

Date of Hearing: April 14, 2026

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Marc Berman, Chair

AB 2667 (Hadwick) – As Introduced February 20, 2026

**NOTE:** This bill is double referred and previously passed the Assembly Committee on Environmental Safety and Toxic Materials on a 7-0 vote.

**SUBJECT:** Vape products: household hazardous waste: advertising.

**SUMMARY:** Prohibits the sale of cannabis or tobacco vape products that conceal the nature of the vape product, use branding known to appeal to minors, or include interactive videogame capabilities; requires the Department of Toxic Substances Control (DTSC) to evaluate and make recommendations relating to the confiscation of vape products from students by schools; and authorizes household hazardous waste (HHW) collection facilities to disassemble vape products.

**EXISTING LAW:**

- 1) Enacts the Cigarette and Tobacco Products Tax Law, which, among other provisions, requires distributors engaged in the sale of cigarettes or tobacco products to apply for and obtain a license from the California Department of Tax and Fee Administration (CDTFA). (Revenue and Taxation Code §§ 30001 *et seq.*)
- 2) Establishes the California Department of Public Health (CDPH) within the California Health and Human Services Agency, which houses a California Tobacco Control Branch charged with leading state and local health program to promote a tobacco-free environment. (Health and Safety Code (HSC) §§ 131000 *et seq.*)
- 3) Prohibits a tobacco retailer from selling flavored tobacco product or tobacco product flavor enhancer, as defined, and authorizes the CDPH, the Attorney General, or a local law enforcement agency to assess civil penalties for violations of that prohibition; requires the CDPH to notify the CDTFA of repeat violations and requires the CDTFA to assess a civil penalty and suspend or revoke the violating retailer's license. (HSC § 104559.5)
- 4) Requires the CDPH to establish a program to reduce the availability of tobacco products to persons under 21 years of age through authorized enforcement activities, as specified, pursuant to the Stop Tobacco Access to Kids Enforcement Act (STAKE Act). (Business and Professions Code (BPC) § 22952)
- 5) Authorizes specified enforcing agencies to assess civil penalties against any person, firm, or corporation that violates the prohibition against sales of tobacco products, instruments, or paraphernalia to persons under the age of 21. (BPC § 22958)
- 6) Enacts the Cigarette and Tobacco Products Licensing Act of 2003 to provide for the licensing of manufacturers, importers, distributors, wholesalers, and retailers of cigarettes and tobacco products. (BPC §§ 22970 *et seq.*)

- 7) Provides for specified application requirements for a retailer to obtain a license from the CDTFA to engage in the sale of cigarettes or tobacco products and specifies causes for denial of a license, including the violation of specified laws. (BPC § 22973.1)
- 8) Requires the forfeiture of unlawful flavored tobacco products or tobacco product flavor enhancers and requires the CDTFA to suspend or revoke the license of a retailer or wholesaler following multiple cases of forfeiture, as specified. (BPC § 22974.2; § 22978.3)
- 9) Requires the CDTFA to revoke the license of any retailer or any person controlling the retailer that has been convicted of specified felonies or had any permit or license revoked under the Cigarette and Tobacco Products Tax Law. (BPC § 22974.4)
- 10) Specifies additional causes for suspension or revocation of a retailer's license to engage in the sale of cigarettes or tobacco products by the CDTFA, including violations of laws relevant to the scope of the license. (BPC § 22980.3)
- 11) Enacts the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) to provide for a comprehensive regulatory framework for the cultivation, distribution, transport, storage, manufacturing, processing, and sale of medicinal and adult-use cannabis. (BPC §§ 26000 *et seq.*)
- 12) Establishes the Department of Cannabis Control (DCC) within the Business, Consumer Services, and Housing Agency for purposes of administering MAUCRSA. (BPC § 26010)
- 13) Establishes grounds for disciplinary action against cannabis licensees, including failures to comply with state requirements as well as local laws and ordinances. (BPC § 26030)
- 14) Authorizes the DCC to suspend, revoke, place on probation, or otherwise discipline licensees for specified acts or omissions constituting grounds for disciplinary action. (BPC § 26031)
- 15) Prohibits a cannabis retailer or microbusiness from selling alcoholic beverages or tobacco products on their premises. (BPC § 26054)
- 16) Requires cannabis and cannabis products to be labeled and placed in a tamper-evident, child-resistant package prior to delivery or sale. (BPC § 26120(a))
- 17) Prohibits cannabis and cannabis product packages and labels from being made to be attractive to children. (BPC § 26120(b))
- 18) Effective July 1, 2024, prohibits the package or label of a cannabis cartridge and an integrated cannabis vaporizer from indicating that the cartridge or vaporizer is disposable or implying that it may be thrown in the trash or recycling streams. (BPC § 26120(f))
- 19) Requires a cannabis cartridge or integrated cannabis vaporizer to bear a universal symbol and defines "integrated cannabis vaporizer" as a singular device that contains both cannabis oil and an integrated electronic device that creates an aerosol or vapor. (BPC § 26122)
- 20) Requires the DCC to set packaging and labeling standards for manufactured cannabis products, including a requirement that products not be designed to be appealing to children or easily confused with commercially sold candy or other non-cannabis foods. (BPC § 26130)

- 21) Requires that all cannabis advertisements identify the license number of the licensee responsible for its content, requires any advertising or marketing by cannabis licensees placed in broadcast, cable, radio, print, and digital communications to only be displayed where at least 71.6 percent of the audience is reasonably expected to be 21 years of age or older, and requires any direct advertising or marketing by cannabis licensees to verify that the recipient is 21 years of age or older. (BPC § 26151)
- 22) Prohibits a person engaged in commercial cannabis activity from doing any of the following:
- a) Advertising or marketing in a manner that is false or untrue in any material particular, or that, irrespective of falsity, directly, or by ambiguity, omission, or inference, or by the addition of irrelevant, scientific, or technical matter, tends to create a misleading impression.
  - b) Publishing or disseminating advertising or marketing containing any statement concerning a brand or product that is inconsistent with any statement on its labeling.
  - c) Publishing or disseminating advertising or marketing containing any statement, design, device, or representation which tends to create the impression that cannabis or hemp originated in a particular place or region, unless the label of the advertised product bears an appellation of origin, and such appellation of origin appears in the advertisement.
  - d) Advertising or marketing on a billboard or similar advertising device located on an Interstate Highway or on a State Highway which crosses the California border.
  - e) 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.
  - f) Publishing or disseminating advertising or marketing that is attractive to children.
  - g) Advertising or marketing cannabis or cannabis products on an advertising sign within 1,000 feet of a day care center, school providing instruction in kindergarten or any grades 1 to 12, inclusive, playground, or youth center.
  - h) Publishing or disseminating advertising or marketing while the licensee's license is suspended.
- (BPC § 26152)
- 23) Requires the advertisement and marketing of an integrated cannabis vaporizer to provide specified statements about how to correctly dispose of those products. (BPC § 26152.1)
- 24) Authorizes the Attorney General, on behalf of the people, a city attorney, or a county counsel to bring and maintain an action for violations of cannabis advertising prohibitions. (BPC § 26152.2)
- 25) Exempts from the prohibition against advertising within 1,000 feet of a day care, school, playground, or youth center the placement of advertising signs inside a licensed premises that are not visible by normal unaided vision from a public place, provided that such advertising signs do not advertise cannabis or cannabis products in a manner intended to encourage persons under 21 years of age to consume cannabis or cannabis products. (BPC § 26155)

- 26) Requires a manufacturer, distributor, or seller of an industrial hemp product to follow packaging, labeling, and advertising laws applicable to cannabis businesses. (HSC § 111926)
- 27) Establishes the Hazardous Waste Control Law (HWCL) to authorize the DTSC to regulate the management of hazardous wastes in California. (HSC §§ 25100 *et seq.*)
- 28) Defines “hazardous waste” as waste, that, because of its quantity, concentration, or physical, chemical, or infectious characteristics:
- a) Causes, or significantly contributes to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or,
  - b) Poses a substantial present or potential hazard to human health or the environment, due to factors including, but not limited to, carcinogenicity, acute toxicity, chronic toxicity, bio accumulative properties, or persistence in the environment, when improperly treated, stored, transported, disposed of, or otherwise managed.
- (HSC § 25141)
- 29) Defines “household hazardous waste” as hazardous waste generated incidental to owning or maintaining a place of residence, but does not include waste generated in the course of operating a business at a residence. (HSC § 25218.1)
- 30) Establishes that counties and cities will provide services for the collection of HHW and that the state will provide an expedited and streamlined regulatory structure to facilitate the collection of HHW. (HSC § 25218)
- 31) Enacts the Responsible Battery Recycling Act of 2022, which requires producers of specified batteries to establish a stewardship program for the collection and recycling of those batteries. (Public Resources Code (PRC) §§ 42420 *et seq.*)
- 32) Enacts the Electronic Waste Recycling Act of 2003 (EWRA), which establishes a program for consumers to return, recycle, and ensure the safe and environmentally sound disposal of video display devices, such as televisions and computer monitors that are hazardous waste when discarded. (PRC §§ 42460 *et seq.*)

**THIS BILL:**

- 1) Prohibits any person from marketing, promoting, labeling, branding, advertising, distributing, offering for sale, or selling a vape product in California by doing any of the following:
  - a) Imitating a product that is not a vape product to conceal the nature of the vape product from parents, teachers, or other adults, including by imitating a food commonly marketed to minors or school supplies commonly used by minors or by constructing into clothing and accessories that could be marketed to minors.
  - b) Using branding that is known to appeal to minors, including branding based on or depicting a character, personality, or symbol known to appeal to minors, including a character in a comic book, movie, television show, or videogame, or a mythical creature.
  - c) Including interactive videogame capabilities within a vape product.

- 2) Authorizes a city, a county, a city and county, or the State of California to enforce the above prohibitions and impose civil liability of \$1,000 for the first violation, \$2,500 for the second violation, and \$5,000 for the third and any subsequent violations; additionally authorizes the imposition of civil liability on a distributor \$50,000 per violation.
- 3) Additionally provides that a violation of the above prohibitions is punishable as an infraction with a fine of not more than \$500.
- 4) Requires the CDTFA to revoke or suspend a license to engage in the sale of cigarettes or tobacco product under the Cigarette and Tobacco Products Licensing Act of 2003 for a violation of the above prohibitions.
- 5) Requires the DCC to revoke or suspend a license issued under MAUCRSA for a violation of the above prohibitions.
- 6) Authorizes an enforcement agency that discovers that a tobacco retailer engaged in the sale of a prohibited vape product , to seize that product.
- 7) Requires the DTSC to evaluate opportunities to increase safety and convenience related to the management and disposal of vape pens and devices confiscated from students by a school and to identify any recommendations that require future legislative action.
- 8) Provides that the evaluation conducted by the DTSC shall ensure consistency with the federal Resource Conservation and Recovery Act of 1976.
- 9) Authorizes a permanent HHW collection facility to, after consultation with the certified unified program agency and the entity responsible for fire protection, mechanically disassemble vape pens and devices to separate batteries, valves, electronic components, and other parts containing liquids or gases, in a manner that does not result in the unauthorized release of hazardous materials.
- 10) Requires the disassembly of vape pens and devices to be described in the operation plan of the facility that is available for review by the certified unified program agency and included in a permit-by-rule application authorized by the certified unified program agency.
- 11) Provides that any personnel involved in the disassembly shall receive adequate training to ensure safe management and operations.
- 12) Defines “vape pen and device” as an electronic device that is powered by one or more removable or embedded batteries and that delivers solely, or a combination of, nicotine, cannabis, or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, hookah, or other delivery mechanism.

**FISCAL EFFECT:** Unknown; this bill is keyed fiscal by the Legislative Counsel.

**COMMENTS:**

**Purpose.** This bill is sponsored by *Rural County Representatives of California*. According to the author:

Manufacturers are deceptively designing and marketing vapes to children. These vapes are disguised as everyday items, like school supplies or clothing. Some have features intentionally designed to increase dependency and addiction, like built-in video games. Schools are increasingly confiscating these vapes, yet they lack practical options to safely manage and dispose of them. Similarly, local household hazardous waste facilities receiving these vapes are unable to identify them and disassemble them, increasing costs and fire hazards. Assembly Bill 2667 cracks down on these dangerous devices by banning disguised and interactive vapes. It also gives schools and local governments the tools to safely manage and dispose of vape waste. This bill protects kids, supports schools, and ensures hazardous materials are handled responsibly.

## **Background.**

*Regulation of Batteries.* The Hazardous Waste Control Law provides the Department of Toxic Substances Control with responsibility for overseeing the management of hazardous waste in California. The EWRA establishes a program for consumers to return, recycle, and ensure the safe and environmentally sound disposal of electronic waste, which was expanded in 2022 to include covered battery-embedded products. The Legislature also enacted Assembly Bill 2440 (Irwin), the Responsible Battery Recycling Act of 2022, which requires producers of covered batteries to establish a stewardship program for collection and recycling of those covered batteries.

*Regulation of Cannabis.* Consumption of cannabis was first made lawful in California in 1996 when voters approved Proposition 215, the Compassionate Use Act. Proposition 215 protected qualified patients and caregivers from prosecution relating to the possession and cultivation of cannabis for medicinal purposes, if recommended by a physician. This regulatory scheme was further refined by SB 420 (Vasconcellos) in 2003, which established the state's Medical Marijuana Program. However, a lack of a uniform regulatory framework led to persistent problems across the state due to cannabis's continued illegality under the federal Controlled Substances Act, which classifies cannabis as a Schedule I drug ineligible for prescription. Ongoing threats of enforcement action by the federal government created apprehension within California's cannabis community and prompted calls for legislative action.

After several prior attempts to improve the state's regulation of cannabis, the Legislature passed the Medical Marijuana Regulation and Safety Act—subsequently retitled the Medical Cannabis Regulation and Safety Act (MCRSA)—in 2015. MCRSA established, for the first time, a comprehensive statewide licensing and regulatory framework for the cultivation, manufacture, transportation, testing, distribution, and sale of medicinal cannabis. While entrusting state agencies to promulgate regulations governing the implementation of the state's cannabis laws, MCRSA preserved local control. Under MCRSA, local governments could establish their own ordinances to regulate medicinal cannabis activity, or choose to ban cannabis activity altogether.

Not long after the Legislature enacted MCRSA, California voters passed Proposition 64, the Adult Use of Marijuana Act (AUMA). The passage of the AUMA legalized cannabis for non-medicinal adult use in a private home or licensed business; allowed adults 21 and over to possess and give away up to approximately one ounce of cannabis and up to eight grams of concentrate; and permitted the personal cultivation of up to six plants. The proponents of the AUMA sought to make use of much of the regulatory framework and authorities set out by MCRSA while making a few notable changes to the structure still being implemented.

In the spring of 2017, SB 94 (Committee on Budget and Fiscal Review) was passed to reconcile the distinct systems for the regulation, licensing, and enforcement of legal cannabis that had been established under the respective authorities of MCRSA and the AUMA. The single consolidated system established by the bill—known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA)—created a unified series of cannabis laws. On January 16, 2019, the state’s three cannabis licensing authorities—the Bureau of Cannabis Control, the California Department of Food and Agriculture, and the California Department of Public Health—officially announced that the Office of Administrative Law had approved final cannabis regulations promulgated by the three agencies respectively.

In early 2021, the Department of Finance released trailer bill language to create a new Department with centralized authority for cannabis licensing and enforcement activities. This new department was created through a consolidation of the three prior licensing authorities’ cannabis programs. As of July 1, 2021, the DCC has been the single entity responsible for administering and enforcing the majority of MAUCRSA. New regulations went into effect on January 1, 2023 to effectuate the consolidation and make other changes to cannabis regulation.

*Regulation of Cigarette and Tobacco Sales.* According to the federal Centers for Disease Control and Prevention, smoking causes cancer, heart disease, stroke, lung diseases, diabetes, and chronic obstructive pulmonary disease. The government has an established policy goal in preventing tobacco use, and there are multiple federally funded campaigns to not just educate consumers about tobacco health considerations, but to discourage smoking and encourage cessation. In California, the CDPH’s California Tobacco Control Program states that its focus is to make tobacco “less desirable, less acceptable and less accessible.” The California Department of Education similarly provides assistance to schools, school districts, and county offices of education regarding the prevention and cessation of tobacco use.

The Cigarette and Tobacco Products Tax Law provides for the licensure of distributors engaged in the sale of cigarettes or tobacco products from the CDTFA. The Cigarette and Tobacco Products Licensing Act of 2003 provides for the licensure manufacturers, importers, distributors, wholesalers, and retailers of cigarettes and tobacco products. Current law provides that specific violations of the law are cause for the CDTFA to deny an application for an initial or renewed license, and that a license can be suspended or revoked for specified causes.

The Stop Tobacco Access to Kids Enforcement Act (STAKE Act) prohibits the sale of tobacco products to individuals under 21 years old and requires tobacco retailers to post age restriction warning signs. It also enforces compliance through undercover youth decoy operations, imposes fines for violations, and mandates licensing requirements for sellers. The STAKE Act further prohibits advertising of tobacco products on any outdoor billboard located within 1,000 feet of any public or private elementary school, junior high school, or high school, or public playground.

In 2020, the Legislature enacted Senate Bill 793 (Hill), which prohibits retailers from selling flavored tobacco products or a tobacco product flavor enhancers, with some exceptions. This ban applied to combustible cigarettes and cigars as well as electronic cigarettes and other vaping products. Senate Bill 793 was challenged unsuccessfully in court, and a referendum was placed on the 2022 ballot in California that resulted in nearly two-thirds of voters choosing to uphold the legislation. In 2024, the Legislature enacted Assembly Bill 3218 (Wood), which requires the Attorney General to establish and maintain a website containing a list of tobacco product brand styles that lack a characterizing flavor, known as the Unflavored Tobacco List.

*Unsafe Disposal of Vapor Inhalation Devices.* Vaping has grown rapidly in recent years to become the most popular form of tobacco use. According to surveys conducted by the CDPH, 4.4 percent of adults reported using vape products, a rate more than double that of cigarette smokers, making vaping the most common form of tobacco use among adults.<sup>1</sup> This is similarly the case for tobacco use by youths, with 5.9 percent of youth reporting current use of vape products according to the CDPH's surveys.<sup>2</sup>

Vaping is also a very popular way to consume manufactured cannabis products. According to a 2020 report, yearly revenue from the sales of cannabis vapes has exceeded \$1 billion, and that market has continued to grow. According to analysis provided by ERA Economics in 2025 as part of the DCC's *Condition and Health of the Cannabis Industry in California* report, sales of vapes increased from \$309 million to \$354 million between the second quarters of 2021 and 2024. The majority of cannabis vaping products are cartridges that are inserted into reusable vaporizers or vape pens. However, at the time of the 2020 report, approximately 10 percent of vaping products were believed to be vaporizers that combine both the cannabis product and a built-in electronic device that creates the aerosol or vapor, essentially constituting a single-use, all-in-one product.<sup>3</sup>

Concerns have been raised in recent years about the use of integrated vaporizers containing embedded batteries. According to the California Department of Resources Recycling and Recovery (CalRecycle), batteries are hazardous waste when they are discarded because of the metals and other toxic or corrosive materials they contain. Battery-embedded devices pose significant environmental and safety hazards, particularly when improperly disposed of in household trash. These devices often contain lithium-ion batteries, which can overheat, ignite, or even explode if punctured or compressed in trash compactors or landfills. This creates serious fire risks for sanitation workers, waste management facilities, and surrounding communities. A 2021 report by the federal Environmental Protection Agency identified 64 waste facilities that had experienced 245 fires caused by, or likely caused by, lithium metal or lithium-ion batteries, some of which were substantially destructive.<sup>4</sup>

In 2022, it was discovered that the state's largest manufacturer of cannabis vaping products, which at the time sold approximately 25 percent of cannabis vapes in California, was selling its integrated vaping products with "DISPOSABLE THC PEN" prominently displayed on the packaging. In response to allegations of misleading and potentially hazardous labeling and advertising practices, in 2022 the Legislature passed Assembly Bill 1894 (Luz Rivas), which placed new requirements and restrictions for the packages and labels of integrated cannabis vaporizers, as well as for the advertisement and marketing of those products. These requirements went into effect on July 1, 2024.

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<sup>1</sup> California Department of Public Health. *Key Findings from the 2023 Online California Adult Tobacco Survey*. California Tobacco Prevention Program, January 2024.

<sup>2</sup> Clodfelter, Rachel, et al. *Annual Results Report for the California Youth Tobacco Survey 2023*. RTI International, March 2024.

<sup>3</sup> Arcview Market Research, and BDS Analytics. *The State of Legal Cannabis Markets: 8th Edition*. Arcview Group, April 2020.

<sup>4</sup> United States Environmental Protection Agency. *An Analysis of Lithium-Ion Battery Fires in Waste Management and Recycling*. EPA 530-R-21-002, July 2021.

Similar concerns have been raised for vaping product containing tobacco products, commonly referred to as “e-cigarettes.” In 2023, the United States Public Interest Research Group Education Fund published a report titled *Vape Waste*, which included the following statement:

One product stands apart as being particularly harmful to our environment and public health—disposable vapes. Vapes, also known as e-cigarettes, are handheld battery powered electronic devices with heated metal coils that vaporize a liquid containing nicotine or cannabis products, known as e-liquid. Nicotine is the famously addictive stimulant found in tobacco that gives smokers a dopamine hit, and makes quitting difficult. . . . Due to the nicotine e-liquid used in these products, vape waste can’t be recycled with other plastics because the substance is defined by the EPA as an acute hazardous waste. Disposable vapes can’t be reused, they can’t be recycled properly, and they can’t legally be thrown in the trash. What are consumers supposed to do with these products? Is it any wonder they’re an environmental threat?<sup>5</sup>

In response to concerns regarding the proliferation of battery-embedded cannabis and tobacco vaping products and the potential for those products to continue to be disposed of improperly, AB 762 (Irwin) has been introduced to prohibit the sale of all disposable, battery-embedded vapor inhalation devices in California that are either not refillable or rechargeable. While AB 762 bill originally did not specify its application to tobacco or cannabis products, subsequent amendments exempted cannabis products from the bill’s prohibitions. AB 762 is currently pending consideration in the Senate.

This bill would seek to further address the improper disposal of vaping products containing batteries. First, the bill would require the DTSC to evaluate opportunities to increase safety and convenience related to the management and disposal of vape pens and devices confiscated from students by a school. The bill requires this evaluation to ensure consistency with the federal Resource Conservation and Recovery Act of 1976. The DTSC is also directed to identify any recommendations that require future legislative action.

Second, this bill would authorize a permanent HHW collection facility to, after consulting with the certified unified program agency and the entity responsible for fire protection, mechanically disassemble vape pens and devices to separate batteries, valves, electronic components, and other parts containing liquids or gases, in a manner that does not result in the unauthorized release of hazardous materials. These activities would be required to be described in the facility’s operation plan that is available for review by the certified unified program agency and included in a permit-by-rule application authorized by the agency. Additionally, personnel would be required to receive adequate training to ensure safe management and operations.

*Advertisements of Cannabis Products to Minors Generally.* Prior to the AUMA being passed by the voters, arguments both for and against the initiative frequently focused on a debate over whether Proposition 64 would adequately protect children from exposure to the cannabis industry. In the official text of Proposition 64, the purpose and intent of the initiative was stated to include an intention to “prohibit the marketing and advertising of nonmedical marijuana to persons younger than 21 years old or near schools or other places where children are present.” Proposition 64 included a number of specified safeguards for minors, including:

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<sup>5</sup> Gutterman, Lucas. *Vape Waste: The Environmental Harms of Disposable Vapes*. U.S. PIRG Education Fund, 11 July 2023.

- Prohibiting consumption of cannabis outside a residence within 1,000 feet of a school, day care center, or youth center while children are present.
- Requiring child-resistant packaging for cannabis products.
- Prohibiting packages and labels from being made to be attractive to children.
- Providing that cannabis products shall not be designed to be appealing to children or easily confused with commercially sold candy or foods that do not contain marijuana.
- Prohibiting cannabis businesses from being located within 600 feet of schools and other areas where children congregate.
- Authorizing a licensing authority to deny a license if there is an unreasonable risk of minors being exposed to cannabis or cannabis products.
- Expressly prohibiting businesses selling recreational cannabis to minors under 21 or employing minors under 21.

The AUMA further required that “any advertising or marketing involving direct, individualized communication or dialogue controlled by the licensee shall utilize a method of age affirmation to verify that the recipient is 21 years of age or older prior to engaging in such communication or dialogue controlled by the licensee.”

Additionally, Proposition 64 included a prohibition against “advertising or marketing containing symbols, language, music, gestures, cartoon characters or other content elements known to appeal primarily to persons below the legal age of consumption.” This language was simplified when MCRSA and the AUMA were reconciled through the enactment of SB 94. Under MAUCRSA, licensees are instead prohibited more generally from publishing or disseminating “advertising or marketing that is attractive to children.” However, similar language was incorporated into regulations promulgated by the Bureau of Cannabis Control.

MAUCRSA currently prohibits individuals and entities engaged in commercial cannabis activity, whether licensed or unlicensed, 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. MAUCRSA further prohibits publishing or disseminating advertising or marketing that is attractive to children. Cannabis or cannabis products also cannot be advertised or marketed on a sign within 1,000 feet of a daycare center, school providing instruction in kindergarten or any of grades 1 to 12, inclusive, playground, or youth center.

The regulations adopted to consolidate the state’s cannabis regulators in 2021 further scaled down the number of examples of what types of advertising would be deemed “attractive to children.” The specific examples of “toys, inflatables, movie characters, [and] cartoon characters” were replaced with a prohibition against cartoons, depictions of minors, or “any likeness to images, characters, or phrases that are popularly used to advertise to children.” The revised regulations also incorporated other prohibition language previously applied only to labeling requirements into the more general advertising restrictions. This includes prohibitions against products containing any imitation of candy packaging or labeling or using the term “candy” or “candies” or variants in spelling such as “kandy” or “kandeez.” The regulations also prohibit the advertising of free cannabis goods or accessories.

While these prohibitions are contained in provisions of the DCC’s regulations relating to advertising and marketing, these prohibitions apply to the packaging and labeling of cannabis goods as well. MAUCRSA requires the DCC to promulgate regulations to set standards for the manufacturing, packaging, and labeling of all manufactured cannabis products. The DCC’s regulations specifically cross-reference the advertising content restrictions in language prohibiting cannabis goods labeling from containing “content that is, or is designed to be, attractive to individuals under the age of 21.” The DCC’s regulations further prohibit the selling of “any cannabis product that the Department determines, on a case-by-case basis,” to be either “attractive to children” based on the above criteria, or “easily confused with commercially available foods that do not contain cannabis.”

In August 2025, the California State Auditor (CSA) released an audit of the DCC’s enforcement of laws prohibiting cannabis products from being advertised, marketed, or labeled in a manner that is attractive to children. The CSA report determined that “state 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 that the Legislature clarify what design elements are prohibited from cannabis packaging.<sup>6</sup>

*Usage of Vaping Products by Minors.* Health experts and educators have raised serious concerns about the rapid increase in vaping popularity among minors.<sup>7</sup> Usage often takes place on school campuses; in fact, reports indicate that many underage vaping product users were first exposed to vaping in school.<sup>8</sup> As school administrators and teachers have attempted to curb the use of vaping products on campus, it has been reported that many vape products are manufactured to conceal their nature by imitating other products like common school supplies.

This bill would place additional prohibitions on all vaping products, including both cannabis and tobacco products, aimed at reducing underage use. First, the bill seeks to curb surreptitious use by prohibiting vaping products from imitating a product that is not a vape product to conceal the nature of the vape product from parents, teachers, or other adults. Second, the bill would prohibit vaping products from having certain elements that are attractive to minors, including branding that is known to appeal to minors, including branding based on or depicting a character, personality, or symbol known to appeal to minors, including a character in a comic book, movie, television show, or videogame, or a mythical creature. The bill would additionally prohibit interactive videogame capabilities within a vape product.

**Current Related Legislation.** AB 2249 (Irwin) would define “attractive to children” for purposes of unlawful cannabis labeling, require the DCC to publish a standardized rubric for determining whether cannabis product labeling is attractive to children, and require the DCC to implement a process by which a licensee may voluntarily request a written determination of whether a proposed packaging or labeling of a cannabis product is attractive to children. *This bill is pending in this committee.*

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<sup>6</sup> California State Auditor. *Department of Cannabis Control: Unclear Rules and Insufficient Enforcement Hamper Its Ability to Identify Packaging That Is Attractive to Children.* Report No. 2024-105, August 2025.

<sup>7</sup> Cole, Adam G., et al. “California School Staff Reports of Seeing Students Vaping at School and Disciplinary Actions.” *Journal of School Nursing*, vol. 40, no. 6, December 2024.

<sup>8</sup> Schiff, Samantha J., et al. “Accessing Vaping Products When Underage: A Qualitative Study of Young Adults in Southern California.” *Nicotine & Tobacco Research*, vol. 23, no. 5, May 2021.

AB 762 (Irwin) would prohibit the sale of disposable, battery-embedded vapor inhalation devices. *This bill is pending in the Senate Committee on Rules.*

**Prior Related Legislation.** SB 1348 (Ashby), Chapter 899, Statutes of 2024 authorized state and local prosecutors to bring an action for injunctive relief and civil penalties against individuals engaged in commercial cannabis or industrial hemp activity for violations of laws intended to restrict the advertising and marketing of cannabis and hemp products to minors, and extended those laws to apply to individuals operating without a license or registration.

SB 540 (Laird, Chapter 491, Statutes of 2023) required the DCC to regularly reevaluate its regulations and determine whether additional warning labels are necessary to reflect evolving science regarding the risks of cannabis use and to create a brochure that includes steps for safer use of cannabis.

AB 1207 (Irwin) of 2023 would have placed additional restrictions on the advertising, marketing, packaging, and labeling of cannabis and cannabis products. *This bill was vetoed by the Governor.*

AB 1894 (Luz Rivas), Chapter 390, Statutes of 2022 placed new requirements and restrictions for the packages and labels of integrated cannabis vaporizers, as well as for the advertisement and marketing of those products.

AB 2440 (Irwin), Chapter 351, Statutes of 2022 enacted the Responsible Battery Recycling Act of 2022, which requires producers of covered batteries, as defined, to establish a stewardship program for the collection and recycling of covered batteries.

SB 1215 (Newman), Chapter 370, Statutes of 2022 expanded the Electronic Waste Recycling Act to include battery embedded products.

AB 1690 (Luz Rivas) of 2022 would have prohibited the sale of single-use electronic cigarettes. *This bill died on the inactive file of the Assembly Floor.*

SB 793 (Hill), Chapter 34, Statutes of 2020 prohibited a tobacco retailer, or any of its agents or employees from selling, offering for sale, or possessing with the intent to sell or offer for sale, a flavored tobacco product or a tobacco product flavor enhancer.

AB 1529 (Low), Chapter 830, Statutes of 2019 reduced the minimum size of the universal cannabis symbol required on integrated cannabis vaporizers.

SB 94 (Committee on Budget and Fiscal Review), Chapter 27, Statutes of 2017 established a unified system for the regulation of cannabis which included a prohibition against cannabis retailers selling tobacco products.

AB 273 (Irwin) of 2021 would have placed numerous restrictions on the content of outdoor advertising by cannabis businesses and required a licensing authority to suspend the license of any licensee who violates those restrictions for one year. *This bill failed passage in this committee.*

SB 94 (Committee on Budget and Fiscal Review, Chapter 27, Statutes of 2017) combined AUMA and MCRSA into a unified system for the regulation of cannabis, MAUCRSA.

**ARGUMENTS IN SUPPORT:**

The *Rural County Representatives of California*, the sponsor of this bill, writes in conjunction with a broad coalition of other stakeholders in support: “Vapes are increasingly designed and marketed to appeal to minors and young adults - often in ways that are deceptive or intended to increase the level of addiction. Some vapes now contain integrated video games that are intended to increase the user’s interaction with the device. Other vapes are manufactured to be nearly indistinguishable from common school supplies like highlighters and markers or household items like key fobs, watches, and even hoodies. Disguised vapes are harder for educators to detect and also pose heightened fire risks for collection trucks and solid waste facilities. This is because vapes contain batteries that can explode violently and quickly cause massive amounts of damage. By being nearly indistinguishable from ordinary consumer goods, disguised vapes are much more likely to avoid detection and make their way into recycling facilities and landfills, which significantly increases the risk of compaction and fire.”

**ARGUMENTS IN OPPOSITION:**

There is no opposition on file.

**REGISTERED SUPPORT:**

Rural County Representatives of California (*Sponsor*)  
A Voice for Choice Advocacy  
Alameda County Office of Education  
Association of California School Administrators  
California Cannabis Operators Association  
California Product Stewardship Council  
Californians Against Waste  
County of Santa Barbara  
County of Shasta  
Del Norte Solid Waste Management Authority  
League of California Cities  
Los Angeles Unified School District  
National Stewardship Action Council  
Parents Against Vaping  
Recology  
Republic Services  
Resource Recovery Coalition of California  
ReThinkWaste  
Rural Counties Environmental Services Joint Powers Authority  
StopWaste  
SWANA California Chapters Legislative Task Force  
Western Placer Waste Management Authority  
Zero Waste Marin

**REGISTERED OPPOSITION:**

None on file

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