
THIRD READING

Bill No: AB 2249
Author: Irwin (D)
Amended: 8/13/26 in Senate
Vote: 21

SENATE BUS., PROF. & ECON. DEV. COMMITTEE: 9-0, 6/8/26
AYES: Wahab, Archuleta, Arreguín, Caballero, Grayson, Menjivar, Niello,
Smallwood-Cuevas, Strickland
NO VOTE RECORDED: Choi, Umberg

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

ASSEMBLY FLOOR: 69-0, 5/26/26 - See last page for vote

SUBJECT: Cannabis: labels, packaging, and advertising

SOURCE: Author

DIGEST: This bill, effective January 1, 2028, defines “attractive to children” under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), requires the Department of Cannabis Control (DCC) to develop compliance assessment resources for licensees to help determine whether packaging and labeling is attractive to children, as specified.

ANALYSIS:

Existing law:

- 1) Requires the DCC to set 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. (Business and Professions Code (BPC) § 26013)

- 2) 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))
- 3) Prohibits packages and labels from being attractive to children. (BPC § 26120(b))
- 4) 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))
- 5) 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))

This bill:

- 1) Defines “attractive to children” effective January 1, 2028, to mean designed or likely to appeal to individuals under age 21 which may be indicated by, but not limited to any of the following:
 - a) Cartoons, as specified, and depictions of individuals who are, or who appear to be, under the age of 21;
 - b) Images of, or references to, celebrities or influencers primarily associated with contemporaneous children’s entertainment, media, or products and images of or references to, characters, mascots, products, brands, or trade dress primarily associated with contemporaneous children’s entertainment, media or products;
 - c) Magical, fantasy, or mythological characters commonly associated with children’s entertainment, media or products, as specified;
 - d) Images of consumable goods primarily marketed to children;
 - e) Typography, lettering or font styles that resemble overinflated bubbles or balloons or other styles typically associated with marketing to children, and

terms “candy” or “candies” or variants in spelling, as specified.

- 2) Prohibits cannabis and cannabis product packaging and labeling from imitating, mimicking, or closely resembling the packaging, labeling, trade dress, or overall appearance of a noncannabis product that is primarily marketed to children.
- 3) Prohibits edible cannabis products or vape cartridge labeling from including cartoon or overly stylized depictions of fruit, unless realistic depictions used to portray accurate products ingredients, as specified.
- 4) Authorizes the DCC to adopt regulations to address additional packaging and labeling design elements or product characteristics that pose heightened risk to children.
- 5) Requires the DCC to develop compliance assessment resources to assist licensees in self-evaluating whether packaging or labeling is attractive to children, as specified.
- 6) States that an automated tool published by the DCC may be constructed to issue advisory determinations of compliance or noncompliance, based on the requirements of this bill, and determinations generated by the tool will not constitute a final DCC determination.

Background

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, 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.

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. In 2025, the California State Auditor released its 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. 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 manufactures of cannabis products and retailers, this bill will establish a statutory definition of "attractive to children", citing specific imagery that will be considered "attractive to children" under the definition proposed by this bill.

The audit report additionally recommended that the DCC create a rubric to assist with determining whether product labeling and advertising may be considered attractive to children. This bill would require the DCC to develop compliance assessment resources to assist licensees in self-evaluating whether packaging or labeling is attractive to children based as defined.

Comments

Good Farmers Great Neighbors and Nug note the following issue, “Our primary concern is centered on unintended consequences of implementing statutory and regulatory mandates that undermines cannabis farmers, retailers and auxiliary businesses promoting labels reflecting the agricultural landscape, coastal beauty and community culture that drives a 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.”

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

According to the Senate Committee on Appropriations, “the bill will result in unknown, potentially significant costs, likely in the hundreds of thousands of dollars, for DCC to develop and update compliance assessment resources. To the extent DCC develops an automated tool for advisory compliance determinations, there may be additional one-time and ongoing IT costs to create and maintain the tool. The bill will also result in unknown, potentially significant costs to DCC for the associated workload to enforce packaging and labeling restrictions and unknown, potentially significant costs for the Attorney General and Office of Administrative Hearings, contingent upon the volume of First Amendment challenges or appeals regarding DCC labeling determinations.”

SUPPORT: (Verified 8/14/26)

American Academy of Pediatrics, California
California Academy of Child and Adolescent Psychiatry
California Cannabis Operators Association
California Medical Association
California State Association of Psychiatrists
County Health Executives Association of California
Youth Forward

OPPOSITION: (Verified 8/14/26)

California Cannabis Industry Association
Central California Cannabis Club
Equity Trade Network
Humboldt County Growers Alliance
Kiva Brands, INC.
Kiva Confections
Mendocino Cannabis Alliance
Origins Council
Trinity County Agriculture Alliance
United Core Alliance

ARGUMENTS IN SUPPORT: A coalition of supporters note that this bill would strengthen and enhance the definition of “attractive to children”.

ARGUMENTS IN OPPOSITION: A coalition of opponents’ note concerns related to the previous version of the bill that the restrictions related to advertising may be too broad and burdensomely restrictive.

ASSEMBLY FLOOR: 69-0, 5/26/26

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

NO VOTE RECORDED: DeMaio, Haney, Johnson, Lackey, Macedo, Muratsuchi, Celeste Rodriguez, Rogers, Sanchez, Ta, Wilson

Prepared by: Elissa Silva / B., P. & E.D. / 916-651-4104
8/17/26 10:13:54

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