

Date of Hearing: May 6, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 2249 (Irwin) – As Amended April 15, 2026

Policy Committee: Business and Professions Vote: 17 - 0

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

SUMMARY:

This bill prohibits the sale, distribution, or manufacture of cannabis, cannabis products, packaging, or labeling that are attractive to children and defines “attractive to children.”

The bill requires the Department of Cannabis Control (DCC) to produce a standardized rubric for determining whether cannabis products are attractive to children and to establish a process for a licensee to request a written determination of whether a proposed packaging or labeling of a cannabis product is attractive to children, and authorizes DCC to charge a fee to cover the costs of making such a determination.

FISCAL EFFECT:

DCC estimates annual costs of approximately \$3 million to \$4 million (Cannabis Control Fund). DCC explains the majority of costs are associated with implementing a pre-approval process for cannabis labels and the expansion of prohibited imagery in advertising and marketing. A smaller portion of estimated costs are attributable to expansions of prohibited packaging design content.

DCC notes the possibility of additional, potentially significant costs of an unknown amount to the Attorney General to defend First Amendment challenges and a significant increase in appeals of labeling determinations heard in the Office of Administrative Hearings (General Fund).

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

COMMENTS:

1) **Purpose.** According to the author:

The recent audit completed by the State Auditor confirmed what many have long recognized: California’s cannabis industry continues to package and market products in ways which are overtly attractive to children. Since the passage of Proposition 64, child cannabis poisonings have increased dramatically. These exposures are often driven by cannabis product packaging that uses features which are explicitly attractive to children, leading children to consume the products unintentionally. Young children who accidentally consume cannabis require poison control treatment consistently, and in many

cases they can also expose their fellow elementary and middle school peers to cannabis. [This bill] acts on recommendations from the auditor to clarify and strengthen California's standards for what constitutes cannabis packaging that is attractive to children. The bill also ensures that [DCC] provides licensees with additional resources and pathways to work on designing compliant packaging which is not attractive to children. Taken together, these reforms will protect children from cannabis poisonings and ensure we keep young Californians out of the emergency room.

- 2) **Background.** In August 2025, the California State Auditor (CSA) released an audit of DCC's enforcement of laws prohibiting cannabis products from being advertised, marketed, or labeled in a manner that is attractive to children. The CSA reported:

[S]tate law and DCC's regulations about design elements that are attractive to children are unspecific, leading to subjective and sometimes inconsistent determinations of whether cannabis product packaging is compliant.

The CSA recommended the Legislature clarify what design elements are prohibited from cannabis packaging. The CSA additionally recommended DCC improve its documentation processes and specify penalties for repeat offenders to disincentivize licensees from violating regulations regarding attractiveness to children.

- 3) **Related Legislation.** AB 2667 (Hadwick) requires the Department of Toxic Substances Control to evaluate opportunities for the safe management of vape pens confiscated from students at a school, authorizes household hazardous waste facilities to mechanically disassemble vapes, and bans disguised vapes and vapes with videogame capabilities. AB 2667 is pending on this committee's suspense file.

Analysis Prepared by: Allegra Kim / APPR. / (916) 319-2081