
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 2249 (Irwin) - Cannabis: labels, packaging, and manufacturing

Version: May 22, 2026

Urgency: No

Hearing Date: June 22, 2026

Policy Vote: B., P. & E.D. 9 - 0

Mandate: No

Consultant: Janelle Miyashiro

Bill Summary: AB 2249 adds a definition of “attractive to children” under the under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA); requires the Department of Cannabis Control (DCC) to design a rubric guiding the industry on this standard; authorizes a voluntary process for licensees to request DCC review of proposed packaging and labeling; and clarifies that cannabis products themselves, alongside their packages and labels, are strictly prohibited from being made attractive to children.

Fiscal Impact: DCC estimates:

- Ongoing annual costs of \$3 million to \$4 million to administer a pre-approval process for cannabis labels and packaging, and to manage the associated enforcement workload anticipated by the expanded restrictions on advertising and marketing imagery (Cannabis Control Fund).
- Unknown, potentially significant Attorney General and Office of Administrative Hearings costs, contingent upon the volume of First Amendment challenges or appeals regarding DCC labeling determinations (Cannabis Control Fund and General Fund).

Background: 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 such targeted advertising and marketing. Unlike cannabis or cannabis products, which are to be tested prior to sale, cannabis packaging and advertisements are not reviewed prior to sale.

Proposed Law:

- Adds a definition of “attractive to children” to mean any of the following:
 - 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:
 - Images of cartoons, as specified.
 - 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 who appear to be under 21, who primarily appear in content for children.
 - Any imagery or fantasy-based characters, including, but not limited to, unicorns, dragons, or similar mythical creatures.
 - Any depiction, illustration, rendering, of fruits or vegetables, except when the fruit or vegetables are used accurately to describe ingredients or flavors contained in a product and appear in a manner not likely to be attractive to children.
 - Any depiction, illustration, or rendering of candies, cereals, sweets, chips, or other food products typically marketed to children.
 - Any cartoon-like font designed primarily to appeal to children, as specified.
 - 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.

- 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.
 - The terms “candy” or “candies” or variants in spelling such as “kandy” or “kandee.”
 - 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.
- Provides that a product strain (except for edible cannabis products) is 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.
 - 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.
 - 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.
 - 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.
 - Requires the standardized rubric to identify and describe prohibited design elements including, but not limited to all the following:
 - Images, characters, or depictions.
 - Product form factors or physical presentations.
 - Color schemes, graphic styles, or fonts.

- Resemblance to commercially available foods, beverages, or consumer products that are commonly marketed to children.
- 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.
- Requires the DCC, in establishing its process for a voluntary review of packaging and labeling materials, to use the standardized rubric in making its determination.
- 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.
- 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.
- 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.
- Clarifies that a written determination is not required as a condition of licensure.
- 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.

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