

ASSEMBLY THIRD READING
AB 1965 (Sharp-Collins)
As Introduced February 13, 2026
Majority vote

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.

Major Provisions

- 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.

COMMENTS

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.

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.

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. 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. They later sought dismissal of 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. 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.

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.

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."

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.

Arguments in Opposition

There is no opposition on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee: Costs of an unknown amount to DCC; however, based on an analysis of AB 1027 (Sharp-Collins), of the current legislative session, costs would likely be in the low to mid hundreds of thousands of dollars per year (Cannabis Control Fund).

VOTES

ASM BUSINESS AND PROFESSIONS: 19-0-0

YES: Berman, Johnson, Addis, Ahrens, Alanis, Bains, Aguiar-Curry, Caloza, Chen, Elhawary, Hadwick, Haney, Hart, Irwin, Jackson, Lowenthal, Macedo, Nguyen, Pellerin

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

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