

Second Modified Regulation Text

Title 27. Environmental Protection
Division 4. Office of Environmental Health Hazard Assessment
Chapter 1. Safe Drinking Water and Toxic Enforcement Act of 1986
Article 6. Clear and Reasonable Warnings
Subarticle 2. Safe Harbor Methods and Content

Sections 25607.38 - 25607.47

NOTE: All 10 sections below are new and being adopted in this rulemaking. Originally proposed changes are indicated in plain text and **bold** text not underlined. The first set of modifications to the originally proposed text are indicated in double underline for additions and ~~double strikethrough~~ for deletions. The second and newest set of modifications to the originally proposed text are indicated in **bold single underline** for additions and ~~**bold single strikethrough**~~ for deletions. The public may submit comments on all changes indicated below.

§ 25607.38. Cannabis (Marijuana) Smoke from Consumer Products Exposure Warnings – Methods of Transmission.

(a) A warning for an exposure to cannabis (marijuana) smoke and delta-9-tetrahydrocannabinol (delta-9-THC) from a cannabis products ~~that are used for smoking intended to be smoked~~ meets the requirements of this subarticle if it complies with the content requirements in Section 25607.39 and is provided using one or more of the methods required in Section 25602, not including subsection (a)(4).

(b) Where a specific sign, label, or shelf tag used to provide a warning for a cannabis products intended to be smoked includes consumer information in a language other than English, the warning must also be provided in that language in addition to English.

~~(c) This subsection and Section 25607.39 shall become operative on [Office of Administrative Law to insert date that is one year after the effective date of amendments]. A warning provided on a label for a product manufactured prior to [Office of Administrative Law to insert date that is one year after the effective date of amendments] is deemed to be clear and reasonable if it complies with the content set out in Section 25603 or in Section 25607.39.~~

(c) Prior to [Office of Administrative Law to insert date that is one year after the effective date], a warning for an exposure to cannabis (marijuana) smoke and delta-9-THC from a cannabis product intended to be smoked is deemed to be clear and reasonable if it complies with either of the following:

(1) Notwithstanding subsection (a), the methods of transmission in subsection (a)(1) or (a)(2) of Section 25602 and the content set out in Section 25603; or

(2) The methods of transmission in subsections (a) and (b), and the content set out in Section 25607.39.

(d) Notwithstanding subsection (a), a warning for an exposure to cannabis (marijuana) smoke and delta-9-THC from a cannabis product intended to be smoked that was manufactured prior to [Office of Administrative Law to insert date that is one year after the effective date], and that utilizes either of the on the label warning methods of transmission in subsections (a)(3) and (a)(4) of Section 25602 and complies with the content set out in Section 25603, is deemed to be clear and reasonable regardless of when the product is sold to a consumer.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.39. Cannabis (Marijuana) Smoke from Consumer Products Exposure Warnings – Content.

(a) A warning for exposure to cannabis (marijuana) smoke and delta-9-tetrahydrocannabinol (delta-9-THC) from a cannabis product~~s that are~~ intended ~~for smoking to be smoked~~ meets the requirements of this subarticle if it is provided using one or more of the methods required in Section 25607.38 and includes all the following elements:

(1) The symbol required in Section 25603(a)(1);~~;~~

(2) The word **“WARNING:”** in all capital letters and bold print;~~;~~ and~~;~~

(3) The words, “Smoking cannabis increases your cancer risk and during pregnancy exposes your child to delta-9-THC and other chemicals that can affect your child’s birthweight, behavior, and learning ability. For more information go to www.P65Warnings.ca.gov/cannabis.”

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.40. Delta-9-THC from Ingested Products Exposure Warnings - Methods of Transmission.

(a) A warning for an exposure to delta-9-tetrahydrocannabinol (delta-9-THC) from a cannabis or other consumer product that is intended to be ingested meets the requirements of this subarticle if it complies with the content requirements in Section

25607.41 and is provided using one or more of the methods required in Section 25602, not including subsection (a)(4).

(b) Where a specific sign, label, or shelf tag used to provide a warning for delta-9-THC **in from** a cannabis or other consumer product that is intended to be ingested includes consumer information in a language other than English, the warning must also be provided in that language in addition to English.

~~**(c) This subsection and Section 25607.41 shall become operative on [Office of Administrative Law to insert date that is one year after the effective date of amendments]. A warning provided on a label for a product manufactured prior to [Office of Administrative Law to insert date that is one year after the effective date of amendments] is deemed to be clear and reasonable if it complies with the content set out in Section 25603 or in Section 25607.41.**~~

(c) Prior to [Office of Administrative Law to insert date that is one year after the effective date], a warning for an exposure to delta-9-THC from a cannabis or other consumer product that is intended to be ingested is deemed to be clear and reasonable if it complies with either of the following:

(1) Notwithstanding subsection (a), the methods of transmission in subsection (a)(1) or (a)(2) of Section 25602 and the content set out in Section 25603; or

(2) The methods of transmission in subsections (a) and (b), and the content set out in Section 25607.41.

(d) Notwithstanding subsection (a), a warning for an exposure to delta-9-THC from a cannabis or other consumer product that is intended to be ingested that was manufactured prior to [Office of Administrative Law to insert date that is one year after the effective date], and that utilizes either of the on the label warning methods of transmission in subsections (a)(3) and (a)(4) of Section 25602 and complies with the content set out in Section 25603, is deemed to be clear and reasonable regardless of when the product is sold to a consumer.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.41. Delta-9-THC in Ingested Products Exposure Warnings - Content.

(a) A warning for exposure to delta-9-tetrahydrocannabinol (delta-9-THC) from a cannabis or other consumer product that is intended to be ingested meets the requirements of this subarticle if it is provided using one or more of the methods required in Section 25607.40 and includes all the following elements:

(1) The symbol required in Section 25603(a)(1);

(2) The word “**WARNING:**” in all capital letters and bold print; and

(3) The words:

(iA) “Consuming this product during pregnancy exposes your child to delta-9-THC, which can affect your child’s behavior and learning ability. For more information go to www.P65Warnings.ca.gov/cannabis”, or

(iiB) if the product also exposes consumers to one or more listed carcinogens, “Consuming this product exposes you to carcinogens including [name one or more listed carcinogens], and during pregnancy exposes your child to delta-9-THC, which can affect your child’s behavior and learning ability. For more information go to www.P65Warnings.ca.gov/cannabis.” Where the product only exposes the consumer to one listed carcinogen, consistent with Section 25603(a)(2)(E), the business may use the phrase “the carcinogen” rather than “carcinogens including” in the warning.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.42. Delta-9-THC from Vaping or Dabbing Products Exposure Warnings – Methods of Transmission.

(a) A warning for an exposure to delta-9-tetrahydrocannabinol (delta-9-THC) from a cannabis or other consumer product intended ~~for vaping or dabbing to be vaped or dabbled~~ meets the requirements of this subarticle if it complies with the content requirements in Section 25607.43 and is provided using one or more of the methods required in Section 25602, not including subsection (a)(4).

(b) Where a specific sign, label, or shelf tag used to provide a warning for delta-9-THC from a cannabis or other consumer product intended ~~for vaping or dabbing to be vaped or dabbled~~ includes consumer information in a language other than English, the warning must also be provided in that language in addition to English.

~~(c) This subsection and Section 25607.43 shall become operative on [Office of Administrative Law to insert date that is one year after the effective date of amendments]. A warning provided on a label for a product manufactured prior to [Office of Administrative Law to insert date that is one year after the effective date of amendments] is deemed to be clear and reasonable if it complies with the content set out in Section 25603 or in Section 25607.43.~~

(c) Prior to [Office of Administrative Law to insert date that is one year after the effective date], a warning for an exposure to delta-9-THC from a cannabis or other

consumer product intended to be vaped or dabbled is deemed to be clear and reasonable if it complies with either of the following:

(1) Notwithstanding subsection (a), the methods of transmission in subsection (a)(1) or (a)(2) of Section 25602 and the content set out in Section 25603; or

(2) The methods of transmission in subsections (a) and (b), and the content set out in Section 25607.43.

(d) Notwithstanding subsection (a), a warning for an exposure to delta-9-THC from a cannabis or other consumer product intended to be vaped or dabbled that was manufactured prior to [Office of Administrative Law to insert date that is one year after the effective date], and that utilizes either of the on the label warning methods of transmission in subsections (a)(3) and (a)(4) of Section 25602 and complies with the content set out in Section 25603, is deemed to be clear and reasonable regardless of when the product is sold to a consumer.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.43. Delta-9-THC from Vaping or Dabbing Products Exposure Warnings – Content.

(a) A warning for exposure to delta-9-tetrahydrocannabinol (delta-9-THC) from a cannabis or other consumer product intended ~~for vaping or dabbing~~ **to be vaped or dabbled** meets the requirements of this subarticle if it is provided using one or more of the methods required in Section 25607.42 and includes all the following elements:

(1) The symbol required in Section 25603-(a)(1);₁

(2) The word **“WARNING:”** in all capital letters and bold print;₁ and:

(3) The words:

(iA) “Vaping or dabbing this product during pregnancy exposes your child to delta-9-THC, which can affect your child’s behavior and learning ability. For more information go to www.P65Warnings.ca.gov/cannabis.”, or

(iiB) if the product also exposes consumers to one or more listed carcinogens, “Vaping or dabbing this product exposes you to carcinogens including [name one or more listed carcinogens], and during pregnancy exposes your child to delta-9-THC, which can affect your child’s behavior and learning ability. For more information go to www.P65Warnings.ca.gov/cannabis.” Where the product only exposes the consumer to one listed carcinogen, consistent with Section 25603(a)(2)(E), the business may use the phrase “the carcinogen” rather than “carcinogens including” in the warning.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.44. Delta-9-THC from Dermally Applied Products Exposure Warnings - Methods of Transmission.

(a) A warning for an exposure to delta-9-tetrahydrocannabinol (delta-9-THC) from a cannabis or other consumer product that is intended for dermal application meets the requirements of this subarticle if it complies with the content requirements in Section 25607.45 and is provided using one or more of the methods required in Section 25602, not including subsection (a)(4).

(b) Where a specific sign, label, or shelf tag used to provide a warning for delta-9-THC **in dermally applied from a cannabis or other consumer products that is intended for dermal application** includes consumer information in a language other than English, the warning must also be provided in that language in addition to English.

~~**(c) This subsection and Section 25607.45 shall become operative on [Office of Administrative Law to insert date that is one year after the effective date of amendments]. A warning provided on a label for a product manufactured prior to [Office of Administrative Law to insert date that is one year after the effective date of amendments] is deemed to be clear and reasonable if it complies with the content set out in Section 25603 or in Section 25607.45.**~~

(c) Prior to [Office of Administrative Law to insert date that is one year after the effective date], a warning for an exposure to delta-9-THC from a cannabis or other consumer product that is intended for dermal application is deemed to be clear and reasonable if it complies with either of the following:

(1) Notwithstanding subsection (a), the methods of transmission in subsection (a)(1) or (a)(2) of Section 25602 and the content set out in Section 25603; or

(2) The methods of transmission in subsections (a) and (b), and the content set out in Section 25607.45.

(d) Notwithstanding subsection (a), a warning for an exposure to delta-9-THC from a cannabis or other consumer product that is intended for dermal application that was manufactured prior to [Office of Administrative Law to insert date that is one year after the effective date], and that utilizes either of the on the label warning methods of transmission set out in subsections (a)(3) and (a)(4) of Section 25602 and complies with the content set out in Section 25603, is deemed to be clear and reasonable regardless of when the product is sold to a consumer.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.45. Delta-9-THC from Dermally Applied Products Exposure Warnings - Content.

(a) A warning for exposure to delta-9-tetrahydrocannabinol (delta-9-THC) from a cannabis or other consumer product that is intended for dermal application meets the requirements of this subarticle if it is provided using one or more of the methods required in Section 25607.44 and includes all the following elements:

(1) The symbol required in Section 25603(a)(1);

(2) The word “**WARNING:**” in all capital letters and bold print; and

(3) The words:

(**iA**) “Using this product during pregnancy exposes your child to delta-9-THC, which can affect your child’s behavior and learning ability. For more information go to www.P65Warnings.ca.gov/cannabis.” or,

(**iiB**) if the product will also expose consumers to one or more listed carcinogens, “Using this product exposes you to carcinogens including [name one or more listed carcinogens] and during pregnancy exposes your child to delta-9-THC, which can affect your child’s behavior and learning ability. For more information go to www.P65Warnings.ca.gov/cannabis.” Where the product only exposes the consumer to one listed carcinogen, consistent with Section 25603(a)(2)(E), the business may use the phrase “the carcinogen” rather than “carcinogens including” in the warning.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.46. Cannabis (Marijuana) Smoke or Delta-9-THC Inhalation Exposure Warnings (Environmental Exposures) - Method of Transmission.

(a) A warning for environmental exposures to cannabis (marijuana) smoke or delta-9-tetrahydrocannabinol (delta-9-THC), in the ambient air in designated smoking, vaping, or dabbing areas meets the requirements of this subarticle if it complies with the content requirements in Section 25607.47 and is provided on an 8 1/2 by 11-inch sign printed in no smaller than 22-point type and enclosed in a box posted both at the entrance to and within the area in which the exposure occurs. In all cases, warnings must be readable and conspicuous to customers.

(b) If consumer information is provided by the business in the designated smoking, vaping, or dabbing area in any language other than English, the warning must be provided in that language in addition to English.

~~(c) This subsection and Section 25607.47 shall become operative on [Office of Administrative Law to insert date that is one year after the effective date of amendments]. A warning provided on a label for a product manufactured prior to [Office of Administrative Law to insert date that is one year after the effective date of amendments] is deemed to be clear and reasonable if it complies with the content set out in Section 25603 or in Section 25607.47.~~

(c) A warning for environmental exposures to cannabis (marijuana) smoke or delta-9-THC, in the ambient air in designated smoking, vaping, or dabbing areas provided prior to [Office of Administrative Law to insert date that is one year after the effective date], is deemed to be clear and reasonable if it complies with either of the following:

(1) One or more of the methods of transmission in Section 25604 and the content set out in Section 25605; or

(2) The methods of transmission in subsections (a) and (b), and the content set out in Section 25607.47.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.47. Cannabis (Marijuana) Smoke or Delta-9-THC Inhalation Exposure Warnings (Environmental Exposures) - Content.

(a) A warning for environmental exposures to cannabis (marijuana) smoke or delta-9-tetrahydrocannabinol (delta-9-THC), in ambient air in designated smoking, vaping, or dabbing areas meets the requirements of this subarticle if it is provided using the method required in Section 25607.46 and includes all the following elements:

(1) The symbol required in Section 25603(a)(1);

(2) The word **“WARNING:”** in all capital letters and bold print; and

(3) The words:

~~(iA)~~ In designated areas where cannabis smoking occurs, or both cannabis smoking and delta-9-THC vaping or dabbing occur, the words, “Breathing the air in this area exposes you to cannabis smoke, which increases your cancer risk and, during pregnancy, exposes your child to delta-9-THC and other chemicals that can affect your child’s birthweight, behavior, and learning ability. For more information go to [~~\(iiB\)~~ In designated areas where ~~vaping~~ delta-9-THC vaping or dabbing occurs, but cannabis smoking does not, the words, “Breathing the air in this area during pregnancy](http://www.P65Warnings.ca.gov/cannabis.”, or</p></div><div data-bbox=)

exposes your child to delta-9-THC, which can affect your child's behavior and learning ability. For more information go to www.P65Warnings.ca.gov/cannabis.” or

(iiiC) In a designated area where ~~vaping of~~ delta-9-THC **vaping or dabbing** occurs, but cannabis smoking does not, and where consumers can be exposed to one or more listed carcinogens in ambient air, “Breathing the air in this area exposes you to carcinogens including [name one or more listed carcinogens] and during pregnancy exposes your child to delta-9-THC, which can affect your child's behavior and learning ability. For more information go to www.P65Warnings.ca.gov/cannabis.” Where the product only exposes the consumer to one listed carcinogen, consistent with Section 25603(a)(2)(E), the business may use the phrase “the carcinogen” rather than “carcinogens including” in the warning.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety **Code**.