
**SENATE COMMITTEE ON
BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT**
Senator Dr. Aisha Wahab, Chair
2025 - 2026 Regular

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Author:	Irwin		
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Consultant:	Elissa Silva		

Subject: Cannabis: labels, packaging, and manufacturing.

SUMMARY: Adds a definition of “attractive to children” under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as specified; requires the Department of Cannabis Control (DCC) to design a rubric to provide industry guidance on whether packaging and labeling is considered “attractive to children” pursuant to the definition prescribed in this bill; authorizes the DCC to establish a process which allows a licensee to voluntarily request review from the DCC of the packaging and labeling as to whether it is considered “attractive to children” pursuant to the definition provided in this bill; and, further clarifies that cannabis and cannabis products in addition to packages and labels are prohibited from being made attractive to children.

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) Establishes the DCC, under the jurisdiction, of the Business, Consumer Services, and Housing Agency, to administer and regulate provisions of MAUCRSA. (BPC § 26010)
- 3) Requires the DCC to make and prescribe reasonable rules and regulations as necessary to implement, administer, and enforce its duties, which must be consistent with the purpose and intent of the Control, Regulate and Tax Adult Use of Marijuana Act. (BPC § 26013)
- 4) Requires all cannabis or cannabis products purchased by a customer to be placed in an opaque package prior to leaving a licensed retail premises. (BPC § 26070.1)
- 5) Requires cannabis and cannabis products to be labeled and placed in a tamper-evident, child-resistant package and include a unique identifier for the purposes of identifying and tracking prior to delivery or sale at a retailer. Package must be re-sealable if the product contains more than one serving. (BPC § 26120(a))
- 6) Prohibits packages and labels from being attractive to children. (BPC § 26120(b))
- 7) Requires all cannabis and cannabis products labels and inserts to include the following information displayed in clear and legible in accordance with requirements,

including font size, prescribed by the DCC. Requires the following statements must also be in bold print:

For cannabis:

“GOVERNMENT WARNING: THIS PACKAGE CONTAINS CANNABIS, A SCHEDULE I CONTROLLED SUBSTANCE. KEEP OUT OF REACH OF CHILDREN AND ANIMALS. CANNABIS MAY ONLY BE POSSESSED OR CONSUMED BY PERSONS 21 YEARS OF AGE OR OLDER UNLESS THE PERSON IS A QUALIFIED PATIENT. CANNABIS USE WHILE PREGNANT OR BREASTFEEDING MAY BE HARMFUL. CONSUMPTION OF CANNABIS IMPAIRS YOUR ABILITY TO DRIVE AND OPERATE MACHINERY. PLEASE USE EXTREME CAUTION.” (BPC § 26120 (c)(1)(A))

For cannabis products:

“GOVERNMENT WARNING: THIS PRODUCT CONTAINS CANNABIS, A SCHEDULE I CONTROLLED SUBSTANCE. KEEP OUT OF REACH OF CHILDREN AND ANIMALS. CANNABIS PRODUCTS MAY ONLY BE POSSESSED OR CONSUMED BY PERSONS 21 YEARS OF AGE OR OLDER UNLESS THE PERSON IS A QUALIFIED PATIENT. THE INTOXICATING EFFECTS OF CANNABIS PRODUCTS MAY BE DELAYED UP TO TWO HOURS. CANNABIS USE WHILE PREGNANT OR BREASTFEEDING MAY BE HARMFUL. CONSUMPTION OF CANNABIS PRODUCTS IMPAIRS YOUR ABILITY TO DRIVE AND OPERATE MACHINERY. PLEASE USE EXTREME CAUTION.” (BPC § 26120(c)(1)B))

- 8) Requires the DCC before July 1, 2025, to reevaluate the regulations related to labeling and packaging requirements to determine whether any additional warnings are necessary to reflect evolving science and adopt regulations for cannabis and cannabis product labels or inserts reflecting the evolving science regarding the risks that cannabis use may cause consumers. (BPC § 26121(a))
- 9) Requires the DCC on or before January 1, 2030, and every five years thereafter to reevaluate regulations and whether any additional warnings are necessary to reflect evolving science. (BP § 26121(b))
- 10) Requires any cannabis cartridge or integrated cannabis vaporizer that contains cannabis or a cannabis product to bear a universal symbol determined by the DCC through regulation. (BPC § 26122)
- 11) Requires the DCC to promulgate regulations governing the licensing of cannabis manufactures and standards for the manufacturing, packaging, and labeling of all manufactured cannabis products, as specified. (BPC § 26130(a))
- 12) Requires the following for edible cannabis products:
 - a) Not designed to be appealing to children or easily confused with commercially sold candy or foods that do not contain cannabis;

- b) Produced and sold with a standardized concentration of cannabinoids not to exceed 10 milligrams tetrahydrocannabinol (THC) per serving;
 - c) Delineated or scored into standardized serving sizes if the cannabis product contains more than one serving and is an edible cannabis product in solid form;
 - d) Homogenized to ensure uniform disbursement of cannabinoids throughout the product;
 - e) Manufactured and sold under sanitation standards established by the DCC that are similar to the standards for preparation, storage, handling and sale of food products;
 - f) Provided to customers with sufficient information to enable the informed consumption of the product, including the potential effects of the cannabis products and directions as to how to consume the cannabis product as necessary; and,
 - g) Marked with a universal symbol, as determined by the DCC through regulation. (BPC § 26130(c))
- 13) Defines, “advertising” for purposes of MAUCRSA to mean the publication or dissemination of an advertisement, and advertisement includes written or verbal statement, illustration, or depiction which is calculated to induce sales of cannabis or cannabis products, including any written, printed, graphic, or other material, billboard, sign, or other outdoor display, public transit card, other periodical literature, publication, or in a radio or television broadcast, or in any other media; except that such term shall not include:
- a) Any label affixed to any cannabis or cannabis products, or any individual covering, carton, or other wrapper of that container that constitutes a part of the labeling under provisions of this division.
 - b) Any editorial or other reading material, such as a news release, in any periodical or publication or newspaper for the publication of which no money or valuable consideration is paid or promised, directly or indirectly, by any licensee, and which is not written by or at the direction of the licensee. (BPC § 26150(a))
- 14) Defines “market” and “marketing” to mean any act or process of promoting or selling cannabis or cannabis products including, but not limited to, sponsorship of sporting events, point of sale, advertising, and development of products specifically designed to appeal to certain demographics. (BPC § 26150(e))
- 15) Requires all advertisements and marketing to accurately reflect and legibly identify the licensee responsible for its content by adding, at a minimum, the licensee’s number. (BPC § 26151(a)(1))
- 16) Prohibits a licensee from advertising or marketing cannabis or cannabis products in a manner intended to encourage persons under 21 years of age to consume cannabis or cannabis products; publish or disseminate advertising or marketing that

is attractive to children; or, advertise or market cannabis or cannabis products within 1,000 feet of a day care center, school providing instruction in kindergarten or any grades 1 to 12, playground, or youth center. (BPC § 26152(e)(f)(g))

- 17) Prohibits a licensee from including on the label of any cannabis or cannabis product, publish, or disseminate advertising or marketing containing and health-related statement this is untrue in any particular manner or tends to create a misleading impression as to the effects on health of cannabis consumption. (BPC § 26154)

California Code of Regulations.

- 1) Prohibits any advertising or marketing, as defined, that is placed in broadcast, cable, radio, print, and digital communications from using any depictions or images of minors or anyone under 21 years of age, use and any images that are attractive to children, including but not limited to cartoons, any likeness to images, characters, or phrases that are popularly used, any imitation of candy packaging or labeling; or, the terms “candy” or “candies” or variants in spelling such as “kandy” or “kandeez.” Title 4, (California Code of Regulations (CCR), § 15040)

This bill:

- 1) Adds a definition of “attractive to children” to mean any of the following:
 - a) Use of images that are designed or likely to appeal to children, including, but not limited to the following, unless required as part of a required health warning:
 - i) images of cartoons, as specified in this bill,
 - ii) any depiction, illustration, or rendering of a person under 21 years of age or a person who appears to be under 21 years of age, any use of names, images, or the likeness of celebrities, spokespersons, and influencers under the age of 21 or appear to be under 21, who primarily appear in content for children;
 - iii) any imagery or fantasy-based characters, including but not limited to, unicorns, dragons, or similar mythical creatures;
 - iv) any depiction, illustration, rendering, of fruits or vegetables, except when the fruit and vegetables are used accurately to describe ingredients or flavors contained in a product, appear in a manner not likely to be attractive to children;
 - v) any depiction, illustration, or rendering of candies, cereals, sweets, chips, or other food products typically marketed to children; and,
 - vi) Any cartoon-like font designed primarily to appeal to children, as specified.

- b) An image, character, phrase, trade dress, branding, brand name, or overall appearance that imitates or is easily confused with an image, character, phrase, trade dress, branding, brand name, or overall appearance of a noncannabis consumer product primarily marketed to children, entertainment content primarily intended for children, or a toy.
 - c) Any packaging, labeling, or design elements that imitate or are easily confused with the distinctive trade dress, branding, brand names, or overall appearance of noncannabis cereals, sweets, chips, or other food products that are primarily marketed to children, except that similarities that are functional or commonly associated with a product category, including shape, size, format, or the inclusion of nutritional information, are not, by themselves, attractive to children unless the product category in question is a product category that is primarily marketed to children.
 - d) The terms “candy” or “candies” or variants in spelling such as “kandy” or “kandee.”
 - e) Anything else that the DCC determines in regulation to be attractive to children. The DCC may identify additional depictions, illustrations, renderings, images, characters, phrases, packaging, labeling, design elements, terms, and any other packaging, labeling, marketing, or branding elements and terms that are attractive to children through regulation.
- 2) Makes a product strain (except for edible cannabis products) identified as attractive to children if both the product name is first introduced into commercial use on or after January 1, 2026, and the depiction, illustration, or rendering of the font of the product name is attractive to children based on the definition in 1) above.
 - 3) Prohibits cannabis and cannabis products in addition to packages and labels from being attractive to children and further prohibits a manufacturer, distributor, or seller of cannabis or cannabis products from manufacturing, distributing, or selling any cannabis or cannabis product, or any packaging or labeling, that is attractive to children.
 - 4) Allows a licensee until January 1, 2028, to continue to distribute or sell cannabis or cannabis products, and any associated packaging or labeling, that were manufactured, packaged, or labeled in compliance with applicable law as it existed prior to January 1, 2027, even if the cannabis, cannabis products, packaging, or labeling would otherwise be attractive to children, as defined in this bill.
 - 5) Requires the DCC on or before July 1, 2027, to develop, adopt and implement by regulation, a standardized rubric for determining whether cannabis or cannabis products are attractive to children and requires the DCC to make the rubric publicly available and update the rubric as necessary.
 - 6) Requires the standardized rubric to identify and describe prohibited design elements including, but not limited to all the following:
 - a) Images, characters, or depictions.

- b) Product form factors or physical presentations.
 - c) Color schemes, graphic styles, or fonts.
 - d) Resemblance to commercially available foods, beverages, or consumer products that are commonly marketed to children.
- 7) Requires the DCC on or before July 1, 2027, to develop, adopt, and implement by regulation a process by which a licensee may voluntarily request a written determination from the DCC to inform the licensee of whether a proposed packaging or labeling of a cannabis product is attractive to children.
 - 8) Requires the DCC in establishing its process for a voluntary review of packing and labeling material to use the standardized rubric created pursuant to 6) above in making its determination.
 - 9) Requires the DCC to issue a written determination within 30 calendar days of receiving a request for a determination; the written determination issued by the DCC is binding on the DCC for purposes of any subsequent enforcement action against any licensee.
 - 10) Permits the DCC to revise or rescind a written determination by providing a notice to the licensee in writing that contains the reasoning behind the revision or rescission, as specified.
 - 11) Authorizes the DCC to establish a reasonable fee to cover the costs of making the determination related to a licensee's request to review labeling and packaging material.
 - 12) Clarifies that a written determination is not required as a condition of licensure.
 - 13) Clarifies that a licensee may publish or disseminate advertising or marketing that contains images of real humans if either the image accurately depicts the licensee and is not a cartoon or the image is part of a corporate logo, is limited in color to black and white, and is not a cartoon.

FISCAL EFFECT: According to the Assembly Committee on Appropriations, "DCC estimates annual costs of approximately \$3 million to \$4 million. 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.

COMMENTS:

1. **Purpose.** This bill seeks to implement recent recommendations from the California State Auditor's report related to DCC's youth advertising and marketing

enforcement. The Author is the sponsor of this bill. 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.

“AB 2249 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 the Department of Cannabis Control 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.**

Regulation of Cannabis in California. In 1996, California first legalized medicinal cannabis via Proposition 215, also known as the Compassionate Use Act. Proposition 215 protected qualified patients and primary caregivers from prosecution related to the possession and cultivation of cannabis for medicinal purposes. In 2003, the Legislature authorized the formation of medical marijuana cooperatives—nonprofit organizations that cultivate and distribute marijuana for medical uses to their members through dispensaries.

In 2015, Governor Brown signed three bills into law that created a comprehensive state licensing and regulatory framework governing the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis in California. AB 243 (Wood, Chapter 688, Statutes of 2015), AB 266 (Bonta, Chapter 689, Statutes of 2015), and SB 643 (McGuire, Chapter 719, Statutes of 2015) collectively established the Medical Marijuana Regulation and Safety Act (later renamed to the Medical Cannabis Regulation and Safety Act (MCRSA)), to be administered by a number of state agencies: a Bureau of Cannabis Control within the Department of Consumer Affairs; the California Department of Public Health; and the California Department of Food and Agriculture.

Shortly following the passage of MCRSA, in November 2016, California voters passed Proposition 64, the “Control, Regulate and Tax Adult Use of Marijuana Act” (Prop 64), which decriminalized and legalized adult-use cannabis. Less than a year later in June 2017, the California State Legislature passed a budget trailer bill, SB 94 (Committee on Budget and Fiscal Review, Chapter 27, Statutes of 2017), that integrated MCRSA with Prop 64 to create the Medical and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), the current regulatory structure for both medicinal and adult-use cannabis. In 2020, Governor Newsom proposed consolidation of the three original licensing and regulatory programs within separate

state agencies to form a single department with a goal of streamlining and simplifying access to licensing and regulatory oversight of cannabis. In 2021, DCC was established with licensing, regulatory and enforcement authority. Currently, cannabis and cannabis products are regulated throughout the lifecycle of the product. Under current law, a separate license is required for every corner of the cannabis market which includes growing cannabis, transporting cannabis, making cannabis products, testing cannabis products, selling cannabis, and holding an event where cannabis is sold. Each license type is distinct and must be approved before operating.

Labeling and Packaging Requirements for Cannabis. In addition to the robust licensing, transporting, testing, cultivating and enforcement provisions of MAUCRSA, there are prescribed labeling and packaging requirements for cannabis and cannabis products. Language enacted as part of the original MCRSA legislation in 2015 established standards for cannabis packaging and labeling, including specific cautionary statements. Proposition 64 then codified nearly identical language for its own mandated label content, with a handful of minor variations reconciled when SB 94 merged MCRSA and the AUMA into MAUCRSA. Under current law, all cannabis labels must display the following statement in bold print:

GOVERNMENT WARNING: THIS PRODUCT CONTAINS CANNABIS, A SCHEDULE I CONTROLLED SUBSTANCE. KEEP OUT OF REACH OF CHILDREN AND ANIMALS. CANNABIS PRODUCTS MAY ONLY BE POSSESSED OR CONSUMED BY PERSONS 21 YEARS OF AGE OR OLDER UNLESS THE PERSON IS A QUALIFIED PATIENT. THE INTOXICATING EFFECTS OF CANNABIS PRODUCTS MAY BE DELAYED UP TO TWO HOURS. CANNABIS USE WHILE PREGNANT OR BREASTFEEDING MAY BE HARMFUL. CONSUMPTION OF CANNABIS PRODUCTS IMPAIRS YOUR ABILITY TO DRIVE AND OPERATE MACHINERY. PLEASE USE EXTREME CAUTION.

All cannabis product labels must display the following statement in bold print:

“GOVERNMENT WARNING: THIS PRODUCT CONTAINS CANNABIS, A SCHEDULE I CONTROLLED SUBSTANCE. KEEP OUT OF REACH OF CHILDREN AND ANIMALS. CANNABIS PRODUCTS MAY ONLY BE POSSESSED OR CONSUMED BY PERSONS 21 YEARS OF AGE OR OLDER UNLESS THE PERSON IS A QUALIFIED PATIENT. THE INTOXICATING EFFECTS OF CANNABIS PRODUCTS MAY BE DELAYED UP TO TWO HOURS. CANNABIS USE WHILE PREGNANT OR BREASTFEEDING MAY BE HARMFUL. CONSUMPTION OF CANNABIS PRODUCTS IMPAIRS YOUR ABILITY TO DRIVE AND OPERATE MACHINERY. PLEASE USE EXTREME CAUTION.”

In addition to the above statement, MAUCRSA requires certain information about the product’s ingredients and contents to be listed, as well as information associated with a unique identification number for purposes of tracking the cannabis goods. MAUCRSA also authorizes the DCC to set its own additional requirements for cannabis packaging and labeling. Regulations promulgated by the DCC and its predecessors have incorporated additional labeling standards. For example, all

labels must be “unobstructed and conspicuous” in at least 6-point type size and must be written in English. If the cannabis product is edible, the regulations require specific information about potential allergens in the product, the names of any artificial colorings, and any sugar, carbohydrates, and total fat per serving. The DCC verifies compliance through routine inspections and responds to consumer complaints. Current law (BPC § 26120(b)) prohibits packages and labels for cannabis goods from being made attractive to children. However, there is not a current definition of “attractive to children” in statute, which led the DCC to promulgate regulations to identify what types of labeling or packaging could be viewed as attractive to children.

The DCC’s regulations for labeling specifically prohibit labels of cannabis goods from containing content that is attractive to individuals under the age of 21, using the same criteria as provided in the DCC’s regulations pertaining to advertising. This includes a ban on labeling that uses depictions of minors, cartoons, candy packaging, or other images popularly used to advertise to children. In addition, all cannabis products must be marked with the universal symbol developed by the DCC.

As provided in regulations, any advertising or marketing, that is placed in broadcast, cable, radio, print, and digital communications:

- May only be displayed after a licensee has obtained reliable up-to-date audience composition data demonstrating that at least 71.6 percent of the audience viewing the advertising or marketing is reasonably expected to be 21 years of age or older.
- Shall not use any depictions or images of minors or anyone under 21 years of age.
- Shall not use any images that are attractive to children, including, but not limited to cartoons; any likeness to images, characters, or phrases that are popularly used to advertise to children; any imitation of candy packaging or labeling; or the terms “candy” or “candies” or variants in spelling such as “kandy” or “kandeez.”
- Shall not advertise free cannabis goods or cannabis accessories, including promotions such as buy one product, get one product free; a free product with any donation; or contests, sweepstakes, or raffles.

According to the DCC, licensees who engage in advertising, marketing, manufacturing, packaging, or labeling cannabis or cannabis products in a manner that is attractive to children may be subject to citations and fines, license suspension, license denial, and license revocation. Any cannabis or cannabis product that the DCC determines is attractive to children may be subject to a compliance action, including embargo or recall. Although the DCC has established regulations to help ensure that cannabis and cannabis products are not marketed in a way that would be attractive to children, critics contend that the current statutory restrictions and the DCC’s regulations have not curtailed cannabis advertising and marketing that is attractive to children. Unlike cannabis or cannabis products which are to be tested prior to sale, cannabis packaging and advertisements are not

reviewed prior to sale. According to information provided by CDPH, data from the *Cannabis Poison Control System Calls Dashboard*, reports “Particularly for children aged 5 years and under, the total number of cannabis-related calls has increased substantially since 2016. The increase in calls was primarily driven by increases in the total number of cannabis-related calls due to exposure to a cannabis edible, which increased 743% from 2017 to 2024 among children aged 5 years and under. Notably, in 2024, 34% of the total number of calls were related to cannabis exposure among children aged 5 years and under.”

Recent Legislative Attempts to Enhance Advertising and Marketing Restrictions and the Recent California State Audit Report. AB 1207 (Irwin of 2024) was introduced to address advertising and marketing concerns related to children. That bill contained similar provisions as are included in this bill in an effort to clarify what types of packaging and labeling materials might be considered “attractive to children”. Although DCC has established regulations related to prohibited marketing and packaging materials, there remained concerns that products continued to depict cartoon-like characters, flavors were akin to common food items attributed to youth rather than adult consumption, among other issues. Ultimately, the Governor vetoed AB 1207 and in his veto message, raised concerns that the definition used in AB 1207 of “attractive to children” was too broad. Specifically, the Governor’s veto message noted. “...While I deeply appreciate and agree with the author’s intent, I am concerned that the definition of “attractive to children” used in this bill is overly broad. By prohibiting entire categories of images, this bill would sweep in commonplace designs, and I am not convinced that these additional limits will meaningfully protect children beyond what is required under existing law...”

Audit of the DCC’s Youth Marketing and Advertising Enforcement. In February 2024, the Joint Legislative Audit Committee (JLAC) considered and approved an audit request of the DCC’s youth advertising and marketing enforcement. At the time, the request highlighted concerns that the DCC’s regulations and enforcement of cannabis and cannabis products in which the marketing is attractive to children is not being appropriately enforced and licensees continue to engage in questionable marketing practices blurring the line of marketing that likely appeals to youth more than adults. Ultimately, the JLAC approved the audit request and in 2025, the California State Auditor released an audit report which focused on DCC’s enforcement process for violations related to cannabis and cannabis products’ attractiveness to children.

The audit highlighted several concerns with respect to DCC’s oversight and enforcement of marketing and advertising restrictions. The audit concluded that DCC’s existing enforcement structure does not track repeat offenders and the DCC’s evaluations of what is “attractive to children” may be too subjective with little standardization. The audit report cited instance where products that contained images of a crispy rice treat, or chocolate chips were used in the packaging along with bright and colorful font and cartoon images (despite the current regulations expressly prohibiting cartoons). The audit also noted that certain product strain names may appear to be attractive to children and current regulations are silent specifically on strain names. The audit report made several recommendations to the Legislature to improve the DCC’s oversight and enforcement of packing and labeling standards that violate current law. Some of the recommendations include a

pre-approval process of packaging and labeling material by the DCC; create standardized specificity of design elements that are attractive to children; and limit strain names that may be identified as attractive to children.

Current law already prohibits edible cannabis products from being designed to be appealing to children or easily confused with commercially sold candy or foods that do not contain cannabis. This bill aims to address product labeling and marketing standards but also includes a provision prohibiting a manufacturer, distributor, or seller of cannabis products from manufacturing, distributing, or selling any product that is attractive to children.

While smiley faces and balloon clouds may appear to be attractive to children, the current regulatory structure may not provide enough clarity for DCC to consistently and uniformly determine packaging or advertising that should be considered “attractive to children”. To help alleviate any confusion for manufacturers of cannabis products and retailers, this bill will establish a statutory definition of “attractive to children”, citing specific imagery that would be prohibited while allowing limited cases for marketing practices that may reflect agricultural identity. Some of the specific examples provided in the bill are already prohibited in the DCC’s regulations, including cartoons, images similar to those popularly used to advertise to children, and imitations of candy packaging or labeling. The bill will provide greater specificity around what constitutes a “cartoon” and would ban additional images including real or fictional humans, celebrities, mythical creatures, and fruit or vegetables, except when used to accurately describe ingredients or flavors contained in a product. The definition proposed by this bill would restrict certain types of fonts that are likely attractive to children. In addition, this bill specifies that strain names can be determined to be “attractive to children” if the strain is introduced after January 1, 2026, and uses prohibited marketing such as fonts, cartoons, and candy references to name a few. This bill provides a one-year phase out period to allow current products with packaging that may not meet the new restrictions proposed by this bill to be sold while new packaging or marketing materials are under development by licensees.

The audit report additionally recommended that the DCC create a standard rubric to help aid in determining whether products violate legal prohibitions against packaging and labeling being attractive to children. This bill would require the DCC to make the rubric publicly available and to periodically update it to reflect emerging products, marketing practices, and public health data. Under the current version of this bill, the rubric must be developed by July 1, 2027.

Lastly, this bill will require the DCC through regulations to develop and implement a process by which a licensee may voluntarily request a written determination from the DCC to inform the licensee of whether a proposed packaging or labeling of a cannabis product would be identified as attractive to children and would be prohibited by the provisions of this bill. This bill prescribes the DCC’s required response time to answer an inquiry in 30 days and binds the DCC to its approval or disapproval in the event of an enforcement action. The DCC must also establish this process by July 1, 2027.

Issues with Cannabis Marketing Practices. In July of 2024, the U.S. Food and Drug Administration (FDA) distributed a news release highlighting the FDA and the Federal Trade Commission's joint efforts to *Protect Consumers Against Companies Illegally Selling Copycat Delta-8 THC*. Jointly, the FDA and FTC provided warning letters to five companies that were selling delta-8 THC products that looked like chips, snacks, and cookies made by national brands. As part of the media release, there was a quote from an FDA Principal Deputy Commissioner which stated, "inadequate or confusing or confusing labeling can result in children or unsuspecting adults consuming products with strong resemblance to popular snacks and candies that contain delta-8 THC without realizing it." The FDA noted that copycat food items containing delta-8 THC are concerning as they are easy to purchase and available to youth.

The FDA released a similar alert in June of 2022, which provided the following information related to exposure to cannabis products that look like other non-cannabis related products:

"The FDA is aware of multiple media reports describing children and adults who accidentally consumed copycat edible products containing THC and experienced adverse events. Additionally, from January 1, 2021, through May 31, 2022, the FDA received over 125 adverse event reports related to children and adults who consumed edible products containing THC. Some individuals who ate these edible products reportedly experienced adverse events such as hallucinations, increased heart rate and vomiting, and many required medical intervention or hospital admission. Ten of the reports specifically mention the edible product to be a copycat of popular foods, such as Cocoa Pebbles, Gushers, Nerds Rope, Skittles, Sour Patch Kids, and Starburst.

"In addition, national poison control centers received 10,448 single substance exposure cases involving only edible products containing THC between January 1, 2021, and May 31, 2022. Of these cases, 77% involved patients 19 years of age or younger. Of the total cases, 65% involved unintentional exposure to edible products containing THC and 91% of these unintentional exposures affected pediatric patients. Furthermore, 79% of the total cases required health care facility evaluation, of which 7% resulted in admission to a critical care unit; 83% of patients requiring health care facility evaluation were pediatric patients. One pediatric case was coded with a medical outcome of death following the ingestion of a suspected delta-8 THC edible."

More recently, in a July 2025 viewpoint article in JAMA, titled "*Packaging Regulations Need to Mitigate THC Ingestions in Children*¹", the article's author noted that accidental THC ingestions are becoming more common in pediatric hospitals and further noted the importance of labeling and packaging of cannabis products the mitigates unintended youth access and consumption.

Other States. Recreational cannabis is authorized in 24 states, and 40 states allow cannabis for medicinal use. There is no federal oversight of cannabis, therefore each state must decide whether to allow recreational or medicinal cannabis and are

¹ <https://jamanetwork.com/journals/jama-health-forum/fullarticle/2836778>

responsible for the regulatory structure. Amongst all other regulatory requirements, each state determines their own packaging and labeling standards for cannabis and cannabis products. Labeling and packaging guidelines vary across states. All states require some form of THC and manufacture information, but labeling requirements such as font and font size, the use of cannabis symbols, health related information, children's health warnings, or batch numbers are individually determined at the state level, which leads to marketing and packaging variations amongst the states.

3. **Related Legislation.** AB 2532 (Irwin of 2026) would require edible cannabis products and cannabis beverages to include the toll-free telephone number for the national Poison Help line on their labels and inserts and requires cannabis beverage products with multiple servings to contain specified information and markers related to the serving sizes, as specified. (*Status: This bill is pending in this Committee*).

SB 540 (Laird, Chapter 491, Statutes of 2023) requires the DCC, on or before January 1, 2025, to create a brochure with information about steps for the safer use of cannabis; permits the DCC to reevaluate regulations pertaining to labeling and packaging requirements for cannabis and cannabis products before July 1, 2025; and, requires the DCC to reevaluate regulations for labeling and packaging requirements on or before January 1, 2030, and every five years thereafter, as specified.

AB 1207 (Irwin of 2023) would have established various requirements for packaging, labeling, advertising and manufacturing cannabis or cannabis related products and prohibits the use of any artificial, synthetic, or natural flavors in cannabis or cannabis products intended for use by inhalation or combustion. (*Status: This bill was vetoed by the Governor*)

SB 1097 (Pan of 2022) would have required the DCC to adopt regulations to require additional cannabis and cannabis product packaging warning labels about mental health risks of cannabis use. (*Status: This bill died on the Assembly Floor*).

AB 1894 (L. Rivas, Chapter 390, Statutes of 2022) places additional requirements and restrictions for the packages and labels of integrated cannabis vaporizers.

4. **Arguments in Support.** California Cannabis Operators Association writes in support and notes, "Although certain implementation and technical questions may warrant future discussion, CaCOA believes the negotiated amendments represent a thoughtful effort to balance public health objectives with the practical realities facing California's regulated cannabis industry.

California Medical Association writes in support and notes, "...The bill establishes clearer guardrails surrounding branding, design elements, and packaging presentations that may appeal to minors or imitate commercially available products commonly associated with children."

5. **Arguments in Opposition.** United Core Alliance, Origins Council, Humboldt County Growers Alliance, Central California Cannabis Club, Mendocino Cannabis Alliance, Trinity County Agricultural Alliance, Equity Trade Network, are opposed

unless amended and note, “In responding to the auditor’s report, AB 2249 takes the approach of proposing a detailed and exhaustive list of prohibited design elements...we are concerned that this approach carries a major risk of also prohibiting appropriate and non-controversial brands and marketing imagery. A judgement on what constitutes ‘attractiveness to children’ is inherently difficult to define, and the question of whether a specific design element is inappropriate is often contextual. At the same time, we are concerned that even an exhaustive list of prohibited design elements may not eliminate all potential for packaging attractive to children in the case of bad-faith operators seeking to evade the spirit of state rules.”

The organizations add “Additionally, the long list of prohibited design elements in AB 2249 does not necessarily accomplish the goal of creating an objective standard for what constitutes “attractiveness to children.” Many of the proposed prohibited categories, such as the prohibition on “any likeness to a noncannabis consumer product that is marketed to children,” “anything else that is attractive to children in light of all relevant facts and circumstances,” or even the concept of a “fictional animal,” themselves trigger questions of context and judgment.”

California Cannabis Industry Association and Kiva Brands, Inc. are opposed unless amended and notes, “CCIA [and Kiva, Brancs, Inc.] shares your commitment to keeping cannabis away from children, and we respect the intent behind this legislation. However, as currently written, AB 2249 would impose significant costs on the licensed businesses that already keep cannabis away from children, undermine the state's efforts to bring consumers into the regulated market, and does not address safe at-home storage practices.”

Other Stakeholder Comments. Good Farmers Great Neighbors provides the following comments, “Our primary concern continues to be centered on unintended consequences of implementing statutory and regulatory mandates that could undermine cannabis farmers, retailers and auxiliary businesses promoting labels reflecting the agricultural landscape, coastal beauty and community culture that complements local and regional multi-billion dollar tourism economy of Santa Barbara County as a major attraction on the central coast and the San Francisco Bay as major hub for foreign tourists travel destination. Our collective experience underscores the natural similarities between the Wine and Cannabis Industries. In addition, Cannabis Farmers pursuing the state’s Cannabis Appellation Certification Program (CAP) want to ensure clarity and consensus between the California Department of Food and Agriculture (CDFA) and the California Department of Cannabis Control regarding the use and display of fruits and vegetables as legitimate complementary agricultural crops.”

6. Policy Issues for Consideration.

Should this bill have an extended implementation date to allow licensees sufficient time to revise product packaging and labeling standards? The provisions of this bill will take effect on January 1, 2027. Although there is a one-year grace period to allow existing products to be sold under previous packaging and labeling standards, the expectation is that by January 1, 2028, any packaging and labeling will need to reflect the revised definition of attractive to children and comply with the updated standards.

As currently drafted, the implementation dates provided in this bill will likely pose a challenge for compliance, especially for licensees who request a written determination from the DCC before revising/ordering new labeling and packaging materials. The DCC is not required to create the rubric or implement the process to provide a written determination as to whether the proposed packaging or labeling is attractive to children until July 1, 2027. The current implementation structure provides licensees with a short timeframe of 6 months or less to change/restructure packaging or labeling materials, based on the DCC's rubric guidance or the DCC's response to a written determination request. As this bill is currently drafted, this bill will require the DCC to respond to any request for a written determination within 30 days. Potentially, the DCC will receive a high volume of written determination requests when the DCC releases its rubric and establishes a process for a review of labeling and packaging. Before licensees alter labeling or packaging materials, many will seek compliance verification before expending significant resources.

As currently structured, the timelines in this bill may not allow licensees sufficient time to obtain approval and repackage products. In addition, this bill requires the DCC to establish the rubric and the process for issuing a written determination through the regulatory process and have it completed within 6 months of the effective date of this bill. There are multiples variables in the regulatory process including stakeholder feedback and public comment periods, that could impact a swift regulatory process. *The author should continue to work with the DCC and industry stakeholders to ensure a reasonable and workable timeframe to implement the provisions of this bill.*

Agricultural Marketing. Stakeholders have raised concerns that the prohibition against using fruits and vegetables and mythical creatures on packaging and labeling may be challenging for a licensee whose use of those symbols reflects the region in which the product may be manufactured or grown or aligned with the parts of the product. It is hopeful that DCC's rubric will be an aid for licensees as the DCC determines the appropriate parameters for the utilization of fruits and vegetables and other symbols for cannabis product packaging and labeling compliance. *The author should continue to work with stakeholders to ensure that any restrictive labeling and packaging requirements do not unintentionally capture appropriate agricultural or regional themes and use.*

SUPPORT AND OPPOSITION:

Support:

California Cannabis Operators Association
California Medical Association

Opposition:

California Cannabis Industry Association
Central California Cannabis Club
Equity Trade Network
Humboldt County Growers Alliance

Kiva Brands, Inc.
Mendocino Cannabis Alliance
Origins Council
Trinity County Agricultural Alliance
United Core Alliance

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