Senator Richard Roth
Chair of Senate Business, Professions and Economic Development Committee
1021 O Street Room 3320
Sacramento, CA 95814

Re: AB 1207(Irwin) - Cannabis: labeling and advertising

Position: Support if Amended.

The United Cannabis Business Association along with regional coalition partners as represented by the Long Beach Collective Association, The Coachella Valley Cannabis Alliance Network, The California Minority Alliance, Angeles Emeralds, Silicon Valley Cannabis Alliance, Social Equity Los Angeles, and the San Francisco Cannabis Retailers Alliance, together represent the overwhelming majority of California's legal cannabis retailers as well as hundreds of non-retail licenses associated with our members.

We wish to express our sincere gratitude to Assembly member Irwin, the author of AB 1207, and the shared common interests we have in preventing youth access to cannabis, for which this bill is focused on addressing. The lack of responsible enforcement of existing regulations has stimulated the importance of codifying the language highlighted in this bill.

Support if Amended

Our coalition wishes to express our support for the bill with a request of the author to consider the need to further define and clarify on two primary points.

1) <u>Section 26001 (e) 1A - Cartoons</u>

- It remains unclear what precisely defines a cartoon. Though it seems obvious on some of the more clearly egregious examples that have been presented in previous committees, we believe the term "Cartoon" is too subjective for proper enforcement.
- For instance, a number of products such as those represented by the brand known as Kiva, have illustrations as shown below. What is the difference between an illustration and a cartoon?

- Similarly, many licensed cannabis companies have logos that are artistic and could be confused for being "Cartoony". For instance the well known brand Cookies has a logo of what seems to be a bite taken out of a cookie and an artistic font. Would this be considered to be a cartoon?

For this bill to fulfill its intent, it is imperative that an accurate and precise definition of "Cartoon" be provided. These are just two of many examples showcasing the need to define what a "Cartoon" is in fact. Licensed operators need to have clear guidelines they can follow. Equally important, enforcement agencies must have clarity in order to be effective in their determinations.

2) <u>**Section 26001 (e) 1B - Any real or fictional humans**</u>

- We believe the intent behind the language forbidding the use of real or fictional humans but question if this provision has achieved the goal in addressing the focus of the issue and may instead create unintended consequences.
- Effective communication of concepts is rarely achieved by text alone, visual aids are represented in imagery oftentimes conveying concepts more effectively, especially when there may be other barriers such as a difference in language. Take for example the following images:

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- In the first photo we have text clearly warning us to "Keep From Children" in English. Text that may not be sufficient in communicating that message to a non-english speaker, and even less so to a child who may not be able to read well or at all. However, in combination with the illustrated human hand on

a stop sign (which, without clarification, could potentially be considered a cartoon), the image has much greater ability to communicate its intent to warn, in a way that only imagery can.
-    Similarly, the second photo of a childproof exit bag commonly found in the cannabis industry showcases an illustration of an adult human hand describing how to open the childproof exit bag, and similarly shows the example of opening the bag with a photograph of real human hands.

The use of "real or fictional humans" is too broad and effectively destroys any of the positive abilities to communicate concepts through the use of images of "real or fictional humans." We wish to support the intent of the language but, to do so we believe it is imperative to more thoughtfully define this concept in a way that precisely and effectively achieves the intent of the bill in protecting children.

The focus of this legislation must be on both the problems and the solutions it presents. In order to be effective in achieving our mutually shared goals of protecting children, clearer definitions of what exactly qualifies as "cartoons" as well as "real or fictional humans" need to be made. At this time, we believe these two concepts showcased above are too ambiguous to achieve this goal. Without better definitions, we are very concerned that it will allow for bad actors to continue to abuse loopholes around the intent of the bill, and will unintentionally prohibit effective forms of communication. A balanced approach that involves parental responsibility, improved media literacy, and education will ultimately be more successful in protecting children, while preserving the positive aspects of this creative medium.
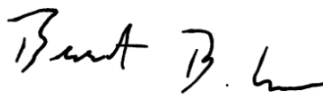
We respectfully request the author to consider the necessity of accurately defining "Cartoon" and the use of "real or fictional" humans and wish to offer our support in collaborating on those definitions.

Our coalition of licensed and responsible cannabis operators applauds the authors pursuit in resolving these issues, that clearly need more oversight than are currently being afforded.   We wish to reiterate our **"Support if Amended"** position and welcome any opportunity to collaborate further with the author in hopes of passing this bill in a version that would responsibly and effectively enhance protections for children in ways that the current regulations and enforcement have failed to do.

For questions, contact our Legislative Advocacy Chair, Jerred Kiloh from United Cannabis Business Association at (707) 235-8474.

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