



Assembly Floor Alert

AB 1207 (Irwin) – The Cannabis Candy Child Safety Act (Co-Authors McCarty, Lowenthal)

Prevent child poisonings by better defining and prohibiting cannabis products and marketing attractive to children.

Support

DATE: May 18, 2023

TO: Members of the California State Assembly

On behalf of the CA Chapter of the American Academy of Pediatrics, the California Parent Teacher Association, the Public Health Institute, Youth Forward, the California Chapter of the American College of Emergency Physicians, Santa Clara County, and over 30 other organizations, **we respectfully request your aye vote on AB 1207.** This bill will: 1) Clarify the definition of what is considered “attractive to children;” 2) Clearly prohibit the sale, manufacture, packaging, labeling or marketing of cannabis products in ways attractive to children; 3) Create consistency with SB 793/Proposition 31 for tobacco by prohibiting marketing of cannabis products intended for inhalation as flavored, tactics known to increase youth use (such as cannabis vapes similar to flavored Juul vapes).

Vote Yes Because:

- Proposition 64 promised that cannabis products would not be appealing to children or easily confused with commercially sold candy or foods that do not contain cannabis; and that they would not be marketed to persons younger than age 21.
- Regulations have failed to adequately implement this intent.
- Annual cannabis exposures reported to CA Poison Control increased from below 200 in 2010 to over 1600 by 2020; 50% involved children, half below age 12. There were only 16 reported gummy exposures in 2010 vs 409 in 2020 alone.
- Nationally edible cannabis poisonings of children six and under increased by 1375% between 2017-2021 and grew in severity, increasingly resulting in hospitalization, intensive care, or mechanical ventilation. Occasionally they cause death.
- At Rady’s Children Hospital in San Diego, children under 10 testing positive for THC quadrupled since 2016, three quarters of edible ingestions were of candies or gummies. Half led to hospitalization, one in ten required intensive care. The average age of the children was two. This care cost \$15 million at just this one hospital, three quarters was paid for by Medi-Cal.
- Annual cannabis related emergency department visits increased 75% in California from 2016 to 2020, surpassing 200,000 visits.
- Multiple CA school districts experienced episodes of groups of cannabis poisoned children requiring ambulance transportation to hospitals after ingesting products marketed to resemble chips or candies. Schools are also seeing widespread vaping at school of high potency THC products marketed as flavored, interfering with learning and student mental health and safety.

“AB 1207 would help restore the promise of Proposition 64 and help safeguard kids’ health...state lawmakers should follow through on that commitment.” - LA Times Editorial, 5-17-23

California can have a prosperous legal cannabis market without putting children in harm’s way from products imitating common candies, snacks marketed to kids, or using high potency industrialized THC concentrates marketed as “healthy” appearing fruit flavored products, just as Juul was.

Protect our Children and Youth. Vote “AYE” on AB1207.

For questions regarding this alert, please contact Dr. Lynn Silver at (917) 974-7065 or lsilver@phi.org.

Editorial: Why does California allow cannabis edibles that look like kids' snacks?

By The Times Editorial Board

May 17, 2023 5 AM PT

Source: <https://www.latimes.com/opinion/story/2023-05-17/editorial-stop-producing-cannabis-edibles-that-look-like-candy-because-its-hurting-kids>



When California voters passed Proposition 64 in 2016 to legalize the adult recreational use of marijuana, they were told cannabis would have strict labeling and would not be packaged or marketed in ways that would appeal to children. But the market is now flooded with pot products that are designed to look like candies and snacks popular with kids and in flavors that are enticing to young people.

Public health experts say that these colorfully packaged products, which are legal to sell to adults 21 and older, are an attempt to market marijuana to kids. There is a growing number of incidents of kids landing in the hospital after accidentally or knowingly ingesting cannabis products. Marijuana edibles are particularly dangerous for kids because they can take a couple of hours to take effect, so kids may eat more than would be safe for an adult, according to the Centers for Disease Control and Prevention.

Assemblymember Jacqui Irwin (D-Thousand Oaks) has introduced a bill that would bar cannabis producers from creating, marketing or selling products that resemble candy, soda and snacks that are attractive to kids. Assembly Bill 1207 would help restore the promise of Proposition 64 and help safeguard kids' health.

The bill would ban packaging and advertising that include images such as cartoons, toys and fictional characters; the term “candy,” even if it’s misspelled as “kandy” or “kandee”; and brand names or names similar to cereals, chips and other foods marketed to children. These are commonsense steps to help ensure that kids do not mistake cannabis edibles for candy or other snacks. (An earlier version of the bill would have also banned the addition of food coloring to gummies so that they would not look like candy or fruit snacks.)

In addition, the bill would prohibit flavoring in cannabis vapes — following on a voter-approved ban of flavored tobacco products enacted last year. Public health experts have long recognized that flavors mask the unappealing taste of tobacco and help hook kids, and the risk is the same for cannabis vapes.

The number of hospitalizations of kids who have overdosed on cannabis products has multiplied as more states have legalized marijuana use for adults. At least 22 states and Washington, D.C., allow the recreational use of cannabis products. An additional 21 states allow its use for medicinal purposes. However, there are no federal regulations on cannabis packaging, unlike alcohol or tobacco. The number of cases of accidental ingestion of cannabis edibles among kids under age 5 has increased from about 207 cases in 2017 to more than 3,000 in 2021, with most taking place in a home, according to research published in January 2023 in the Pediatrics journal.

Not surprisingly, cannabis industry groups are opposed to the bill over the cost of complying and the competition they face from illegal producers that don’t adhere to packing or marketing restrictions. They also argue there’s not enough evidence that cannabis poisonings in kids have been the result of legal products on the market. California’s black market for marijuana remains large and thriving.

Even so, California voters were told that children would be protected from legal cannabis products, and state lawmakers should follow through on that commitment.
