

Final 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.

§ 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 product 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 product 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) Prior to October 1, 2023, 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 October 1, 2023, 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 intended 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 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) Prior to October 1, 2023, 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 October 1, 2023, 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:

(A) “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

(B) 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 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 to be vaped or dabbed includes consumer information in a language other than English, the warning must also be provided in that language in addition to English.

(c) Prior to October 1, 2023, a warning for an exposure to delta-9-THC from a cannabis or other consumer product intended to be vaped or dabbed 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 dabbed that was manufactured prior to October 1, 2023, 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 to be vaped or dabbed 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);

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

(3) The words:

(A) “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

(B) 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 Dermal 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 from a cannabis or other consumer product 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) Prior to October 1, 2023, 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 October 1, 2023, 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 Dermal 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:

(A) “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,

(B) 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) 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 October 1, 2023, 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:

(A) 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 [\(B\) In designated areas where delta-9-THC vaping or dabbing occurs, but cannabis smoking does not, the words, “Breathing the air in this area during pregnancy exposes your child to delta-9-THC, which can affect your child’s behavior and learning ability. For more information go to \[\\(C\\) In a designated area where delta-9-THC vaping or dabbing occurs, but cannabis smoking does not, and where consumers can be exposed to one or more listed carcinogens in ambient air, “Breathing the air in this area exposes you to carcinogens including \\[name one or more listed carcinogens\\] and during pregnancy exposes your child to delta-9-THC, which can affect your child’s behavior and learning ability. For more information go to \\[Page 7 of 8\\]\\(http://www.P65Warnings.ca.gov/cannabis.” Where the product only exposes the consumer to one listed carcinogen, consistent with Section 25603\\(a\\)\\(2\\)\\(E\\), the business may use the phrase “the carcinogen” rather than “carcinogens including” in the warning.</u></p></div><div data-bbox=\\)\]\(http://www.P65Warnings.ca.gov/cannabis.”, or</u></p></div><div data-bbox=\)](http://www.P65Warnings.ca.gov/cannabis.”, or</u></p></div><div data-bbox=)

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