

JOINT LEGISLATIVE AUDIT COMMITTEE OVERSIGHT HEARING

Department of Cannabis Control: Unclear Rules and Insufficient Enforcement Hamper Its Ability to Eliminate Packaging That Is Attractive to Children

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Good afternoon, Chair Harabedian, Vice Chair Cabaldon, and Members.

My name is Amy O’Gorman Jenkins. I’m pleased to serve as Executive Director and Legislative Advocate for the California Cannabis Operators Association (CaCOA), representing licensed cannabis businesses across the supply chain.

Let me begin with something we all agree on:

- Cannabis should be kept away from kids.
- Regulators, legislators, *and* the licensed industry share that commitment.
- There is no disagreement there. Hard stop.

The question before us today is *not* whether youth protections should exist. They should.

The question is whether the regulations adequately explain how to tell when packaging crosses that line.

The State Auditor’s report highlights a real issue: unclear rules produce inconsistent enforcement.

Unlike other youth-protection rules — age-gated advertising, child-resistant packaging, school setbacks — this standard has no definitions, no thresholds, and no objective criteria. Instead, it relies on broad terms like “cartoon” or “appealing to minors” without defining what those words mean in practice.

Two people can look at the same package and reach different conclusions. And nothing in regulation tells us who is right.

To understand how this plays out in the real world, CaCOA reviewed 162 leading brands. Brands that consumers are most likely to encounter when walking into a licensed storefront or browsing a licensed delivery menu.

We evaluated them against six specific design features that frequently surface in youth-appeal debates: illustrated characters, anthropomorphized elements, bubble or volumetric fonts, fantasy imagery, images of sweet treats, and references to children’s entertainment.

Here is what we found:

- 68% of products were clearly compliant, meaning no obvious youth-appealing features.
- 10% were clearly problematic, including features that clearly violate existing law.
- 22% fell into a gray zone, in that they contained elements that might raise concern, depending on interpretation.

We did not find widespread lawlessness. We did not find systemic failure. We found ambiguity.

In response to that ambiguity, CaCOA has developed a detailed white paper outlining a path forward. It includes eight specific recommendations designed to clarify and operationalize the standard, without imposing new prohibitions or broader categorical bans. The focus is not expansion of restrictions, but precision: defining observable design features, aligning guidance with regulation, and prioritizing enforcement where risk is highest.

When similar products receive different treatment depending on who is reviewing them, compliance becomes uncertain and enforcement becomes inconsistent.

Most licensed brands are operating responsibly.

Here is the enforcement reality:

The most blatant youth-targeted packaging is concentrated in the illicit market, where bad actors are routinely and intentionally appealing to children.

Unlicensed operators directly imitate candy, cookies and other sugary sweets, use cartoon mascots, and operate entirely outside the regulatory system.

When enforcement energy is consumed by debating gray areas in the regulated market where bad actors are intentionally appealing to children.

And when standards remain undefined, pressure builds for blunt policy responses, such as plain packaging mandates or categorical design bans. Those approaches promise certainty, but they risk undermining the regulated market without meaningfully reducing real-world risk to children.

We are not aware of any documented cases of minors purchasing cannabis directly from licensed retail stores in California.

Hence, the solution is NOT broader bans.

It is precision.

We recommend three steps.

1. First, define observable design features in regulation — not adjectives, but objective criteria. Clarify what qualifies as a mascot. Restrict anthropomorphized elements. Identify high-risk typographic treatments like bubble or volumetric fonts.
2. Second, align DCC guidance with regulation so businesses and inspectors are working from the same rulebook.
3. Third, focus enforcement where risk is highest - at the manufacturing level for clear violations, and in unlicensed channels where youth-targeted packaging is most concentrated.

This is not a request to weaken protections. It is a request to make them enforceable.

Clear definitions protect children. Clear definitions strengthen enforcement. And clear definitions allow the regulated market to function as voters intended.

The legal market has demonstrated it can operate responsibly when the rules are clear and consistently applied. The remaining task is not whether California should protect children — we all agree on that — but whether we will define the line clearly enough to enforce that protection without undermining the regulated market.

Thank you for this opportunity to speak today. I welcome your questions.