
THIRD READING

Bill No: AB 1965
Author: Sharp-Collins (D)
Introduced: 2/13/26
Vote: 21

SENATE BUS., PROF. & ECON. DEV. COMMITTEE: 11-0, 6/29/26
AYES: Wahab, Choi, Archuleta, Arreguín, Caballero, Grayson, Menjivar, Niello,
Smallwood-Cuevas, Strickland, Umberg

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/13/26
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 73-0, 5/21/26 - See last page for vote

SUBJECT: Cannabis: testing: quality assurance

SOURCE: California Cannabis Operators Association

DIGEST: This bill authorizes the Department of Cannabis Control (DCC) to conduct performance testing of licensed cannabis testing laboratories; requires cannabis retail licensees to provide the Certificate of Analysis (COA) upon request by a customer or the DCC; permits and the DCC to conduct off-the-shelf laboratory testing of any cannabis product and makes other updates to oversight of cannabis testing laboratories, as specified.

ANALYSIS:

Existing law:

- 1) Establishes the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) to regulate the cultivation, distribution, transport, storage, manufacturing, processing, and sale of both medicinal cannabis and adult-use cannabis. (Business and Professions Code (BPC) § 26000)

- 2) Requires the DCC to make and prescribe reasonable rules and regulations as necessary to implement, administer, and enforce its duties, as specified. (BPC § 26013)
- 3) Requires, upon entry into the licensed market, industrial hemp be held in quarantine by the distributor and tested by a licensed testing laboratory to confirm it meets the definition of industrial hemp, before transfer to another licensee or incorporation into a cannabis product. (BPC § 26100(b))
- 4) Provides that the DCC is responsible for developing testing criteria to determine which batches must be tested, and all testing of the samples is to be in the final form in which the cannabis or cannabis product will be consumed. (BPC § 26100(c))
- 5) Requires testing of all batches to only be conducted by a licensed testing laboratory. (BPC § 26100(d))

This bill:

- 1) Requires a retailer and any other licensee authorized to engage in the retail sale of cannabis or cannabis products to provide the COA associated with any cannabis or product held or offered for retail sale to the customer upon request of the customer or the DCC.
- 2) Subjects a testing laboratory to performance testing by the DCC to ensure consistency of results across laboratories.
- 3) Specifies that “performance testing” for purposes of this bill may include blind proficiency testing, round robin testing, and any other type of programs that may be used to demonstrate competent performance of a testing laboratory.
- 4) Requires a testing laboratory to additionally report to the DCC if a retest is required if the testing was compromised, as specified.
- 5) 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 to conduct off-the-shelf laboratory testing, as specified.

- 6) Deletes the prohibition on DCC arranging a testing laboratory for testing samples related to law enforcement requests and requires a testing laboratory to comply with the DCC's request to evaluate the laboratory's testing practices.

Background

Cannabis Regulation and the DCC. The DCC has both licensing and enforcement authority related to all commercial cannabis in California, including authority to act against unlicensed cannabis activities and take enforcement actions against licensees who violate the provisions of MAUCRSA. Prop 64 included very specific requirements for the regulatory program for cannabis and cannabis products, including that cannabis products be tested to ensure product safety.

Licensed Testing Laboratories. Current law requires cannabis in its final form to be laboratory tested prior to sale. Pursuant to BPC § 26100, no cannabis, cannabis products, or industrial hemp can be sold by a licensee, unless a representative sample of the products has been tested by a licensed testing laboratory. Testing laboratories must obtain and maintain accreditation from ISO/IEC 17025 accreditation.

Licensed testing laboratories report test results on a COA, which states whether the batch passes or fails testing for each substance. Licensed labs can only issue COAs and results after they finish all tests. Labs cannot change them after they are issued without permission from DCC. A COA may be amended to correct minor errors. Pursuant to DCC regulations, a cannabis or cannabis product batch may only be remediated twice. If the batch fails after the second remediation attempt and the second retesting, the entire batch shall be destroyed.

A licensed testing laboratory may test items not regulated under MAUCRSA if they comply with the laws governing the testing of such items. A licensed testing laboratory must maintain separate and distinct records of their activities regulated by MAUCRSA and activities that are subject to other laws.

As provided in current regulations, (4, California Code of Regulations (CCR) § 15735), licensed laboratories are required to conduct an internal audit at least once per year or in accordance with the ISO/IEC 17025 accrediting body's requirement, whichever is more frequent. However, these are internal audits, not by the DCC. Current law provides the DCC with the power, duty, purpose, responsibility, and jurisdiction to regulate commercial cannabis activity. Further, the DCC may undertake and investigate, as it deems necessary to carry out its functions.

However, there is nothing specified in statute that requires the DCC to conduct audits or inspections of licensed testing laboratories, although the DCC is not prevented from undertaking such evaluations.

To strengthen the DCC's oversight of licensed testing laboratories and ensure greater transparency of testing outcomes this bill proposes to make 5 specific statutory updates to cannabis testing requirements. 1) This bill will require cannabis licensees who are authorized to conduct retail cannabis sales to provide the COA for a specific cannabis or cannabis product to a customer or the DCC upon a request from either a customer or the DCC. As requirement under MAUCRSA, the licensee would be subject to enforcement by the DCC. 2) Although the testing laboratories are licensed by the DCC and subject to the DCC's oversight, this bill will require licensed laboratories to undergo "performance testing" which may include blind proficiency testing or any other programs determined to ensure competency of the licensed laboratories. The DCC will be responsible for determining the performance test schedule and what tests will be conducted. 3) This bill will 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. 4) This bill permits 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, (not 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 regulation, or if retesting is required by the DCC; or the DCC authorizes the testing laboratory to retest the sample. 5) This bill proposes to eliminate the current prohibition against the DCC arranging or overseeing testing conducted for state or local law enforcement, a prosecuting agency, or a regulatory agency that is not considered commercial cannabis activity is restricted and instead requires a testing laboratory to comply with the DCC's request to evaluate their testing practices, as determined in DCC regulations.

Comments

Social Equity LA writes that it supports this bill is amended to specify that the certificate of analysis requirement can be satisfied through a quick response code generated by the Department's track and trace system, with the purpose of providing additional product information to the consumer.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Committee on Appropriations, this bill will result in unknown ongoing cost pressures, ranging in the low hundreds of thousands of dollars to support new testing laboratory oversight responsibilities. DCC notes that this additional compliance workload is anticipated to be absorbable through the redirection of staff resources from the provisional licensing program, which concluded in December 2025.

SUPPORT: (Verified 8/13/26)

California Cannabis Operators Association (Source)
California NORML

OPPOSITION: (Verified 8/13/26)

None received

ARGUMENTS IN SUPPORT: Supporters note generally that this bill improves the oversight and integrity of cannabis testing.

ASSEMBLY FLOOR: 73-0, 5/21/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Irwin, Jackson, Johnson, Kalra, Krell, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Arambula, Chen, Garcia, Hoover, Lackey, Ramos, Celeste Rodriguez

Prepared by: Elissa Silva / B., P. & E.D. / 916-651-4104
8/15/26 16:15:37

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