

Date of Hearing: April 7, 2026

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS
Marc Berman, Chair
AB 1965 (Sharp-Collins) – As Introduced February 13, 2026

SUBJECT: Cannabis: testing: quality assurance.

SUMMARY: Requires cannabis licensees to provide the Certificate of Analysis (COA) associated with cannabis or cannabis products, upon request; authorizes the Department of Cannabis Control (DCC) to conduct off-the-shelf laboratory testing of any cannabis or cannabis products offered for retail sale; authorizes the DCC to subject testing laboratories to performance testing; and makes other changes related to laboratory testing of cannabis and cannabis products.

EXISTING LAW:

- 1) Enacts the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) to provide a comprehensive regulatory framework for the cultivation, distribution, transport, storage, manufacturing, processing, and sale of medicinal and adult-use cannabis. (Business and Professions Code (BPC) §§ 26000-26325)
- 2) Establishes the DCC within the Business, Consumer Services, and Housing Agency for purposes of administering and enforcing MAUCRSA. (BPC § 26010)
- 3) Provides the DCC with authority for issuing various types of commercial cannabis licenses, including subtypes for cultivation, manufacturing, testing, retail, distribution, and microbusiness; requires each licensee, except for testing laboratories, to clearly designate whether their license is for adult-use or medicinal cannabis. (BPC § 26050)
- 4) Requires the DCC to establish a track and trace program for reporting the movement of cannabis and cannabis products throughout the distribution chain that utilizes a unique identifier and can provide information that captures, at a minimum, all of the following:
 - a) The licensee from which the product originates and the licensee receiving the product.
 - b) The transaction date.
 - c) The unique identifier or identifiers for the cannabis or cannabis product.
 - d) The date of retail sale to a customer and whether the sale is conducted on the retail premises or by delivery.
 - e) Information relating to cannabis and cannabis products leaving the licensed premises in a delivery vehicle as determined by regulations adopted pursuant to subdivision (d) of Section 26068.(BPC § 26067(a))
- 5) Requires the DCC, in consultation with the California Department of Tax and Fee Administration, to create an electronic database containing the electronic shipping manifests

to facilitate the administration of the track and trace program, which must include, but not be limited to, the following information:

- a) The variety and quantity or weight of cannabis or cannabis products shipped.
- b) The estimated times of departure and arrival.
- c) The variety and quantity or weight of cannabis or cannabis products received.
- d) The actual time of departure and arrival.
- e) A categorization and the unique identifier of the cannabis or cannabis product.
- f) The license number issued by the department for all licensees involved in the shipping process, including, but not limited to, cultivators, manufacturers, distributors, and retailers.

(BPC § 26067(b)(1))

- 6) Requires the database to be designed to flag irregularities for the DCC to investigate. (BPC § 26067(b)(2))
- 7) Prohibits cannabis or cannabis products from being sold unless a representative sample of the cannabis or cannabis products has been tested by a licensed testing laboratory. (BPC § 26100(a))
- 8) Requires the DCC to develop criteria to determine which batches must be tested. Samples must be in the final form in which the cannabis or cannabis product will be consumed or used. (BPC § 26100(b))
- 9) Requires testing of batches to meet the requirements of MAUCRSA, to be conducted only by a licensed testing laboratory. (BPC § 26100(c))
- 10) Specifies that for each batch tested, the testing laboratory must issue a COA for selected lots at a frequency determined by the DCC with supporting data, to report whether the chemical profile of the sample conforms to the labeled content of compounds; that the presence of contaminants does not exceed the levels established by the DCC; and, for edible cannabis products, that the milligrams of Tetrahydrocannabinol (THC) per serving shall not deviate from 10 milligrams by more than 10 percent. (BPC § 26100(d))
- 11) Allows a testing laboratory to amend a COA to correct minor errors, as defined by the DCC. (BPC § 26100(e))
- 12) Requires the DCC to establish standards for residual levels of volatile organic compounds and a standard cannabinoids test method, including standardized operating procedures that must be used by all testing laboratories. (BPC § 26100(f))
- 13) Requires the testing laboratory to conduct all testing in a manner consistent with general requirements for the competence of testing and calibration activities, including sampling and using verified methods. (BPC § 26100(g))

- 14) Requires all testing laboratories performing tests to obtain and maintain ISO/IEC 17025 accreditation as required by the DCC in regulation. (BPC § 26100(h))
- 15) Specifies that if a test result falls outside the specifications authorized by law or regulation, the testing laboratory shall follow a standard operating procedure to confirm or refute the original result. (BPC § 26100(i)(1))
- 16) Authorizes a testing laboratory to retest the sample if both the testing laboratory notifies the DCC in writing that the test was compromised due to equipment malfunction, staff error, or other circumstances allowed by the DCC *and* the DCC authorizes the testing laboratory to retest the sample. (BPC § 26100(i)(2))
- 17) Requires a testing laboratory to destroy the remains of the sample of cannabis or cannabis product upon completion of the analysis, as determined by the DCC through regulations. (BPC § 26100(j))
- 18) Prohibits a testing laboratory from being licensed by the DCC unless the laboratory meets all of the following:
 - a) Complies with any other requirements specified by the DCC.
 - b) Notifies the DCC within one business day after the receipt of notice of any kind that its accreditation has been denied, suspended, or revoked.
 - c) Has established standard operating procedures that provide for adequate chain of custody controls for samples transferred to the testing laboratory for testing.(BPC § 26102)
- 19) Requires a licensed testing laboratory to, in performing activities concerning cannabis and cannabis products, comply with the requirements and restrictions set forth in applicable law and regulations. (BPC § 26104(a))
- 20) Requires the DCC to develop procedures to do all of the following:
 - a) Ensure that testing of cannabis and cannabis products occurs prior to distribution to licensed retailers, microbusinesses, or nonprofits.
 - b) Specify how often licensees must test cannabis and cannabis products, and that the cost of testing cannabis must be borne by the licensed cultivators and the cost of testing cannabis products must be borne by the licensed manufacturer, and that the costs of testing cannabis and cannabis products must be borne by a nonprofit licensed.
 - c) Require destruction of harvested batches whose testing samples indicate noncompliance with health and safety standards required by the DCC, unless remedial measures can bring the cannabis or cannabis products into compliance with quality assurance standards as specified by law and implemented by the DCC.
 - d) Ensure that a testing laboratory employee takes the sample of cannabis or cannabis products from the distributor's premises for testing and that the testing laboratory

employee transports the sample to the testing laboratory. The driver transporting the sample pursuant to this requirement must be directly employed by the testing laboratory.

(BPC § 26104(b))

- 21) Prohibits a testing laboratory from acquiring or receiving cannabis or cannabis products except from a licensee, and from distributing, selling, or dispensing cannabis or cannabis products from the licensed premises from which the cannabis or cannabis products were acquired or received. All transfers or transportation must be performed in accordance with a specified chain of custody protocol. (BPC § 26104(c)(1))
- 22) Authorizes a testing laboratory to receive and test samples of cannabis or cannabis products from a state or local law enforcement, or a prosecuting or regulatory agency to test the cannabis or cannabis products. Testing conducted by a testing laboratory for state or local law enforcement, a prosecuting agency, or a regulatory agency is not commercial cannabis activity and is not to be arranged or overseen by the DCC. (BPC § 26104(c)(2))

THIS BILL:

- 1) Requires a retailer and any other licensee authorized to engage in the retail sale of cannabis or cannabis products to allow the DCC to obtain or access any cannabis or cannabis products held or offered for retail sale for the purposes of conducting off-the-shelf laboratory testing in compliance with MAUCRSA or the DCC's regulations.
- 2) Requires the DCC to develop criteria to determine which batches must be retested.
- 3) Specifies that a testing laboratory may be subject to performance testing by the DCC to ensure consistency of results across laboratories.
- 4) States that "performance testing" may include, but is not limited to, blind proficiency testing, round robin testing, and any other type of programs that may be used to demonstrate competent performance of a testing laboratory.
- 5) Authorizes a testing laboratory to retest a sample when a test result falls outside the specifications authorized by law or regulation if *either* 1) the testing laboratory notifies the DCC, in writing, that the test was compromised due to equipment malfunction or staff error, or other circumstances allowed by *regulation, or if retesting is required by* the DCC, or 2) the DCC authorizes the testing laboratory to retest the sample (emphasis added to distinguish from current law).
- 6) Repeals a requirement that testing conducted by testing laboratory for state or local law enforcement, a prosecuting agency, or a regulatory agency not be arranged or overseen by the DCC and instead requires a licensed testing laboratory to comply with the DCC's request to evaluate the laboratory's testing practices, as determined in DCC regulations.

FISCAL EFFECT: Unknown. This bill is keyed fiscal by the Legislative Counsel.

COMMENTS:

Purpose. This bill is sponsored by the *California Cannabis Operators Association*. According to the author:

Reports show that we are failing to deliver on the promise we made to provide safe and non-toxic cannabis. Instead, we are seeing documented pesticides and potency discrepancies, putting Californians' health at risk. [This bill] creates the necessary protections and gives authority to the [DCC] to regulate testing labs and perform oversight. Changing the current procedure of cannabis testing increases public health and restores public trust in a safe legal cannabis market.

Background.

Department of Cannabis Control. Since July 1, 2021, the DCC has been the single entity responsible for administering and enforcing the majority of California's cannabis laws, collectively known as MAUCRSA. The DCC is additionally responsible for licensing and regulating cannabis businesses, including the cultivation, manufacture, testing, transportation, labeling, and sale of cannabis and cannabis products in this state.¹

Cannabis testing. Cannabis products must be tested before sale to ensure they are free of contaminants (e.g., pesticides) and labeled with accurate amounts of cannabinoids and terpenes.² More specifically, laboratories test cannabis goods for residual solvents and processing chemicals, residual pesticides, heavy metals, microbial impurities, mycotoxins, moisture content and water activity, and foreign material. DCC regulations require laboratories to test for 66 pesticides and further stipulate that laboratories analyze a minimum of 0.5 grams of the representative sample to determine whether residual pesticides are present.³ A sample is deemed to have passed the residual pesticides testing if Category I pesticides are not detected, and the presence of Category II pesticides does not exceed specified levels.

Results are reported on a COA, which says whether the batch of cannabis goods passes or fails for each substance. The laboratories may issue COAs only after completing all tests and cannot alter them once issued. Changes require DCC approval. Laboratories must upload COAs to DCC's CCTT system and email a copy directly to DCC within one business day of finishing testing. Cannabis goods that fail testing must be destroyed by the distributor or remediated by a manufacturer. Remediation is the process of removing contaminants from a product and must be approved by DCC in advance. After remediation, the cannabis goods must be re-tested and if they pass, may be sold.

Cannabis testing laboratories must be licensed by the DCC, maintain ISO accreditation, use standardized operating procedures, develop a laboratory quality assurance program, and participate in a proficiency testing program.

Need for this bill. In June 2024, Anresco Laboratories and Infinite Chemical Analysis Labs filed a lawsuit against 13 testing labs, alleging that they inflated cannabis products' THC potency or disregarded the presence of contaminants in their cannabis goods.⁴ They later sought dismissal of

¹ Department of Cannabis Control. *About the Department of Cannabis Control*, <https://cannabis.ca.gov/about-us/about-dcc/>.

² Department of Cannabis Control. *Testing laboratories*, <https://cannabis.ca.gov/licensees/testing-laboratories/>.

³ Cal. Code Regs. Tit. 4, § 15719

⁴ Chris Casacchia, *Lawsuit dismissed against 13 marijuana testing labs in California*, MJBIZDAILY. (2024).

the case without prejudice. According to an article published by *MJ Biz Daily*, the two companies were among the labs that publicized findings of illegal pesticides in numerous cannabis products, and whose complaints to the DCC led to an investigation by *The Los Angeles Times* and *Weedweek*. The investigation revealed that legal cannabis products contained alarming levels of pesticides.⁵ More than half of the 42 products they tested had pesticide concentrations exceeding legal limits or current federal standards for tobacco. Moreover, vapes from five popular brands were found to have pesticide levels so high that a single exposure could be harmful. The investigation resulted in numerous product recalls and increased scrutiny over the DCC's oversight of licensed cannabis testing laboratories.⁶

According to reporting by *The Los Angeles Times*, the Santa Cruz County Board of Supervisors passed a resolution in 2025 calling on the governor and the Legislature to transfer responsibility for pesticides in cannabis products from the DCC to the Department of Pesticide Regulation, and that accreditation of cannabis testing laboratories be placed under the purview of the State Water Resources Control Board. Additionally, the resolution asked that the state require cannabis goods to be screened for an additional 24 pesticides.

This bill would require licensees to provide COAs to customers and the DCC upon request, authorize the DCC to conduct off-the-shelf laboratory testing for any cannabis goods offered for sale, and require the DCC to develop criteria to determine which batches of cannabis goods must be retested. Additionally, this bill would authorize the DCC to subject testing laboratories to performance testing, including, but not limited to, blind proficiency testing, round-robin testing, and any other program used to demonstrate competent performance. This bill would also authorize a testing laboratory to retest a sample without the DCC's authorization when a test result falls outside the specifications authorized by law or regulation, if *either* of the following occur: 1) the testing laboratory notifies the DCC in writing that the test was compromised due to equipment malfunction, staff error, or other circumstances allowed by regulation, or if retesting is required by the DCC; or 2) the DCC authorizes the testing laboratory to retest the sample. Lastly, this bill repeals the requirement that testing conducted for state or local law enforcement, a prosecuting agency, or a regulatory agency is not commercial cannabis activity subject to the DCC's arrangement or oversight and instead requires a testing laboratory to comply with the DCC's request to evaluate their testing practices, as determined in DCC regulations.

Prior Related Legislation. AB 1027 (Sharp-Collins) of 2025 was substantially similar to this bill. *AB 1027 was held on the Senate Appropriations Committee Suspense File.*

AB 1610 (Jones-Sawyer) of 2023 would have required the DCC to maintain a record of recall orders on its website; required testing for cannabigerolic acid and heavy metals; authorized a testing laboratory to deviate from the standard test method if they can demonstrate outcomes consistent with established standards; subjected testing laboratories to in-person audits by the DCC every two years; and authorized the DCC's quality assurance compliance monito to conduct random quality assurance reviews at a retailer's or microbusiness's licenses premises to ensure compliance with labeling and packaging requirements; among other changes. *AB 1610 was held on the Senate Appropriations Committee Suspense File.*

⁵ Ryan Fonseca, *How dirty is your weed? A joint investigation finds high levels of pesticides in products*, THE LOS ANGELES TIMES. (2024).

⁶ Paige St. John, *Contamination fears drive push to remake state cannabis agency*, THE LOS ANGELES TIMES. (2025).

AB 623 (Chen), Chapter 267, Statutes of 2023, required the DCC to establish regulations to adjust testing variances for edible cannabis products that include less than five milligrams of THC in total.

SB 544 (Laird) Chapter 547, Statutes of 2021, required the DCC to establish standardized cannabinoid test methods to be used by all testing laboratories by January 1, 2023.

ARGUMENTS IN SUPPORT:

As the sponsor of this bill, the *California Cannabis Operators Association* writes:

Under existing law, all cannabis products must be tested by state-licensed laboratories to ensure compliance with standards for pesticides, heavy metals, microbiological contaminants, and cannabinoid potency. However, recent reporting and independent analyses have raised concerns about inconsistencies in testing outcomes and the potential for manipulation within segments of the market. These issues risk undermining consumer confidence and disadvantage operators who are committed to compliance.

[This bill] strengthens the integrity of the state’s testing framework by:

- Clarifying retesting authority, allowing licensed laboratories to retest samples when the original test is compromised, upon notification to or direction from the Department of Cannabis Control (DCC);
- Authorizing off-the-shelf testing, enabling the DCC to obtain cannabis products from retail settings for independent verification;
- Requiring retailers to provide Certificates of Analysis (COAs) to consumers upon request;
- Establishing performance testing requirements (e.g., proficiency testing) to promote consistency across laboratories; and
- Requiring laboratories to comply with DCC evaluations of testing practices.

POLICY ISSUE(S) FOR CONSIDERATION:

Threshold for retesting. Current law authorizes a testing laboratory to retest a cannabis sample when a test result falls outside set parameters if both of the following conditions are met: 1) the testing laboratory notifies the DCC, in writing, that the test was compromised due to equipment malfunction, staff error, or other circumstances allowed by the DCC, and 2) the DCC authorizes the testing laboratory to retest the sample. This bill would lower the threshold by allowing a testing laboratory to test a sample without the DCC’s authorization. Absent DCC approval, it is unclear what guardrails there are to ensure this leniency is not abused. The author may wish to reinstate the requirement for DCC approval, or at very least, define “equipment malfunction” and “staff error” to ensure these terms are not up to the interpretation of each testing laboratory.

IMPLEMENTATION ISSUES:

Certificate of Analysis. When a cannabis batch passes regulatory compliance testing, the cannabis goods may be transported to licensed retailers, licensed distributors, or licensed microbusinesses, and a copy of the COA must be provided to all licensed distributors receiving the batch and to the licensee who provided the batch.⁷ The COA may be provided electronically. This bill requires retailers to provide the COA for any cannabis good for sale to a customer upon the customer's request or the DCC's request. The author may wish to clarify that a COA may be provided electronically.

REGISTERED SUPPORT:

California Cannabis Operators Association (Sponsor)
California NORML

REGISTERED OPPOSITION:

None on file

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⁷ Cal. Code Regs. Tit. 4, § 15306