



FACT CHECK: Assembly Bill 762 (Irwin)

✗ MYTH: If all-in-one (AIO) vaporizers are banned, consumers will switch from disposable cannabis vapes to “refillable” systems.

✓ FACT: Refillable cannabis vape systems are illegal in California. State law permits only closed systems: pre-filled cartridges, pod systems, or integrated all-in-one devices. Consumers cannot legally refill cannabis devices with bulk oil, and retailers cannot sell refill bottles or refillable tanks. Refillable systems introduce contamination risks, product adulteration, and dosage inconsistencies that run counter to California’s rigorous safety requirements.

✗ MYTH: Studies from the United Kingdom and nicotine vaping show bans do not increase illicit markets.

✓ FACT: The cited studies examine international nicotine markets where refillable systems are legal and compliance costs are low. California cannabis operates under closed-system requirements, mandatory lab testing, track-and-trace, ingredient prohibitions, and disposal labeling, all of which materially increase price and access gaps between legal and illicit products. These conditions make illicit substitution more likely when legal products are removed, rendering nicotine-vape comparisons inapplicable.

✗ MYTH: Disposable cannabis vapes are a small and insignificant market segment.

✓ FACT: AIO, battery-embedded cannabis vaporizers account for approximately 12% of total legal cannabis sales statewide, not merely a niche vapor subcategory. Eliminating this category places over \$75 million in annual cannabis excise tax revenue at risk.

✗ MYTH: AB 762 will not affect funding for public programs.

✓ FACT: Cannabis excise tax revenue is constitutionally and statutorily directed to environmental restoration, youth prevention and education, public health services, and community reinvestment under Proposition 64. Reducing legal sales directly reduces funding for these voter-mandated programs.



✗ MYTH: Banning disposables improves environmental outcomes.

✓ FACT: California already requires hazardous-waste disposal instructions for regulated cannabis vapor devices, including integrated devices, cartridges, and pods, under [AB 1894](#) (Rivas, 2022), which took effect in July 2024. AB 762 would prohibit one regulated device format while allowing functionally similar closed-system vapes to remain legal, without demonstrating that this distinction meaningfully reduces waste. Removing a single form factor from the regulated market does not address overall disposal behavior and risks shifting demand to illicit products that are subject to no disposal requirements.

✗ MYTH: AB 762 strengthens enforcement.

✓ FACT: California already has robust enforcement authority and a structured penalty framework under existing law. The Department of Cannabis Control may already cite both licensed and unlicensed businesses and impose administrative fines of up to \$30,000 per violation, per day, in addition to associated civil and criminal remedies. AB 762 would provide additional fine authority up to \$500, far below existing penalties and unlikely to deter illicit behavior. Bottom line: removing tested legal products from the market will not "strengthen enforcement," but merely shift consumer demand to unregulated channels.

✗ MYTH: Integrated devices are "single-use" convenience products.

✓ FACT: Integrated cannabis vaporizers deliver hundreds of doses over weeks or months. Many medical cannabis patients (e.g., arthritis, chronic pain, and mobility challenges) rely on these devices because they do not require cartridge attachment or fine motor manipulation, making them an accessibility tool rather than a disposable novelty.

LEARN MORE:

<https://www.cocoa.org/post/ab-762-would-ban-cannabis-vapes-and-empower-california-s-illicit-market-here-s-what-retailers-need>