Resolution _____

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Supervisor:
Duly seconded by Supervisor:

The following resolution is adopted:

RESOLUTION REQUESTING THE GOVERNOR AND THE DEPARTMENT OF CANNABIS CONTROL TO DECLARE CONTAMINATED CANNABIS WITHIN THE REGULATED MARKET A PUBLIC HEALTH EMERGENCY AND UTILIZE THE EMERGENCY RULEMAKING PROCESS TO REVISE THE CONTAMINANT TESTING REQUIREMENTS TO INCLUDE ADDITIONAL PESTICIDES TO PROTECT HUMAN HEALTH AND SAFETY, AND REQUIRE CANNABIS TESTING LABS TO OBTAIN ACCREDITATION THROUGH THE STATE WATER RESOURCES CONTROL BOARD'S ENVIRONMENTAL LAB ACCREDITATION PROGRAM, AND REQUEST THE STATE LEGISLATURE TO CONSIDER CHANGES TO STATE LAW TO PROVIDE REGULATORY AUTHORITY TO THE DEPARTMENT OF PESTICIDE REGULATION

WHEREAS, widespread contamination of cannabis products within the regulated market has been documented and detailed through extensive reporting; and

WHEREAS, the Board of Supervisors has determined contamination to be an emergency which must be addressed for the immediate preservation of public health; and

WHEREAS, the Department of Cannabis Control has statutory authority to adopt emergency regulations to implement additional testing requirements where such regulations are deemed to be an emergency and necessary for the immediate preservation of the public health, as defined in Section 26013 of the Business and Professions Code; and

WHEREAS, reporting has detailed inconsistency in cannabis testing results, which is increasing health risks to consumers by allowing contaminated cannabis products to enter the market; and

WHEREAS, reporting has identified contaminated cannabis products and several of those contaminated cannabis products are for sale and have been sold at local retailers; and

WHEREAS, the State Water Resources Control Board is responsible for the Environmental Laboratory Accreditation Program (ELAP); and

WHEREAS, the ELAP's mission is to implement a sustainable accreditation program that ensures laboratories generate environmental and public health data of known, consistent, and documented quality to meet stakeholder needs; and

WHEREAS, the ELAP provides evaluation and accreditation of environmental testing laboratories to ensure the quality of analytical data used for regulatory purposes to meet the requirements of the State's drinking water, wastewater, shellfish, food, and hazardous waste programs; and

WHEREAS, the ELAP evaluation and accreditation program can be readily modified to incorporate the State cannabis program; and

WHEREAS, by providing the State Water Resources Control Board these regulatory responsibilities, via emergency rulemaking, the duplicative work currently done by the Department of Cannabis Control can be eliminated; and

WHEREAS, the State Legislature has the authority to modify laws and the Department of Pesticide Regulation's mission is to protect human health and the environment by regulating pesticide sales and use, and by fostering reduced-risk pest management; and

WHEREAS, the Department of Pesticide Regulation has the technical skills and resources necessary to be the lead agency for determining what if any levels of residual pesticides may be safe for human consumption in the cannabis market; and

WHEREAS, the Department of Pesticide Regulation is required to provide guidance to the Department of Cannabis Control on testing for pesticides; and

WHEREAS, the Department of Pesticide Regulation is responsible for requiring that pesticides being applied to cannabis comply with food and agriculture standards; and

WHEREAS, the promise of legal cannabis was that people would have access to safe cannabis products, the illicit grows and the environmental degradation associated with them would be eliminated, and organized crime would be eliminated from the market; and

WHEREAS, our Sheriff's Office and Cannabis Licensing Office have addressed illicit cultivation activities through enforcement and civil penalties, while illegal operators and organized crime have been pushed out of our county; and

WHEREAS, ensuring safe, clean cannabis products are being sold at retailers is the responsibility of the State;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Cruz that:

1) The Governor and the Department of Cannabis Control are hereby requested to amend California Code of Regulations, Title 4, Division 19, section 15719, and take

all available actions under the emergency rulemaking process, to expand analyte testing of cannabis.

2) The Governor and the Department of Cannabis Control are hereby requested to take all available actions under the emergency rulemaking process to require analytical testing labs be accredited by the State Water Resources Control Board's Environmental Laboratory Accreditation Program by March 1, 2026.

3) It is hereby requested that the Environmental Laboratory Accreditation Program develop quality control and quality assurance minimum standards for cannabis testing laboratories.

4) It is hereby requested that the Environmental Laboratory Accreditation Program define the minimum requirements for test method validation.

5) It is hereby requested that the Department of Cannabis Control immediately adopt new requirements for cannabis testing to, at a minimum, include the following analytes in cannabis testing and the associated maximum contaminant levels: Azadirachtin, Buprofezin, Biphenyl, Cyprodinil, Dacthal (DCPA), Diphenylamine, Fenvalerate, tua-Fluvalinate, Fluopyram, Flutriafol, Isoprocarb, p,p'-DDE, p,p'-DDT, Methoprene, Methamidophos *(Monitor)*, Methoxyfenozide, Metolachlor, Pendamethalin, 2-Phenylphenol, Pentachloroanisole, Propargite, Propyzamide, Pymetrozine, and Pyrimethanil.

6) It is hereby requested that the Department of Cannabis Control implement a randomized quality control system for sampling and testing cannabis products stored at distribution facilities as well as on retail shelves.

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Santa Cruz finds that contamination of cannabis products in the legal market is a public health emergency. To facilitate necessary amendments to State regulations the Board of Supervisors requests that the Governor and the Department of Cannabis Control adopt changes to California Code of Regulations, Title 4, Division 19, sections 15717 through 15735, as outlined in the attached strike-out/underline version of those regulations (Exhibit 1); and

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Santa Cruz requests that the State Legislature make changes to State law that would allow the Department of Pesticide Regulation to have regulatory authority over cannabis analyte testing requirements as well as permanent changes to provide the State Water Resources Control Board regulatory authority over analytical laboratory accreditation. To facilitate the amendments to State law the Board of Supervisors requests that the State Legislature adopt the changes outlined in the attached strike-out/underline version of relevant sections of the Business and Professions Code (Exhibit 2).

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____ 20__, by the following vote:

Resolution _____

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Felipe Hernandez
Chair of the Board of Supervisors

ATTEST: _____
Juliette Rezzato
Clerk of the Board

Approved as to Form:

Signed by:
Jason M. Heath 2/18/2025
2336E053FF38435...
Jason M. Heath (02/18/2025, 25-1202)
Office of the County Counsel

Attachments: Exhibit 1
Exhibit 2

EXHIBIT 1

California Code of Regulations

Title 4. Business Regulations

Division 19 Department of Cannabis Control

Chapter 6. Testing Laboratories

Article 5 through 7

Article 5 of Chapter 1 shall be revised prior to January 1, 2026 to reflect the requirements that all laboratories testing cannabis for regulatory standards must be accredited by the State Water Resources Control Board Environmental Laboratory Accreditation Program.

The remainder of Article 5 shall remain valid until March 1, 2026 when all laboratories testing cannabis for regulatory standards must be accredited by the State Water Resources Control Board Environmental Laboratory Accreditation Program. The State Water Resources Control Board shall develop all applicable regulatory standards for analytical testing of cannabis and cannabis goods by January 1, 2026.

§15714. Required Testing.

(a) All sample increments collected must be homogenized prior to sample analyses, notwithstanding foreign material testing.

(b) The licensed laboratory shall test each representative sample for the following:

(1) Cannabinoids;

(2) Foreign material;

(3) Heavy metals;

(4) Microbial impurities;

(5) Mycotoxins;

(6) Moisture content and water activity;

(7) Residual pesticides;

(8) Residual solvents and processing chemicals; and

(9) If applicable, terpenoids.

(c) The licensed laboratory shall report the results of each analysis performed by the laboratory on the certificate of analysis.

(d) The licensed laboratory that obtained the representative sample shall complete all required testing for each representative sample for regulatory compliance testing.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26100,

26104 and 26110, Business and Professions Code.

§15717. Moisture Content and Water Activity Testing.

The State Water Resources Control Board Environmental Laboratory Accreditation Program shall provide revisions by January 31, 2026, if they determine that revisions are necessary to comply with accreditation or test method standards.

(a) The licensed laboratory shall analyze at minimum 0.5 grams of the representative sample of dried flower to determine the level of water activity and the percentage of moisture content.

(1) The dried flower sample, including pre-rolls, shall be deemed to have passed water activity testing if the water activity does not exceed 0.65 Aw. The laboratory shall report the result of the water activity test on the certificate of analysis (COA) and indicate “pass” or “fail” on the COA.

(2) The licensed laboratory shall report the result of the moisture content test on the COA as a percentage.

(b) The licensed laboratory shall analyze at least 0.5 grams of the representative sample of solid edible cannabis products to determine the level of water activity. A solid edible cannabis product shall be deemed to have passed water activity testing if the water activity does not exceed 0.85 Aw. The laboratory shall report the result of the water activity test on the COA and indicate “pass” or “fail” on the COA.

(c) If the sample fails water activity testing, the batch from which the sample was collected fails water activity testing and shall not be released for retail sale.

Authority cited: Section 26013, Business and Professions Code. Reference: Sections

26100, 26104 and 26110, Business and Professions Code.

§15718. Residual Solvents and Processing Chemicals Testing.

The State Water Resources Control Board Environmental Laboratory Accreditation Program shall provide revisions by January 31, 2026, if they determine that revisions are necessary to comply with accreditation or test method standards.

(a) The licensed laboratory shall analyze at minimum 0.25 grams of the representative sample of cannabis product or pre-rolls to determine whether residual solvents or processing chemicals are present.

(b) The licensed laboratory shall report the result of the residual solvents and processing chemicals testing in unit micrograms per gram (µg/g) on the COA and indicate “pass” or fail” on the COA.

(c) The sample shall be deemed to have passed the residual solvents and processing chemicals testing if the presence of any residual solvent or processing chemical listed in the following tables in Category I and Category II does not exceed the indicated action levels.

(1) Notwithstanding subsection (c), the limit for ethanol does not apply to cannabis products that are tinctures.

(2) Notwithstanding subsection (c), the limit for ethanol or isopropyl alcohol does not apply to cannabis products that are topical cannabis products.

Category I Residual Solvent or Processing Chemical	**CAS No.**	**Cannabis Product or Pre-RollAction Level (µg/g)**
1,2-Dichloroethane	107-06-2	1.0
Benzene	71-43-2	1.0
Chloroform	67-66-3	1.0
Ethylene oxide	75-21-8	1.0
Methylene chloride	75-09-2	1.0
Trichloroethylene	79-01-6	1.0

Category II Residual Solvent or Processing Chemical	**CAS No.**	**Cannabis Product or Pre-rollAction Level (µg/g)**
Acetone	67-64-1	5000
Acetonitrile	75-05-8	410
Butane	106-97-8	5000
Ethanol	64-17-5	5000
Ethyl acetate	141-78-6	5000
Ethyl ether	60-29-7	5000
Heptane	142-82-5	5000
Hexane	110-54-3	290
Isopropyl alcohol	67-63-0	5000
Methanol	67-56-1	3000
Pentane	109-66-0	5000
Propane	74-98-6	5000

Toluene	108-88-3	890
Total xylenes (ortho-, meta-, para-)	1330-20-7	2170

(d) If the sample fails residual solvents and processing chemicals testing, the batch from which the sample was collected fails residual solvents and processing chemicals testing and shall not be released for retail sale.

Authority cited: Section 26013, Business and Professions Code. Reference: Sections

26100, 26104 and 26110, Business and Professions Code.

§15719. Residual Pesticides Testing.

The State Water Resources Control Board Environmental Laboratory Accreditation Program shall provide revisions by January 31, 2026, if they determine that revisions are necessary to comply with accreditation or test method standards.

(a) The licensed laboratory shall analyze at minimum 0.5 grams of the representative sample of cannabis and cannabis products to determine whether residual pesticides are present.

(b) The licensed laboratory shall report whether any Category I Residual Pesticides are detected above the limit of detection (LOD) and shall report the result of the Category II Residual Pesticides testing in unit micrograms per gram (µg/g) on the COA. The laboratory shall indicate “pass” or “fail” on the COA.

(c) The licensed laboratory shall establish a limit of quantitation (LOQ) of 0.10 µg/g or lower for all Category I Residual Pesticides.

(d) The sample shall be deemed to have passed the residual pesticides testing if both of the following conditions are met:

(1) The presence of any residual pesticide listed in the following tables in Category I are not detected, and

(2) The presence of any residual pesticide listed in the following tables in Category II and III does not exceed the indicated action levels.

Category I Residual Pesticide	CAS No.
Aldicarb	116-06-3
Carbofuran	1563-66-2
Chlordane	57-74-9
Chlorfenapyr	122453-73-0
Chlorpyrifos	2921-88-2
Coumaphos	56-72-4
Daminozide	1596-84-5

DDVP (Dichlorvos)	62-73-7
Dimethoate	60-51-5
Ethoprop(hos)	13194-48-4
Etofenprox	80844-07-1
Category I Residual Pesticide	**CAS No.**
Fenoxycarb	72490-01-8
Fipronil	120068-37-3
Imazalil	35554-44-0
Methiocarb	2032-65-7
Methyl parathion	298-00-0
Mevinphos	7786-34-7
Paclobutrazol	76738-62-0
Propoxur	114-26-1
Spiroxamine	118134-30-8
Thiacloprid	111988-49-9
Isoprocarb	2631-40-5
Methamidophos	10265-92-6
2-Phenylphenol	90-43-7
p,p'-DDE	3424-81-5
p,p'-DDT	50-29-3

Category II Residual Pesticide	**CAS No.**	**Action Level (µg/g) for Inhalable Cannabis and Cannabis Products**	**Action Level (µg/g) for Non-Inhalable Cannabis Products**
Abamectin	71751-41-2	0.1	0.3
Acephate	30560-19-1	0.1	5
Acequinocyl	57960-19-7	0.1	4
Acetamiprid	135410-20-7	0.1	5
Azoxystrobin	131860-33-8	0.1	40
Bifenazate	149877-41-8	0.1	5

Bifenthrin	82657-04-3	3	0.5
Boscalid	188425-85-6	0.1	10
Captan	133-06-2	0.7	5
Carbaryl	63-25-2	0.5	0.5
Category II Residual Pesticide	**CAS No.**	**Action Level (µg/g) for Inhalable Cannabis and Cannabis Products**	**Action Level (µg/g) for Non-Inhalable Cannabis Products**
Chlorantraniliprole	500008-45-7	10	40
Clofentezine	74115-24-5	0.1	0.5
Cyfluthrin	68359-37-5	2	1
Cypermethrin	52315-07-8	1	1
Diazinon	333-41-5	0.1	0.2
Dimethomorph	110488-70-5	2	20
Etoxazole	153233-91-1	0.1	1.5
Fenhexamid	126833-17-8	0.1	10
Fenpyroximate	111812-58-9	0.1	2
Flonicamid	158062-67-0	0.1	2
Fludioxonil	131341-86-1	0.1	30
Hexythiazox	78587-05-0	0.1	2
Imidacloprid	138261-41-3	5	3
Kresoxim-methyl	143390-89-0	0.1	1
Malathion	121-75-5	0.5	5
Metalaxyl	57837-19-1	2	15
Methomyl	16752-77-5	1	0.1
Myclobutanil	88671-89-0	0.1	9
Naled	300-76-5	0.1	0.5
Oxamyl	23135-22-0	0.5	0.2
Pentachloronitrobenzene	82-68-8	0.1	0.2
Permethrin	52645-53-1	0.5	20
Phosmet	732-11-6	0.1	0.2

Piperonylbutoxide	51-03-6	3	8
Prallethrin	23031-36-9	0.1	0.4
Propiconazole	60207-90-1	0.1	20
Pyrethrins	8003-34-7	0.5	1
Category II Residual Pesticide	**CAS No.**	**Action Level (µg/g) for Inhalable Cannabis and Cannabis Products**	**Action Level (µg/g) for Non-Inhalable Cannabis Products**
Pyridaben	96489-71-3	0.1	3
Spinetoram	187166-15-0, 187166-40-1	0.1	3
Spinosad	131929-60-7, 131929-63-0	0.1	3
Spiromesifen	283594-90-1	0.1	12
Spirotetramat	203313-25-1	0.1	13
Tebuconazole	107534-96-3	0.1	2
Thiamethoxam	153719-23-4	5	4.5
Trifloxystrobin	141517-21-7	0.1	30

Category III Residual Pesticide	**CAS No.**	**Action Level (µg/g) for Inhalable Cannabis and Cannabis Products**	**Action Level (µg/g) for Non-Inhalable Cannabis Products**
Azadirachtin	11141-17-6	3	Not Applicable
Buprofezin	69327-76-0	0.1	Not Applicable
Biphenyl	92-52-4	0.1	Not Applicable
Cyprodinil	121552-61-2	0.1	Not Applicable
Dacthal (DCPA)	1864-32-1	0.1	Not Applicable
Diphenylamine	91-57-6	0.2	Not Applicable
Fenvalerate	51630-58-1	0.1	Not Applicable
Tua-Fluvalinate	102851-06-9	0.9	Not Applicable
Fluopyram	658066-35-4	0.5	Not Applicable
Flutriafol	76674-21-0	0.2	Not Applicable
Methoprene	40596-69-8	1	Not Applicable
Methoxyfenozide	161050-58-4	0.2	Not Applicable

Metolachlor	51218-45-2	0.1	Not Applicable
Pendimethalin	40487-42-1	0.2	Not Applicable
Pentachloroanisole	131-63-7	0.2	Not Applicable
Category III Residual Pesticide	**CAS No.**	**Action Level (µg/g) for Inhalable Cannabis and Cannabis Products**	**Action Level (µg/g) for Non-Inhalable Cannabis Products**
Propargite	2312-35-8	0.2	Not Applicable
Propyzamide	23950-58-5	0.2	Not Applicable
Pymetrozine	123312-89-0	0.2	Not Applicable
Pyrimethanil	53112-28-0	0.1	Not Applicable

REVISED BUPROFEZIN / Cyprodinil / Pyrimethanil PER DPR GUIDELINES

ADDED

(e) If the sample fails residual pesticides testing, the batch from which the sample was collected fails residual pesticides testing and shall not be released for retail sale.

Authority cited: Section 26013, Business and Professions Code. Reference: Sections

26100, 26104 and 26110, Business and Professions Code.

§15720. Microbial Impurities Testing.

The State Water Resources Control Board Environmental Laboratory Accreditation Program shall provide revisions by January 31, 2026, if they determine that revisions are necessary to comply with accreditation or test method standards.

(a) The licensed laboratory shall analyze at minimum 1.0 grams of the representative sample of cannabis or cannabis products to determine whether microbial impurities are present.

(b) The licensed laboratory shall report the result of the microbial impurities testing by indicating “pass” or “fail” on the COA.

(c) The sample of inhalable cannabis and cannabis products shall be deemed to have passed the microbial impurities testing if all of the following conditions are met:

(1) Shiga toxin-producing Escherichia coli is not detected in 1 gram;

(2) Salmonella spp. is not detected in 1 gram; and

(3) Pathogenic Aspergillus species A. fumigatus, A. flavus, A. niger, and A. terreus are not detected in 1 gram.

(d) The sample of non-inhalable cannabis and cannabis products shall be deemed to have passed the microbial impurities testing if both the following conditions are met:

(1) Shiga toxin-producing Escherichia coli is not detected in 1 gram, and

(2) Salmonella spp. is not detected in 1 gram.

(e) If the sample fails microbial impurities testing, the batch from which the sample was collected fails microbial impurities testing and shall not be released for retail sale.

Authority cited: Section 26013, Business and Professions Code. Reference: Sections

26100, 26104 and 26110, Business and Professions Code.

§15721. Mycotoxin Testing.

The State Water Resources Control Board Environmental Laboratory Accreditation Program shall provide revisions by January 31, 2026, if they determine that revisions are necessary to comply with accreditation or test method standards.

(a) The licensed laboratory shall analyze at minimum 0.5 grams of the representative sample of cannabis and cannabis products to determine whether mycotoxins are present.

(b) The licensed laboratory shall report the result of the mycotoxins testing in unit micrograms per kilograms (µg/kg) on the COA and indicate “pass” or “fail” on the COA.

(c) The sample shall be deemed to have passed mycotoxin testing if both the following conditions are met:

(1) Total of aflatoxin B1, B2, G1, and G2 does not exceed 20 µg/kg of substance, and

(2) Ochratoxin A does not exceed 20 µg/kg of substance.

(d) If the sample fails mycotoxin testing, the batch from which the sample was collected

fails mycotoxin testing and shall not be released for retail sale.

Authority cited: Section 26013, Business and Professions Code. Reference: Sections

26100, 26104 and 26110, Business and Professions Code.

§15722. Foreign Material Testing.

The State Water Resources Control Board Environmental Laboratory Accreditation Program shall provide revisions by January 31, 2026, if they determine that revisions are necessary to comply with accreditation or test method standards.

(a) The licensed laboratory shall analyze the representative sample of cannabis and cannabis products to determine whether foreign material is present.

(b) The licensed laboratory shall report the result of the foreign material test by indicating pass” or “fail” on the COA.

(c) The licensed laboratory shall perform foreign material testing on the total representative sample prior to sample homogenization.

(d) When the licensed laboratory performs foreign material testing, at minimum, the laboratory shall do all of the following:

(1) Examine both the exterior and interior of the dried flower sample, and

(2) Examine the exterior of the cannabis product sample.

(e) The sample shall be deemed to have passed the foreign material testing if the presence of foreign material does not exceed:

(1) 1/4 of the total sample area covered by sand, soil, cinders, or dirt;

(2) 1/4 of the total sample area covered by mold;

(3) 1 insect fragment, 1 hair, or 1 count mammalian excreta per 3.0 grams; or

(4) 1/4 of the total sample area covered by an imbedded foreign material.

(f) If the sample fails foreign material testing, the batch from which the sample was collected fails foreign material testing and shall not be released for retail sale.

Authority cited: Section 26013, Business and Professions Code. Reference: Sections 26100, 26104 and 26110, Business and Professions Code.

§15723. Heavy Metals Testing.

The State Water Resources Control Board Environmental Laboratory Accreditation Program shall provide revisions by January 31, 2026, if they determine that revisions are necessary to comply with accreditation or test method standards.

(a) The licensed laboratory shall analyze at minimum 0.5 grams of the representative sample of cannabis and cannabis products to determine whether heavy metals are present.

(b) The licensed laboratory shall report the result of the heavy metals test in unit micrograms per gram (µg/g) on the COA and indicate “pass” or “fail” on the COA.

(c) The sample shall be deemed to have passed the heavy metals testing if the presence of heavy metals does not exceed the action levels listed in the following table.

Heavy Metal	Action Level (µg/g) for Inhalable Cannabis and Cannabis Products	Action Level (µg/g) for Non-Inhalable Cannabis and Cannabis Products
Cadmium	0.2	0.5
Lead	0.5	0.5
Arsenic	0.2	1.5
Mercury	0.1	3.0

(d) If the sample fails heavy metals testing, the batch from which the sample was collected fails heavy metals testing and shall not be released for retail sale.

Authority cited: Section 26013, Business and Professions Code. Reference: Sections 26100, 26104 and 26110, Business and Professions Code.

§15724. Cannabinoid Testing.

The State Water Resources Control Board Environmental Laboratory Accreditation Program shall provide revisions by January 31, 2026, if they determine that revisions are necessary to comply with accreditation or test method standards.

(a) The licensed laboratory shall analyze at minimum 0.5 grams of the representative sample of cannabis and cannabis products to determine the cannabinoid profile such as THC; THCA; CBD; CBDA; CBG; and CBN.

(b) The licensed laboratory shall establish a limit of quantitation (LOQ) of 1.0 mg/g or lower for all cannabinoids analyzed and reported.

(c) The licensed laboratory shall report the result of the cannabinoid testing on the COA, including, at minimum:

(1) A percentage for THC, THCA, CBD, and CBDA;

(A) When the licensed laboratory reports the result of the cannabinoid testing for harvest batch representative samples on the COA in dry-weight percent, they shall use the following equation:

Dry-weight percent cannabinoid = wet-weight percent cannabinoid / (1 − percent

moisture / 100)

(2) A percentage for Total THC and Total CBD, if applicable;

(3) Milligrams per gram (mg/g) if by dry-weight or milligrams per milliliter (mg/mL) if by volume for THC, THCA, CBD, and CBDA.

(4) Milligrams per gram (mg/g) if by dry-weight or milligrams per milliliter (mg/mL) if by volume for Total THC and Total CBD, if applicable;

(A) The licensed laboratory shall calculate the total cannabinoid concentration as follows:

(i) For concentration expressed in weight:

Total cannabinoid concentration (mg/g) = (cannabinoid acid form concentration (mg/g) x

0.877) + cannabinoid concentration (mg/g)

(ii) For concentration expressed in volume:

Total cannabinoid concentration (mg/mL) = (cannabinoid acid form concentration (mg/mL) x 0.877) + cannabinoid concentration (mg/mL)

(5) Milligrams per package for THC and CBD;

(6) Milligrams per package for Total THC and Total CBD, if applicable;

(7) Milligrams per serving for THC and CBD, if any;

(8) Milligrams per serving for Total THC and Total CBD, if any and if applicable; and

(9) The licensed laboratory shall report the results of all other cannabinoids analyzed on the COA both as a percentage and in either milligrams per gram (mg/g) if by weight or milligrams per milliliter (mg/mL) if by volume.

(d) The sample shall be deemed to have passed the cannabinoid testing if the amount of THC does not exceed the limits established in section 17304.

(e) The licensed laboratory shall report the test results and indicate an overall “pass” or “fail” for the cannabinoid testing on the COA.

(f) Any cannabinoids found to be less than the LOQ shall be reported on the COA as <1 mg/g” if by dry-weight or “<1 mg/mL” if by volume.

(g) If the sample fails cannabinoid testing, the batch from which the sample was collected fails cannabinoid testing and shall not be released for retail sale.

(h) For purposes of this division, any one cannabinoid, Total THC, and/or Total CBD claimed to be present on a label shall not be considered inaccurate if the difference in percentage on the certificate of analysis is plus or minus 10.0%.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26100,

26104 and 26110, Business and Professions Code.

§15725. Terpenoid Testing.

The State Water Resources Control Board Environmental Laboratory Accreditation Program shall provide revisions by January 31, 2026.

(a) If requested, the licensed laboratory shall analyze at minimum 0.5 grams of the representative sample of cannabis or cannabis products to determine the terpenoid profile of the sample.

(b) The licensed laboratory shall report the result of the terpenoid testing on the COA both as a percentage and in either milligrams per gram (mg/g) if by weight or milligrams per milliliter (mg/mL) if by volume.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26100,

26104 and 26110, Business and Professions Code.

§15726. Certificate of Analysis (COA).

The State Water Resources Control Board Environmental Laboratory Accreditation Program shall provide revisions by January 31, 2026, if they determine that revisions are necessary to comply with accreditation standards.

(a) The licensed laboratory shall generate a COA for each representative sample that the laboratory analyzes.

(b) The licensed laboratory shall ensure that the COA contains the results of all required analyses performed for the representative sample.

(c) The licensed laboratory shall, within 1 business day of completing all analyses of a sample, both upload the COA into the track and trace system and simultaneously provide a copy of the COA to the Department via email at testinglabs@cannabis.ca.gov with a file name of “METRC UID Number and Test Sample ID” and “Passed” or “Failed” in the subject heading of the email.

(d) The licensed laboratory shall not release to any person any cumulative or individual test results prior to completing all analyses and providing the COA to the Department.

(e) The COA shall contain, at minimum, the following information:

(1) The term “Regulatory Compliance Testing” in font no smaller than 14-point, which shall appear in the upper-right corner of each page of the COA. No text or images shall appear above the term “Regulatory Compliance Testing” on any page of the COA.

(2) Laboratory’s name, licensed premises address, and license number;

(3) Licensed distributor’s or licensed microbusiness authorized to engage in distribution’s name, licensed premises address, and license number;

(4) Licensed cultivator’s, licensed manufacturer’s, or licensed microbusiness’ name, licensed premises address, and license number;

(5) Batch number of the batch from which the sample was obtained. For cannabis and cannabis products that are already packaged at the time of sampling, the labeled batch number on the packaged cannabis and cannabis products shall match the batch number on the COA;

(6) Sample identifying information, including matrix type and unique sample identifiers;

(7) Sample history, including the date collected, the date received by the laboratory, and the date(s) of sample analyses and corresponding testing results;

(8) A picture of the sample of cannabis and cannabis products. If the sample is prepackaged, the picture must include an unobstructed image of the packaging;

(9) For dried flower samples, the total weight of the batch, in grams or pounds, and the total weight, of the representative sample in grams;

(10) For cannabis product or pre-rolls samples, the total unit count of both the representative sample and the total batch size;

(11) Measured density of the cannabis and cannabis products;

(12) The analytical methods, analytical instrumentation used, and corresponding Limits of Detection (LOD) and Limits of Quantitation (LOQ);

(13) An attestation on the COA from the laboratory supervisory or management employee that all LQC samples required by section 15730 were performed and met the acceptance criteria; and

(14) Analytes detected during the analyses of the sample that are unknown, unidentified, or injurious to human health if consumed, if any.

(f) The licensed laboratory shall report test results for each representative sample on the COA as follows:

(1) Indicate an overall “pass” or “fail” for the entire batch;

(2) When reporting qualitative results for each analyte, the licensed laboratory shall indicate “pass” or “fail”;

(3) When reporting quantitative results for each analyte, the licensed laboratory shall use the appropriate units of measurement as required under this chapter;

(4) When reporting results for each test method, the licensed laboratory shall indicate “pass” or “fail”;

(5) When reporting results for any analytes that were detected below the analytical method LOQ, indicate “<LOQ”, notwithstanding cannabinoid results;

(6) When reporting results for any analytes that were not detected or detected below the LOD, indicate “ND”; and

(7) Indicate “NT” for any test that the licensed laboratory did not perform.

(g) The licensed laboratory supervisory or management employee shall validate the accuracy of the information contained on the COA and sign and date the COA.

(h) The laboratory supervisory or management employee may request to amend a COA to correct minor errors. Requests must be emailed to the Department at testinglabs@cannabis.ca.gov for approval prior to making any corrections. Errors in results required to be reported pursuant to subsection (f) are not minor errors.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26100,

26104 and 26110, Business and Professions Code.

Article 6. Post Testing Procedures

§15727. Remediation and Retesting.

(a) A cannabis or cannabis product batch that has been additionally processed after failed regulatory compliance testing pursuant to section 17305 must be retested and successfully pass all the analyses required under this chapter.

(b) 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.

(c) Within one business day of completing the required analyses of a representative sample obtained from a remediated cannabis or cannabis product batch, the laboratory shall upload the COA information into the track and trace system, or if the licensee does not yet have access to the track and trace system, it shall be emailed to the Department.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26100,

26104 and 26110, Business and Professions Code.

§15728. Post Testing Sample Retention.

(a) The licensed laboratory shall retain the reserve sample, consisting of any portion of a sample that was not used in the testing process. The reserve sample shall be kept, at minimum, for 45 business days after the analyses, after which time it may be destroyed and denatured to the point the material is rendered unrecognizable and unusable.

(b) The licensed laboratory shall securely store the reserve sample in a manner that prohibits sample degradation, contamination, and tampering.

(c) The licensed laboratory shall provide the reserve sample to the Department or the State Water Resources Control Board Environmental Laboratory Accreditation Program upon request.

Authority cited: Section 26013, Business and Professions Code. Reference: Sections

26100, 26104 and 26110, Business and Professions Code.

Article 7. Laboratory Quality Assurance and Quality Control

§15729. Laboratory Quality Assurance (LQA) Program.

The State Water Resources Control Board Environmental Laboratory Accreditation Program shall provide revisions by January 31, 2026.

(a) The licensed laboratory shall develop and implement a LQA program to assure the reliability and validity of the analytical data produced by the laboratory. The LQA program shall, at minimum, include a written LQA manual that addresses the following:

(1) Quality control procedures;

(2) Laboratory organization and employee training and responsibilities, including good laboratory practice (GLP);

(3) LQA objectives for measurement data;

(4) Traceability of data and analytical results;

(5) Instrument maintenance, calibration procedures, and frequency;

(6) Performance and system audits;

(7) Corrective action procedures;

(8) Steps to change processes when necessary;

(9) Record retention and document control;

(10) Test procedure standardization; and

(11) Method validation.

(b) The supervisory or management laboratory employee shall annually review, amend if necessary, and approve the LQA program and manual both when they are created and when there is a change in methods, laboratory equipment, or the supervisory or management laboratory employee.

Authority cited: Section 26013, Business and Professions Code. Reference: Sections

26100, 26104 and 26110, Business and Professions Code.

§15730. Laboratory Quality Control (LQC) Samples.

The licensed laboratory shall use LQC samples and adhere to good laboratory practice (GLP) in the performance of each analysis according to the following specifications. The State Water

Resources Control Board Environmental Laboratory Accreditation Program shall provide revisions by January 31, 2026.

(a) The licensed laboratory shall analyze LQC samples in the same manner as the laboratory analyzes cannabis and cannabis products samples.

(b) The licensed laboratory shall use at least one negative control, one positive control, and one laboratory replicate sample in each analytical batch for each target organism during microbial testing. If one of the controls produces unexpected results, the samples shall be re-prepped and reanalyzed with a new set of controls.

(c) If the result of the microbial analyses is outside the specified acceptance criteria in the following table, the licensed laboratory shall determine the cause and take steps to remedy the problem until the result is within the specified acceptance criteria.

Laboratory Quality Control Sample	Acceptance Criteria	Corrective Action
Positive control	Produces expected result, positive result	Re-prep and reanalyze the entire analytical batch, once. If problem persists, locate and remedy the source of unexpected result, then re-prep samples and reanalyze with a new set of controls.
Negative control	Produces expected result, negative result	Re-prep and reanalyze the entire analytical batch, once. If problem persists, locate and remedy the source of unexpected result, then re-prep samples and reanalyze with a new set of controls.
Laboratory replicate sample	Sample results must concur	Reanalyze sample and associated replicate sample once. If problem persists, re-prep samples and reanalyze.

(d) The licensed laboratory shall prepare and analyze at least one of each of the following LQC samples for each analytical batch:

(1) Method blank;

(2) Laboratory control sample (LCS); and

(3) Laboratory replicate sample or matrix spike sample.

(e) The laboratory shall analyze, at minimum, a continuing calibration verification (CCV) sample at the beginning of each analytical sequence and every 10 samples thereafter.

(f) If the result of the chemical analyses is outside the specified acceptance criteria in the following table, the laboratory shall determine the cause and take steps to remedy the problem until the result is within the specified acceptance criteria.

Laboratory Quality Control Sample	Acceptance Criteria	Corrective Action

Method Blank sample	Not to exceed LOQ	Reanalyze entire analytical batch once. If method blank is still greater than the LOQ for any analyte, locate the source of contamination then re-prep samples and reanalyze.
LCS	Percent recovery 70% to 130%	Reanalyze the entire analytical batch, once. If problem persists, re-prep samples and reanalyze or re-run the initial calibration curve.
Laboratory replicate sample	RPD ≤30%	Reanalyze sample and associated replicate sample once. If problem persists, re-prep samples and reanalyze.
Matrix spike sample	Percent recovery between 70% to 130%	Reanalyze sample and associated matrix spike sample once. If problem persists, re-prep samples and reanalyze.
CCV	Percent recovery between 70% to 130%	Reanalyze all samples that followed the last CCV that met the acceptance criteria. If CCV still fails, re-run the initial calibration curve and all samples in the analytical sequence.

(g) If any analyte is detected above any action level, as described in this chapter, the sample shall be re-prepped and reanalyzed in replicate within another analytical batch.

(1) For quantitative analyses, the re-prepped sample and its associated replicate must meet the acceptance criteria of RPD ≤30%.

(2) For qualitative analyses, the re-prepped sample and its associated replicate results must concur.

(h) If any LQC sample produces a result outside of the acceptance criteria, the laboratory cannot report the result and the entire batch cannot be released for retail sale. The laboratory shall determine the cause and take steps to remedy the problem until the result is within the specified acceptance criteria.

(i) If the licensed laboratory determines that the result is a false-positive or a false-negative, the Department may ask for the laboratory to re-sample or retest.

(j) The licensed laboratory shall compile and generate one LQC sample report for each analytical batch that includes LQC acceptance criteria, measurements, analysis date, and matrix.

Authority cited: Section 26013, Business and Professions Code. Reference: Sections

26100, 26104 and 26110, Business and Professions Code.

§15731. Limits of Detection (LOD) and Limits of Quantitation (LOQ) for Quantitative

Analyses.

The State Water Resources Control Board Environmental Laboratory Accreditation Program shall provide revisions by January 31, 2026.

(a) The licensed laboratory shall calculate the LOD for chemical method analyses according to any of the following methods:

(1) Signal-to-noise ratio of between 3:1 and 2:1;

(2) Standard deviation of the response and the slope of calibration curve using a minimum of 7 spiked blank samples calculated as follows; LOD = (3.3 x standard deviation of the response) / slope of the calibration curve; or

(3) A method published by the United States Food and Drug Administration (USFDA) or the United States Environmental Protection Agency (USEPA).

(b) The licensed laboratory shall calculate the LOQ for chemical method analyses according to any of the following methods:

(1) Signal-to-noise ratio of 10:1, at minimum;

(2) Standard deviation of the response and the slope using a minimum of 7 spiked blank samples calculated as follows:

LOQ = (10 x standard deviation of the response) / slope of the calibration curve; or

(3) A method published by the USFDA or the USEPA.

Authority cited: Section 26013, Business and Professions Code. Reference: Sections

26100, 26104 and 26110, Business and Professions Code.

§15732. Data Package.

(a) The licensed laboratory shall compile and generate one data package for each representative sample that the laboratory analyzes.

(b) The licensed laboratory shall create a data package and use the Data Package Cover Page and Checklist Form, DCC-LIC-024 (Amended 2/22), which is incorporated herein by reference. The data package and form DCC-LIC-024 (Amended 2/22) shall be provided to the Department and / or the distributor or microbusiness engaged in distribution immediately upon request.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26100,

26104, 26110 and 26160, Business and Professions Code.

§15733. Required Proficiency Testing.

(a) The licensed laboratory shall be accredited by the State Water Resources Control Board Environmental Laboratory Accreditation Program (ELAP). ELAP shall publish accreditation standards for cannabis testing labs on or before January 31, 2026. ~~participate in a proficiency testing program provided by an organization that operates in conformance with the requirements of ISO/IEC 17043, at least once every six months.~~

~~(b) The licensed laboratory shall annually, successfully participate in a proficiency testing program for each of the following test methods:~~

~~(1) Cannabinoids;~~

~~(2) Heavy metals;~~

~~(3) Microbial impurities;~~

~~(4) Mycotoxins;~~

~~(5) Residual pesticides;~~

~~(6) Residual solvents and processing chemicals; and~~

~~(7) If tested, terpenoids.~~

~~(c) The licensed laboratory shall report all analytes available by the proficiency testing program provider and for which the licensee is required to test as required under this chapter.~~

~~(d) The licensed laboratory shall participate in the proficiency testing program by following the laboratory's existing SOPs for testing cannabis and cannabis products.~~

~~(e) The licensed laboratory shall rotate the proficiency testing program among the laboratory employees who perform the test methods.~~

~~(f) Laboratory employees who participate in a proficiency testing program shall sign the corresponding analytical reports or attestation statements to certify that the proficiency testing program was conducted in the same manner as the laboratory tests of cannabis and cannabis products.~~

~~(g) A supervisory or management laboratory employee shall review and verify the accuracy of results reported for all proficiency testing program samples analyzed.~~

~~(h) The licensed laboratory shall request the proficiency testing program provider to send results concurrently to the Department, if available, or the laboratory shall provide the proficiency testing program results to the Department within 3 business days after the laboratory receives notification of their test results from the proficiency testing program provider. Any results shall be reported by submitting the Licensee Notification and Request Form, Notifications and Requests Regarding Testing Laboratories, DCC-LIC029 (New 2/22), which is incorporated herein by reference.~~

Authority: Section 26013, Business and Professions Code. Reference: Sections 26100 and 26110, Business and Professions Code.

~~§15734. Satisfactory and Unsatisfactory Proficiency Test Performance.~~

~~(a) The licensed laboratory shall be deemed to have successfully participated in a proficiency testing program for an analyte tested in a specific method if the test results demonstrate a "satisfactory" or otherwise proficient performance determination by the proficiency testing program provider.~~

~~(b) The licensed laboratory may not report test results for analytes that are deemed by the proficiency testing program provider as "unacceptable," "questionable," "unsatisfactory", or otherwise deficient.~~

~~(c) The licensed laboratory may resume reporting test results for analytes that were deemed "unacceptable," "questionable," "unsatisfactory", or otherwise deficient, only if both of the following conditions are met:~~

~~(1) The licensed laboratory satisfactorily remedies the cause of the failure for each analyte; and~~

~~(2) The licensed laboratory submits, to the Department, a written corrective action report demonstrating how the laboratory has fixed the cause of the failure.~~

§15735. Laboratory Audits.

(a) The licensed laboratory shall conduct an internal audit at least once per year or more frequently as defined by ELAP. ~~in accordance with the ISO/IEC 17025 accrediting body's requirement, whichever is more frequent.~~

(b) The internal audit must include all of the components required by the ~~ISO/IEC 17025 internal audit~~ELAP standards.

(c) Audit results must be submitted to ELAP as defined by their standards. ELAP standards for cannabis testing labs shall be published on or before January 31, 2026. ~~Within 3 business days of completing the internal audit, the licensed laboratory shall submit the results of the internal audit to the Department.~~

~~(d) Within 3 business days of receiving the accrediting body onsite audit findings, the licensed laboratory shall submit the results to the Department.~~

~~(e) The licensed laboratory shall submit any audit results to the Department, accompanied by the Licensee Notification and Request Form, Notifications and Requests Regarding Testing Laboratories, DCC-LIC-029 (New 2/22), which is incorporated herein by reference.~~

Authority: Section 26013, Business and Professions Code. Reference: Sections 26100 and 26104, Business and Professions Code.

EXHIBIT 2

Business and Professions Code - BPC

DIVISION 10. Cannabis [26000 - 26325]

CHAPTER 1. General Provisions and Definitions [26000 - 26002]

Revisions to Chapter 1 shall be effective March 1, 2026.

26001. For purposes of this division, the following definitions apply:

(az) "Testing laboratory" means a laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products and that is both of the following:

(1) Accredited by the State Water Resources Control Board Environmental Laboratory Accreditation Program ~~an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.~~

(2) Licensed by the department.

CHAPTER 10. Testing Laboratories [26100 - 26104]

26100.

(a) Except as otherwise provided by law, cannabis or cannabis products shall not be sold pursuant to a license provided for under this division unless a representative sample of the cannabis or cannabis products has been tested by an accredited ~~licensed~~testing laboratory.

(b) Testing laboratories shall be accredited by the State Water Resources Control Board Environmental Laboratory Accreditation Program by March 1, 2026.

(c~~b~~) The Department of Pesticide Regulation~~department~~ shall develop criteria to determine which batches shall be tested. All testing of the samples shall be performed on the final form in which the cannabis or cannabis product will be consumed or used.

(d~~c~~) Testing of batches to meet the requirements of this division shall only be conducted by an accredited ~~licensed~~ testing laboratory.

(e~~d~~) For each batch tested, the testing laboratory shall issue a certificate of analysis for selected lots at a frequency determined by the Department of Pesticide Regulation~~department~~ with supporting data, to report both of the following:

(1) Whether the chemical profile of the sample conforms to the labeled content of compounds, including, but not limited to, all of the following, unless limited through regulation by the department:

(A) Tetrahydrocannabinol (THC).

(B) Tetrahydrocannabinolic Acid (THCA).

(C) Cannabidiol (CBD).

(D) Cannabidiolic Acid (CBDA).

(E) The terpenes required by the department in regulation.

(F) Cannabigerol (CBG).

(G) Cannabinol (CBN).

(H) Other compounds or contaminants required by the Department of Pesticide Regulation~~department~~.

(2) That the presence of contaminants does not exceed the levels established by the ~~department~~Department of Pesticide Regulation. In establishing the levels, the department shall consider the American Herbal Pharmacopoeia monograph, guidelines set by the Department of Pesticide Regulation pursuant to subdivision (c) of Section 26060, and any other relevant sources. For purposes of this paragraph, “contaminants” includes, but is not limited to, all of the following:

(A) Residual solvent or processing chemicals.

(B) Foreign material, including, but not limited to, hair, insects, or similar or related adulterant.

(C) Microbiological impurities as identified by the ~~department~~Department of Pesticide Regulation~~in regulation~~.

(3) For edible cannabis products, that the milligrams per serving of THC does not exceed 10 milligrams per serving, plus or minus 10~~2~~ percent. ~~After January 1, 2022, the milligrams of THC per serving shall not deviate from 10 milligrams by more than 10 percent.~~

(4) Notwithstanding paragraph (3), the department shall establish regulations to adjust testing variances for edible cannabis products that include less than five milligrams of THC in total.

(e) A testing laboratory may amend a certificate of analysis to correct minor errors, as defined by the department until March 1, 2026 when all amendments must be approved by the State Water Resources Control Board Environmental Laboratory Accreditation Program.

(f) (1) Standards for residual levels of volatile organic compounds shall be established by the Department of Regulationdepartment.

(2) On or before MarchJanuary 1, 20263, the State Water Resources Control Board Environmental Laboratory Accreditation Programdepartment shall establish a standard cannabinoids test method, including standardized operating procedures, that shall be utilized by all accredited testing laboratories. The department and may establish more than one method for use by testing laboratories and these standards may be developed through a reference laboratory.

(g) The testing laboratory shall conduct all testing required by this section in a manner consistent with general requirements for the competence of testing and calibrations activities, including sampling and using verified methods.

(h) All testing laboratories performing tests pursuant to this section shall obtain and maintain ISO/IEC 17025 accreditation as required by the State Water Resources Control Board Environmental Laboratory Accreditation Program and any other accreditation they determine to be necessary to protect human health and safety.department in regulation.

(i) (1) 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.

(2) If a test result falls outside the specifications authorized by law or regulation, the licensee whose products are being tested may request another laboratory to retest the sample as defined by regulation and the original testing laboratory may retest the sample if both of the following occur:

(A) The testing laboratory notifies the Environmental Laboratory Accreditation Programdepartment, in writing, that the test was compromised due to equipment malfunction, staff error, or other circumstances which contributed to failure of their quality control and/or quality assurance program.allowed by the department.

(B) The department authorizes the testing laboratory to retest the sample.

(j) A testing laboratory shall destroy the remains of the sample of cannabis or cannabis product 30 days after upon completion of the analysis, or as determined by the Environmental Laboratory Accreditation Programdepartment through regulations.

(k) Presale inspection, testing transfer, or transportation of cannabis or cannabis products pursuant to this section shall conform to a specified chain of custody protocol and any other requirements imposed under this division.

(l) This division does not prohibit a licensee from performing testing on the licensee's premises for the purposes of quality control of the product in conjunction with

reasonable business operations. This division also does not prohibit a licensee from performing testing on the licensee's premises of cannabis or cannabis products obtained from another licensee. Onsite testing by the licensee shall not be certified by the department and does not exempt the licensee from the requirements of compliance testing at a testing laboratory pursuant to this section.

(Amended by Stats. 2023, Ch. 267, Sec. 1. (AB 623) Effective January 1, 2024. Note: This section was added (as Section 26101) on Nov. 8, 2016, by initiative Prop. 64.)

26102.

A testing laboratory shall not be ~~licensed~~accredited by the ~~department~~ Environmental Laboratory Accreditation Program unless the laboratory meets all of the following:

(a) Complies with any other requirements specified by the State Water Resources Control Board~~department~~.

(b) Notifies the department 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.

(Amended by Stats. 2021, Ch. 70, Sec. 61. (AB 141) Effective July 12, 2021.)

26104.

(a) An accredited~~licensed~~ testing laboratory shall, in performing activities concerning cannabis and cannabis products, comply with the requirements and restrictions set forth in applicable law and regulations.

(b) The department shall develop procedures to do all of the following:

(1) Ensure that testing of cannabis and cannabis products occurs prior to distribution to retailers, microbusinesses, or nonprofits licensed under Section 26070.5.

~~(2) Specify how often licensees shall test cannabis and cannabis products, and that the cost of testing cannabis shall be borne by the licensed cultivators and the cost of testing cannabis products shall be borne by the licensed manufacturer, and that the costs of testing cannabis and cannabis products shall be borne by a nonprofit licensed under Section 26070.5.~~

(~~3~~2) Require destruction of harvested batches whose testing samples indicate noncompliance with health and safety standards ~~required by the department,~~ unless remedial measures can bring the cannabis or cannabis products into

compliance with quality assurance standards as specified by law and implemented by the department.

(43) Ensure that a testing laboratory employee takes the sample of cannabis or cannabis products from the distributor's premises for testing required by this division and that the testing laboratory employee transports the sample to the testing laboratory. The driver transporting the sample pursuant to this requirement shall be directly employed by the testing laboratory.

(c) The Department of Pesticide Regulation shall specify how often licensees shall test cannabis and cannabis products.

(dc) (1) Except as provided in this division, a testing laboratory shall not acquire or receive cannabis or cannabis products except from a licensee in accordance with this division, and shall not distribute, sell, or dispense cannabis or cannabis products, from the licensed premises from which the cannabis or cannabis products were acquired or received. All transfer or transportation shall be performed pursuant to a specified chain of custody protocol.

(2) A testing laboratory may receive and test samples of cannabis or cannabis products from a state or local law enforcement, or a prosecuting or regulatory agency in order to test the cannabis or cannabis products. For purposes of this section, 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 shall not be arranged or overseen by the department.

(ed) A testing laboratory may receive and test samples of cannabis or cannabis products from a licensed manufacturer or licensed cultivator for quality control purposes. A testing laboratory shall not certify samples from a licensed manufacturer or licensed cultivator for retail sale. All tests performed by a testing laboratory for a licensed manufacturer or licensed cultivator shall be recorded with the name of the licensee and the amount of cannabis or cannabis product received.

(fe) A testing laboratory may receive and test samples of cannabis or cannabis products from a qualified patient or primary caregiver with a valid physician's recommendation for cannabis for medicinal purposes. A testing laboratory shall not certify samples from a qualified patient or primary caregiver for resale or transfer to another person or licensee. All tests performed by a testing laboratory for a qualified patient or primary caregiver shall be recorded with the name of the qualified patient or primary caregiver and the amount of cannabis or cannabis product received.

(gf) A testing laboratory may receive and test samples of cannabis or cannabis products from a person over 21 years of age when the cannabis has been grown by that person and will be used solely for that person's use, as authorized pursuant to Section 11362.1 of the Health and Safety Code. A testing laboratory shall not certify samples from the

person over 21 years of age for resale or transfer to another person or licensee. All tests recorded pursuant to this subdivision shall be recorded with the name of the person submitting the sample and the amount of cannabis or cannabis product received

Certificate Of Completion

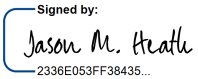
Envelope Id: 971137E5-D530-4B11-83CA-CAFBA3172169
Status: Completed
Subject: Complete with Docusign: Resolution_Cannabis Testing Reform_FINAL.pdf
Source Envelope:
Document Pages: 30
Signatures: 1
Certificate Pages: 4
Initials: 0
AutoNav: Enabled
EnvelopeId Stamping: Enabled
Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Envelope Originator:
Caitlin Smith
701 Ocean Street
Santa Cruz, CA 95060
Caitlin.Smith@santacruzcountyca.gov
IP Address: 63.194.190.100

Record Tracking

Status: Original
2/18/2025 11:29:58 AM
Holder: Caitlin Smith
Caitlin.Smith@santacruzcountyca.gov
Location: DocuSign

Security Appliance Status: Connected
Pool: FedRamp
Storage Appliance Status: Connected
Pool: County of Santa Cruz
Location: Docusign

Signer Events	Signature	Timestamp
Jason M. Heath jason.heath@santacruzcountyca.gov County Counsel Security Level: Email, Account Authentication (None)	Signed by:  2336E053FF38435... Signature Adoption: Pre-selected Style Using IP Address: 63.194.190.100	Sent: 2/18/2025 11:33:59 AM Viewed: 2/18/2025 12:18:39 PM Signed: 2/18/2025 3:15:49 PM

Electronic Record and Signature Disclosure:
Accepted: 2/18/2025 12:18:39 PM
ID: 1550fdaa-ba3d-4c11-ae34-f4896c44a60b

In Person Signer Events	Signature	Timestamp

Editor Delivery Events	Status	Timestamp

Agent Delivery Events	Status	Timestamp

Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp

Witness Events	Signature	Timestamp

Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	2/18/2025 11:33:59 AM
Envelope Updated	Security Checked	2/18/2025 2:41:11 PM
Envelope Updated	Security Checked	2/18/2025 2:41:11 PM
Certified Delivered	Security Checked	2/18/2025 12:18:39 PM
Signing Complete	Security Checked	2/18/2025 3:15:49 PM
Completed	Security Checked	2/18/2025 3:15:49 PM

Payment Events	Status	Timestamps

Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, County of Santa Cruz (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a $0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact County of Santa Cruz:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:
To contact us by email send messages to: nada.algharib@santacruzcounty.us

To advise County of Santa Cruz of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at nada.algharib@santacruzcounty.us and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from County of Santa Cruz

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to nada.algharib@santacruzcounty.us and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with County of Santa Cruz

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;

ii. send us an email to nada.algharib@santacruzcounty.us and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: https://support.docusign.com/guides/signer-guide-signing-system-requirements.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify County of Santa Cruz as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by County of Santa Cruz during the course of your relationship with County of Santa Cruz.