



Senator Angelique V. Ashby, 8th Senate District

SB 1498 – Cannabis and Industrial Hemp Advertising Act

Creates an enforcement tool against illegal cannabis and illicit hemp advertising targeting youth.

SUMMARY

SB 1498 allows a public prosecutor to independently sue cannabis and hemp businesses, legal and illicit, for violations of cannabis and hemp advertising laws that protect children and youth. Additionally, it provides injunctive relief and awards civil penalties to the plaintiff for violations. This bill provides a necessary enforcement tool to address illegal marketing of cannabis and hemp products designed to be attractive to children.

BACKGROUND

The existing Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) specifies rules that licensees must adhere to for the advertising of cannabis and cannabis products. These rules also include advertising that is attractive to children.

MAUCRSA expressly prohibits cannabis businesses from advertising and marketing: (1) on a billboard or similar advertising device located on an Interstate Highway or on a State Highway which crosses the California border, (2) in a manner intended to encourage persons under 21 years of age to consume cannabis or cannabis products, (3) publishing or disseminating advertising or marketing that is attractive to children, and (4) advertising or marketing cannabis or cannabis products on an advertising sign within 1,000 feet of a day care center, K-12 schools, playground, or youth center.¹

The Department of Cannabis Control (DCC), is responsible for enforcing licensing standards and regulating the commercial cannabis market. As California's cannabis regulator, DCC's responsibilities include keeping licensees compliant with laws and regulations, including youth advertising laws. However, DCC is first and foremost responsible for the health and safety of California's cannabis consumers.

THE PROBLEM

Both intentional and accidental cannabis exposures to children and adolescents have increased, particularly in states with legalized use. Increased availability coupled with appealing packaging often mimicking candy and foods that children eat, has increased the number of accidental ingestions among the youth population.²

Though illegal, some cannabis operators choose to willfully violate prohibitions in current law by developing advertising content that's attractive to youth, in the absence of DCC action. This inaction leaves the promise of Proposition 64, to protect youth from exposure to cannabis advertising that is attractive to children, unfulfilled.

THE SOLUTION

SB 1498 creates an expanded enforcement tool, outside of DCC, by allowing public prosecutors (attorney general, district attorneys, city attorneys, and county counsel) to use the existing right of action against bad actors that violate cannabis and hemp advertising laws intended to protect youth.

If a court determines that a cannabis or hemp business' advertisements are attractive to children, then a court could award some or all of the following:

1. Injunctive relief to address advertisement
2. Civil penalties of \$5,000 per violation
3. Reasonable attorney fees and costs

For enforcing a public law that protects all youth from being targeted by cannabis and hemp advertising, civil penalties will go directly to the General Fund, generating revenue for the state of California.

The expanded right of action in SB 1498 is additive, and nothing in this bill prohibits DCC from taking action against licensees or illicit businesses for advertisements that are attractive to children.

SUPPORT

- Public Health Institute

¹ [Business and Professions Code Section 26152, d – g.](#)

² [Stoner MJ, et al. Marijuana use in children. doi: 10.1002/emp2.12770](#)

- Youth Forward

FOR MORE INFORMATION

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