

# CANNABIS CANDY CHILD PROTECTION ACT (AB 1207)

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## THE ISSUE

As California's legal cannabis market matures, exposure to cannabis marketing, and the range of cannabis products, have grown with it. Laws and regulations must also evolve alongside this new market to ensure the safety of our children and youth.

## PROMISES OF PROP 64

- "Marijuana products shall be: (1) Not designed to be appealing to children or easily confused with commercially sold candy or foods that do not contain marijuana."
- Purpose and intent to "Prohibit the marketing and advertising of nonmedical marijuana to persons younger than 21 years old;"
- "Produced and sold with a standardized dosage of cannabinoids not to exceed ten (10) milligrams tetrahydrocannabinol (THC) per serving."

Inexplicably, regulations weakened, rather than enforced, these protections, failing to put in place systems to assess and prevent products from being attractive to children or to resemble conventional candy or food typically marketed to kids. Product prohibition was limited only to those determined to violate these provisions on a case by case basis. The result has been the proliferation of hundreds of products in legal commerce with characteristics of candies and foods typically marketed to or known to attract children and youth in their physical form, name, packaging or labeling, often with ten doses in a single soda can or edible bar.

## IMPACT ON CHILDREN

- Annual cannabis exposures reported to California Poison Control increased from below 200 in 2010 to over 1600 by 2020; 50% involved children, half below age 12; ingestion of gummies, candies, chocolate and drinks increased significantly. There were only 16 total reported gummy exposures between 2010 and 2015 vs. 409 in 2020 alone.<sup>1</sup>
- Nationally, edible cannabis poisonings of children six and under increased 1,375% between 2017 and 2021,<sup>2</sup> growing in severity. Many resulted in intensive care or mechanical ventilation, and even, though uncommon, in death. In those under age 10, edibles were the first cause, followed by plant material, then concentrates and vaping products. For 10-20 year olds, plant material led, followed by edibles, concentrates and vaping products, demonstrating that the problem extends beyond just edibles.
- Cannabis-related emergency department visits in California increased by 75% between 2016 and 2020.
- At Rady Children's Hospital in San Diego, children under age 10 testing positive for THC quadrupled since 2016, mostly from edibles, of which three quarters were from candies or gummies. Half led to hospitalization and one in ten to intensive care.<sup>3</sup>
- Multiple CA school districts experienced incidents of cannabis poisoned children, often in groups, requiring evacuation by ambulance, typically after ingesting products marketed to resemble candies or chips. Schools are also seeing widespread vaping of high THC cannabis products marketed as flavored.

## RATIONALE

Child exposure to and consumption of cannabis is neither necessary nor an acceptable by-product of a legal cannabis market. Our children, youth, parents and schools cannot afford the continued proliferation of cannabis products attractive to children. The **Cannabis Candy Child Protection Act** will honor the promise and intent of Prop 64 to keep cannabis and its products out of the hands and bodies of our children.

## AB 1207 will:

- Clarify the definition of what is considered "attractive to children."
- Clearly prohibit the sale, manufacture, packaging, labeling or marketing of cannabis products in forms attractive to children.
- Require that edible cannabis products be composed of physically separated individual doses.
- Require that hard candies or gummies, the most frequently ingested by young children, not be brightly colored.
- Create consistency with AB 793/Proposition 31 for tobacco by prohibiting marketing of cannabis products intended for inhalation as flavored, tactics known to initiate youth use (cannabis vape parallels to flavored Juul).
- Require adoption of emergency regulations to implement these provisions.

## EXAMPLES

These are examples of cannabis products and their packaging clearly imitating a candy/food marketed to children and likely to attract youth. Source: Weedmaps



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