerous pathogen sequences and confirm the legitimacy of customers. This bill is a commonsense approach to standardize federally recognized best practices in order to keep Californians safe and defend against biological threats.

2) **Background.** Biosecurity scholars and experts have long recognized there is a great potential for misuse of synthetic biological techniques, including gene synthesis or the artificial process of using chemicals and specialized equipment to build DNA or RNA sequences, rather than copying them from a living organism. Though the benefits of synthetic biology and gene synthesis are widely recognized, there are concerns that specific nucleic acid sequences (or sequences of concern) can be used to create dangerous pathogens that could then be weaponized and used as biological weapons.

   The federal framework was developed by the Fast Track Action Committee on Synthetic Nucleic Acid Procurement Screening of the National Science and Technology Council, spurred in part by an October 2023 executive order by then-President Biden. The executive order emphasized the need to reduce the risk of misuse of synthetic nucleic acids, which could be substantially increased by the capabilities of artificial intelligence.

   According to the framework, providers and manufacturers should take the following six actions:

   a) Attest to implementing this screening framework through a statement that is either posted on a public website or provided to the federally funded customer and federal funding agency upon request.

   b) Screen purchase orders for synthetic nucleic acids to identify sequences of concern (SOCs), which at the time of the framework's issuance, include a nucleotide sequence or its corresponding amino acid sequence that is a best match to a sequence of federally regulated agents, except when the sequence is also found in an unregulated organism or toxin. Beginning October 13, 2026, the definition of SOC will include sequences known to contribute to pathogenicity or toxicity, even when not derived from or encoding regulated biological agents.

   c) Screen customers submitting purchase orders of synthetic nucleic acids with SOCs, and purchase orders of benchtop nucleic acid synthesis equipment, to verify legitimacy.

   d) Report potentially illegitimate purchase orders of synthetic nucleic acids involving SOCs or of benchtop nucleic acid synthesis equipment.

   e) Retain records relating to purchase orders for synthetic nucleic acids and benchtop nucleic acid synthesis equipment.

   f) Take steps to ensure cybersecurity and information security.

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