~~§ 25601. Clear and Reasonable Warnings.~~

~~Whenever a clear and reasonable warning is required under Section 25249.6 of the Act, the method employed to transmit the warning must be reasonably calculated, considering the alternative methods available under the circumstances, to make the warning message available to the individual prior to exposure. The message must clearly communicate that the chemical in question is known to the state to cause cancer, or birth defects or other reproductive harm.~~

~~Nothing in this section shall be construed to preclude a person from providing warnings other than those specified in this article that satisfy the requirements of this article, or to require that warnings be provided separately to each exposed individual.~~

~~Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.~~

~~§ 25602. Definitions.~~

~~(a) "Affected area" means the area in which an exposure to a chemical known to the state to cause cancer or reproductive toxicity is at a level that requires a warning.~~

~~(b) "Consumer products exposure" is an exposure that results from a person's acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a consumer service.~~

~~(c) "Environmental exposure" is an exposure that may foreseeably occur as the result of contact with an environmental medium, including, but not limited to, ambient air, indoor air, drinking water, standing water, running water, soil, vegetation, or manmade or natural substances, either through inhalation, ingestion, skin contact, or otherwise. Environmental exposures include all exposures that are not consumer products exposures, or occupational exposures.~~

~~(d) "Label" means a display of written, printed or graphic matter upon a product or its immediate container.~~

~~(e) "Labeling" means any label or other written, printed or graphic matter affixed to or accompanying a product or its container or wrapper.~~

~~(f) "Occupational exposure" means an exposure to any employee in his or her employer's workplace.~~

~~(g) "Sign" means a presentation of written, printed, or graphic matter.~~

~~Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Section 25249.6, Health and Safety Code.~~

~~§ 25603. Consumer Products Warnings.~~

~~(a) Warnings for consumer products exposure that include the methods of transmission and the warning messages as specified by this section shall be deemed to be clear and reasonable.~~

~~(b) To the extent practicable, warning materials such as signs, notices, menu stickers, or labels shall be provided by the manufacturer, producer, or packager of the consumer product, rather than by the retail seller.~~

~~(c) A person in the course of doing business, who manufactures, produces, assembles, processes, handles, distributes, stores, sells, or otherwise transfers a consumer product which he or she knows to contain a chemical known to the state to cause cancer or reproductive toxicity in an amount that requires a warning shall provide a warning to any person to whom the product is sold or transferred unless the product is packaged or labeled with a clear and reasonable warning.~~

~~Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.~~

~~§ 25603.1. Consumer Products Exposure Warnings - Methods of Transmission.~~

~~The warning may be provided by using one or more of the following methods singly or in combination:~~

~~(a) A warning that appears on a product's label or other labeling.~~

~~(b) Identification of the product at the retail outlet in a manner which provides a warning. Identification may be through shelf labeling, signs, menus, or a combination thereof.~~

~~(c) The warnings provided pursuant to subparagraphs (a) and (b) shall be prominently placed upon a product's label or other labeling or displayed at the retail outlet with such conspicuousness, as compared with other words, statements, designs, or devices in the label, labeling or display as to render it likely to be read and understood by an ordinary individual under customary conditions of purchase or use.~~

~~(d) A system of signs, public advertising identifying the system and toll-free information services, or any other system that provides clear and reasonable warnings.~~

~~Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.~~

~~§ 25603.2. Consumer Products Exposure Warnings - Content.~~

~~(a) The warning message must include the following language:~~

~~1. For consumer products that contain a chemical known to the state to cause cancer:~~

~~"WARNING: This product contains a chemical known to the State of California to cause cancer."~~

~~2. For consumer products that contain a chemical known to the state to cause reproductive toxicity:~~

~~"WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm."~~

~~Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.~~

~~§ 25603.3. Warnings for Specific Consumer Products Exposure.~~

~~(a) For food, other than alcoholic beverages, sold, served, or otherwise provided in food facilities, as defined in Health and Safety Code Section 113789, which is intended for immediate consumption:~~

~~"WARNING: Chemicals known to the State of California to cause cancer, or birth defects or other reproductive harm may be present in foods or beverages sold or served here."~~

~~(b) For fresh fruits, nuts, and vegetables:~~

~~"WARNING: This product may contain a chemical known to the State of California to cause cancer, or birth defects or other reproductive harm."~~

~~(c) For prescription drugs, the labeling approved or otherwise provided under federal law and the prescriber's accepted practice of obtaining a patient's informed consent shall be deemed to be a clear and reasonable warning.~~

~~(d) For exposures resulting from emergency or urgent medical or dental care as defined in Section 12102(g), the accepted practice of obtaining the patient's informed consent shall be deemed to be a clear and reasonable warning when any of the following circumstances exists:~~

~~(1) the patient is unconscious; or~~

~~(2) the procedure must be undertaken because the licensed medical personnel, licensed dental personnel, or certified emergency medical personnel responsible for administering the care, as these terms are defined in Sections 25102(q), 25102(d), and 25102(b), respectively, reasonably~~

~~believes that the procedure should be undertaken immediately; and therefore, there is insufficient time to fully inform the patient; or~~
~~(3) the procedure must be performed on a person legally incapable of giving consent, and the licensed medical personnel, licensed dental personnel, or certified emergency medical personnel responsible for administering the care reasonably believes the procedure should be undertaken immediately; and therefore, there is insufficient time to obtain the informed consent of a person authorized to give such consent for the patient.~~
~~(e) Alcoholic Beverages. For alcoholic beverages, including, without limitation, beer, malt beverages, wine and distilled spirits:~~
~~(1) The warning message must include the following language:~~
~~"WARNING: Drinking Distilled Spirits, Beer, Coolers, Wine and Other Alcoholic Beverages May Increase Cancer Risk, and, During Pregnancy, Can Cause Birth Defects."~~
~~(2) For beverages primarily intended for consumption off the premises where sold or distributed:~~
~~(A) at least one notice or sign, no smaller than 10 inches wide by 10 inches high, and bearing the warning message set forth in subparagraph (e)(1) of this subsection; or~~
~~(B) at least one horizontal strip marker no smaller than 10 1/2 inches wide by 1 1/4 inches high, and bearing the warning message set forth in subparagraph (e)(1) of this subsection; or~~
~~(C) a notice no smaller than 5 inches by 5 inches, and bearing the warning message set forth in paragraph (e)(1) of this section.~~
~~(D) If signs 10 inches high by 10 inches wide are used, the word "WARNING" shall be centered three-quarters of an inch from the top of the sign in ITC Garamond bold condensed type face all in one-inch capital letters. Three-sixteenths of an inch from the base of the word "WARNING" shall be a line extending from left to right across the width of the sign one-sixteenth of an inch in thickness. Centered one-half inch below the line shall be the body of the warning message in 36/50 ITC Garamond bold condensed type face with the initial letter of each word, other than the conjunctive "and," capitalized. For the body of the warning message, left and right margins of at least one-half of an inch, and a bottom margin of at least one-half inch shall be observed. Larger signs shall bear substantially the same proportions of type size and spacing to sign dimension as the sign 10 inches high by 10 inches wide.~~
~~(E) If the 10 1/2 inch by 1 1/4 inch horizontal strip markers are used, the word "WARNING," punctuated by a colon, shall be justified left and located three-sixteenths of an inch from the top of the strip notice in ITC Garamond bold condensed type face all in capital letters measuring eleven sixteenths of an inch in height. Three thirty-seconds of an inch from the base of the word "WARNING" shall be a line extending from left to right across the width of the word "WARNING" and the punctuating colon one thirty-second of an inch in thickness. Located one-fourth of an inch from the top and one-fourth of an inch from the bottom of the strip notice, and to the immediate right of the word "WARNING," shall be the body of the warning message in 12/16 point ITC Garamond bold condensed type face with the initial letter of each word, other than the conjunctive "and," capitalized. The word "WARNING" shall be one-half inch from the left edge of the strip notice and the requisite warning message shall extend to within one-half inch from the right edge.~~
~~(F) If the 5 inch by 5 inch signs are used, they shall bear substantially the same proportions of type size and spacing to sign dimension as the sign 10 inches high by 10 inches wide, with both the word "WARNING" and the warning text set in white on a contrasting red background.~~
~~(G) Such sign or notice shall be placed in the retail establishment so as to assure that it is readable and likely to be read either at each retail point of sale or each point of display. Such sign~~

~~or notice shall be placed either at all retail points of sale or all points of display, but need not be placed at both. If 10 inch by 10 inch signs or notices are placed at the point of display, each shall be placed no more than ten feet from any alcoholic beverage container and in a manner associating the sign or notice with the display. If horizontal strip notices are used, they shall be placed at ten-foot intervals horizontally along the display. If a 5 inch by 5 inch sign is used, it shall be conspicuously placed at each retail point of sale (e.g., check-out counter, cash register, cash box) so that it is likely to be read and understood during the sales transaction.~~

~~(H) All measurements specified or referred to in subparagraphs (D), (E) and (F), above, are not required to be precisely accurate.~~

~~(3) Beverages provided for consumption on the premises at tables served by food or beverage persons, or sold or distributed through over the counter service;~~

~~(A) a notice or sign displayed at each of the tables where alcoholic beverages are served or may be consumed at least 5 inches high by 5 inches wide bearing substantially the same type face and substantially the same proportion of type size and spacing to sign dimension as described in paragraph (e)(2)(F); or~~

~~(B) the warning message set forth in subsection (e)(1) of this section, placed upon a menu or list in association with the alcoholic beverages listed thereon and served at such premises, or if alcoholic beverages are not listed thereon, on any menu or list provided to patrons in association with the listing of food or beverage offerings, in type size and design, such that the text is conspicuous and likely to be read prior to consumption of alcoholic beverages or,~~

~~(C) at least one 10 inch by 10 inch sign, meeting the specifications set forth in paragraph (e)(2)(D) of this subsection, placed so that it is readable and likely to be read by patrons as they enter each public entrance to the establishment. If the establishment does not have clearly defined physical boundaries delineating those areas where, by permit or license, alcoholic beverages are served, the 10 inch by 10 inch sign shall be posted so that it is readable and likely to be read by patrons as they enter the area or areas where, by permit or license, alcoholic beverages are served; and~~

~~(D) If sold or distributed through over-the-counter service, at least one sign, meeting the specifications set forth in paragraph (e)(2)(D) of this subsection, placed in the retail establishment so that the warning message is, prior to the consumption of alcoholic beverages, readable and likely to be read from all counter locations available to the public. Therefore, a retail establishment providing a warning pursuant to the preceding sentence, also would be required to provide a warning in accordance with either subparagraph (3)(A), (3)(B) or (3)(C) of this subsection.~~

~~(4) For premises which are specially licensed to sell and serve alcoholic beverages both on and off the licensed premises (e.g., in facilities that offer both "tasting" and retail sales), the off-sale portion of the premises shall comply with the provisions of subsection (e)(2), above, and the portion of the premises where alcoholic beverages are served shall comply with the provisions of subsection (e)(3), above.~~

~~(5) For alcoholic beverages sold or distributed to consumers through the mail or package delivery services, warnings may be provided by incorporating or placing the warning message set forth in subsection (e)(1) on or in the shipping container or delivery package in such a manner so that the warning message is likely to be read by the recipient prior to consumption of the alcoholic beverage(s).~~

~~(6) All signs or notices referred to in subsections (e)(2), (e)(3) and (e)(4), above, shall be displayed so that they are clearly visible under all lighting conditions normally encountered during business hours.~~
~~(7) For alcoholic beverages, the placement and maintenance of the warning shall be the responsibility of the manufacturer or its distributor at no cost to the retailer, and any consequences for failure to do the same shall rest solely with the manufacturer or its distributor, provided that the retailer does not remove, deface, or obscure the requisite signs or notices, or obstruct, interfere with, or otherwise frustrate the manufacturer's reasonable efforts to post, maintain, or periodically replace said materials.~~

[Sections 25603.3(f) and (g) were moved, amended, and renumbered to sections 25607.30 and 25607.31 in Subarticle 2]

~~(f) Responsibility to Provide Warnings for Exposure to Bisphenol A from Canned and Bottled Foods and Beverages.~~

~~(1) Notwithstanding any other provision of sections 25603, 25603.1, 25603.2, and 25603.3, canned and bottled foods and beverages that are offered for retail sale in California after May 10, 2016, that contain bisphenol A, are deemed to comply with the warning requirements of section 25249.6 of the Act if the following provisions are met:~~

~~(A) The manufacturer, producer, packager, importer or distributor of the canned and bottled food or beverage either:~~

~~1. Affixes a label to the product bearing a warning that complies with section 25603.2(a)2., or~~

~~2. Provides written notice directly or through an authorized agent or trade association to the retailer or its authorized agent. The written notice must:~~

~~a. State that the canned or bottled food or beverage may result in an exposure to bisphenol A; and~~

~~b. Include the name or description of the canned or bottled foods or beverages, such as a Universal Product Code or other identifying designation; and~~

~~c. Provide, or offer to provide, to the retail seller, at no cost, a sufficient number of point-of-sale warning signs that satisfy the requirements of subsection (g).~~

~~(2) If a retail seller receives a notice pursuant to subsection (1)(A)2., the retail seller must post a warning sign that satisfies subsection (g) at each point of sale in the retail facility. The placement and maintenance of warning signs is the responsibility of the retail seller.~~

~~(A) Where a retail seller complies with all the provisions of subsections (f) and (g), an opportunity to cure exists to correct the absence of the warning sign, which:~~

~~1. Is not the result of intentional neglect or disregard for the requirements of this section, and~~

~~2. Is not avoidable using normal and customary quality control or maintenance, and~~

~~3. Is corrected within 24 hours of discovery or notification.~~

~~(3) For purposes of subsection (f) and subsection (g), "canned and bottled foods and beverages" means foods and beverages packaged in hermetically sealed, durable metal or glass containers, including, but not limited to, those containing fruits, vegetables, soups, pasta products, milk, soda, and alcoholic beverages.~~

~~(4) For purposes of subsection (f) and subsection (g), "point of sale" means the area within a retail facility where customers pay for foods and beverages, such as the cash register or checkout line where the warning sign is likely to be seen and understood, prior to the consumer purchasing the canned or bottled food or beverage. Point of sale also includes electronic checkout functions on internet websites.~~

~~(5) This subsection shall become inoperative one year after the date of adoption unless reenacted by the lead agency.~~

~~(g) Warnings for Exposure to Bisphenol A from Canned and Bottled Foods and Beverages.~~

~~(1) Method of Transmission:~~

~~Warnings for canned and bottled foods and beverages, as defined in subsection (f)(3), that contain bisphenol A shall be provided at each point of sale, as defined in subsection (f)(4), by posting a warning sign that includes the language set out in subsection (g)(2). Such warning signs must be no smaller than 5 by 5 inches and be displayed with such conspicuousness, as compared with other words, statements, designs, or devices at the point of sale, as to render it likely to be read and understood by an ordinary individual prior to purchase of the products that contain bisphenol A. For products sold over the internet, the warning must be prominently displayed to the purchaser either on the product display page or otherwise on a webpage prior to completing the purchase.~~

~~(2) Content of Warning Sign:~~

~~(A) The word "WARNING" in all capital letters and bold print, and~~

~~(B) The words: "Many food and beverage cans have linings containing bisphenol A (BPA), a chemical known to the State of California to cause harm to the female reproductive system. Jar lids and bottle caps may also contain BPA. You can be exposed to BPA when you consume foods or beverages packaged in these containers. For more information go to: www.P65Warnings.ca.gov/BPA.~~

~~(3) This subsection shall become inoperative one year after the date of adoption unless reenacted by the lead agency.~~

~~Note: Authority cited: Sections 25249.12 and 25249.11(f), Health and Safety Code. Reference: Sections 25249.6, 25249.7(k) and 25249.11, Health and Safety Code.~~

~~§ 25604. Occupational Exposure Warnings.~~

~~(a) Warnings for occupational exposures that include the methods of transmission and the warning messages as specified by this section shall be deemed clear and reasonable.~~
~~Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.~~

~~§ 25604.1. Occupational Exposure Warnings - Methods of Transmission.~~
~~(a) The method employed to transmit the warning must include one of the following alternative methods:~~
~~(1) A warning that appears on the label or labeling of a product or substance present or used in the workplace. The label or labeling shall be prominently displayed on the product or substance and the product or substance shall be used under circumstances which make it likely that the warnings will be read and understood by employees or other individuals prior to the exposure for which the warning is given.~~
~~(2) A warning that appears on a sign in the workplace posted in a conspicuous place and under conditions that make it likely to be read and understood by employees and other individuals prior to the exposure for which the warning is given.~~
~~(3) A warning to the exposed employee about the chemical in question which fully complies with all information, training and labeling requirements of the federal Hazard Communication Standard (29 CFR section 1910.1200, as amended on March 7, 1996), the California Hazard Communication Standard (Cal. Code Regs., title 8, section 5194, as amended on July 6, 2004), or, for pesticides, the Pesticides and Worker Safety requirements (Cal. Code Regs., title 3, section 6700 et seq., as amended on June 20, 2001) authorized in Food and Agricultural Code section 12981 as amended by Governor's Reorganization Plan No. 1 of 1991.~~
~~Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.~~

~~§ 25604.2. Occupational Exposure Warnings - Content.~~
~~(a) For purposes of subsection (a)(1) of section 25604.1, the warning shall be provided in terms which would provide a clear warning for a consumer product as specified above.~~
~~(b) For purposes of subparagraph (a)(2) of section 25604.1, the following specific warning messages shall be deemed to clearly communicate that an individual is being exposed to a chemical known to the state to cause cancer, or birth defects or other reproductive harm.~~
~~(1) For exposure to a chemical known to the state to cause cancer:~~
~~"WARNING: This area contains a chemical known to the State of California to cause cancer."~~
~~(2) For exposure to a chemical known to the state to cause reproductive toxicity:~~
~~"WARNING: This area contains a chemical known to the State of California to cause birth defects or other reproductive harm."~~
~~Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.~~

~~§ 25605. Environmental Exposure Warnings.~~
~~(a) Warnings for environmental exposure that include the methods of transmission and the warning message content as specified by this section shall be deemed clear and reasonable.~~
~~Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.~~

~~§ 25605.1. Environmental Exposure Warnings - Methods of Transmission.~~

~~(a) The method employed to transmit the warning must include the most appropriate of the following alternative methods under the circumstances:~~
~~(1) A warning that appears on a sign in the affected area.~~
~~(2) A posting of signs in the manner described in Section 6776(d) of Title 3 of the California Code of Regulations as amended on May 10, 1999 shall be sufficient for purposes of this paragraph.~~
~~(3) A warning which is in a notice mailed or otherwise delivered to each occupant in the affected area. Such notice shall be provided at least once in any three-month period.~~
~~(4) A warning provided by public media announcements which target the affected area. Such announcements shall be made at least once in any three-month period.~~
~~(b) Environmental exposure warnings shall be provided in a conspicuous manner and under such conditions as to make it likely to be read, seen or heard and understood by an ordinary individual in the course of normal daily activity, and reasonably associated with the location and source of the exposure.~~
~~Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.~~

~~§ 25605.2. Environmental Exposure - Content.~~
~~(a) For purposes of subsection (a)(1) of section 25605.1, the following specific warning messages shall be deemed to clearly communicate that an individual is being exposed to a chemical known to the state to cause cancer, or birth defects or other reproductive harm.~~
~~(1) For exposure to a chemical known to the state to cause cancer:~~
~~"WARNING: This area contains a chemical known to the State of California to cause cancer."~~
~~(2) For exposure to a chemical known to the state to cause reproductive toxicity:~~
~~"WARNING: This area contains a chemical known to the State of California to cause birth defects or other reproductive harm."~~
~~Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.~~

Subarticle 1. General

§ 25600. General.

(a) Article 6, Subarticles 1 and 2 apply when a clear and reasonable warning is required under Section 25249.6 of the Act. Subarticle 1 sets forth general provisions applicable throughout this article, including the allocation of responsibility among parties when a warning for a consumer product is required under the Act. Subarticle 2 provides "safe harbor" content and methods for providing a warning that have been determined "clear and reasonable" by the lead agency. Nothing in Article 6 or Subarticles 1 and 2 shall be interpreted to determine whether a warning is required for a given exposure under Section 25249.6 of the Act.

(b) A person may provide a warning that complies with this article prior to its two-year effective date; such warning will be deemed to be clear and reasonable. A warning for a consumer product manufactured prior to the effective date of this article is deemed to be clear and reasonable if it complies with the September 2008 revision of this article.

(c) If the lead agency has not adopted a specific product, chemical, or area exposure warning in Section 25607.1 et seq., an interested party may request that the lead agency adopt one pursuant to Government Code Sections 11340.6 and 11340.7. (Petition for Rulemaking), or may request guidance from the lead agency pursuant to Article 2, section 25203 (Interpretive Guideline Request) or Article 2, section 25204 (Safe Use Determination).

(d) A person is not required to provide separate warnings to each exposed individual.

(e) A person that is a party to a court-ordered settlement or final judgment establishing a warning method or content is deemed to be providing a "clear and reasonable" warning for that exposure for purposes of this article, if the warning complies with the order or judgment.

(f) Nothing in Subarticle 2 shall be construed to preclude a person from providing a warning using content or methods other than those specified in Subarticle 2 that nevertheless complies with Section 25249.6 of the Act.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25600.1. Definitions.

(a) "Affected area" means the area in which an exposure to a listed chemical can occur at a level that requires a warning.

(b) "Authorized agent" means the person or entity designated by a retail seller to receive notices from product manufacturers, producers, packagers, importers, suppliers, and distributors under this article.

(c) "Consumer information" includes warnings, directions for use, ingredient lists, and nutritional information. "Consumer information" does not include the brand name, product name, company name, location of manufacture, or product advertising.

(d) "Consumer product" means any article, or component part thereof, including food, that is produced, distributed, or sold for the personal use, consumption or enjoyment of a consumer.

(e) "Consumer product exposure" means an exposure that results from a person's acquisition, purchase, storage, consumption, or any reasonably foreseeable use of a consumer product, including consumption of a food.

(f) "Environmental exposure" means an exposure that occurs as the result of contact with an environmental source, such as ambient air, indoor air, drinking water, standing water, running water, soil, vegetation, or manmade or natural substances or objects, through inhalation, ingestion, or skin or other contact with the body. All exposures that are not consumer product exposures or occupational exposures are environmental exposures.

(g) "Food" has the same meaning as defined in Health and Safety Code Section 109935 and includes "dietary supplements" as defined in California Code of Regulations, title 17, section

10200.

(h) “Knowingly” has the same meaning as defined in Article 1, section 25102(n).

(i) “Label” means a display of written, printed or graphic material that is affixed to a product or its immediate container or wrapper.

(j) “Labeling” means any written, printed, graphic, or electronically provided communication that accompanies a product including tags at the point of sale or display of a product.

(k) “Occupational exposure” means an exposure to any employee at his or her place of employment.

(l) “Retail seller” means a person or business that sells or otherwise provides consumer products directly to consumers by any means, including via the internet. For purposes of this article, a retail seller includes those functions of a business involved in the sale of consumer products, including foods, directly to consumers, even if the business or facility is primarily devoted to non-retail activities.

(m) “Sign” means a physical presentation of written, printed, graphic, or electronically provided communication, including shelf signs, other than a label or labeling, posted in a conspicuous manner that is associated with the exposure requiring a warning under the Act and is clearly visible under all lighting conditions normally encountered during business hours and under such conditions as to make it likely to be seen, read, and understood by an ordinary person.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25600.2. Responsibility to Provide Consumer Product Exposure Warnings.

(a) Section 25249.11 of the Act requires the lead agency to minimize the burden on retail sellers of consumer products, to the extent practicable, when it adopts regulations concerning clear and reasonable warnings except where the retail seller itself is responsible for introducing a listed chemical into the product.

(b) The manufacturer, producer, packager, importer, supplier, or distributor of a product may comply with this article either by affixing a label to the product bearing a warning that satisfies Section 25249.6 of the Act, or by providing a written notice directly to the authorized agent for a retail seller who is subject to Section 25249.6 of the Act, which:

(1) States that the product may result in an exposure to one or more listed chemicals;

(2) Includes the exact name or description of the product or specific identifying information for the product such as a Universal Product Code or other identifying designation;

(3) Includes all necessary warning materials such as labels, labeling, shelf signs or tags, and warning language for products sold on the Internet, that satisfies Section 25249.6 of the Act;

(4) Has been sent to the retail seller, and the manufacturer, producer, packager, importer, supplier, or distributor has obtained confirmation electronically or in writing of receipt of the notice.

(c) If the manufacturer, producer, packager, importer, supplier, or distributor of a product is complying with this section by providing a written notice directly to the authorized agent:

(1) The notice must be renewed, and receipt of the renewed notice confirmed electronically or in writing by the retail seller's authorized agent within six months during the first year after the effective date of this section, then annually thereafter during the period in which the product is sold in California by the retail seller.

(2) An additional notice is required within 90 days when a different or additional chemical name or endpoint (cancer or reproductive toxicity) is included in the warning.

(d) The retail seller is responsible for the placement and maintenance of warning materials, including warnings for products sold over the Internet, that the retail seller receives pursuant to subsections (b) and (c).

(e) The retail seller is responsible for providing the warning required by Section 25249.6 of the Act for a consumer product exposure only when one or more of the following circumstances exist:

(1) The retail seller is selling the product under a brand or trademark that is owned or licensed by the retail seller or an affiliated entity;

(2) The retail seller has knowingly introduced a listed chemical into the product, or knowingly caused a listed chemical to be created in the product;

(3) The retail seller has covered, obscured or altered a warning label that has been affixed to the product pursuant to subsection (b);

(4) The retail seller has received a notice and warning materials for the exposure pursuant to subsections (b) and (c) and the retail seller has sold the product without conspicuously posting or displaying the warning; or

(5) The retail seller has actual knowledge of the potential consumer product exposure requiring the warning, and there is no manufacturer, producer, packager, importer, supplier, or distributor of the product who:

(A) Is a "person in the course of doing business" under Section 25249.11(b) of the Act, and

(B) Has designated an agent for service of process in California, or has a place of business in California.

(f) For purposes of subsection (e)(5), "actual knowledge" means specific knowledge of the consumer product exposure received by the retail seller from any reliable source. If the source of this knowledge is a notice served pursuant to Section 25249.7 (d)(1) of the Act, the retail seller

shall not be deemed to have actual knowledge of any consumer product exposure that is alleged in the notice until five business days after the retail seller receives a notice that provides a description of the product with sufficient specificity for the retail seller to readily identify the product in accordance with Article 9, section 25903(b)(2)(D).

(g) The retail seller of a product that may cause a consumer product exposure shall promptly provide the name and contact information for the manufacturer, producer, packager, importer, supplier, and distributor of the product to the following persons on written request, to the extent that this information is reasonably available to the retail seller:

(1) The lead agency;

(2) The Attorney General, any district attorney, or any city attorney or city prosecutor with authority to bring an action under the Act; or

(3) Any person who has served notice under Section 25249.7(d)(1) of the Act alleging that the consumer product causes an exposure that requires a warning under the Act.

(h) A person or entity making a written request pursuant to subsection (g) must provide a description of the product with sufficient specificity for the retail seller to readily identify the product in accordance with Article 9, section 25903(b)(2)(D).

(i) Provided that the consumer receives a warning that meets the requirements of Section 25249.6 of the Act prior to exposure, the manufacturer, producer, packager, importer, supplier, or distributor of a product that may cause a consumer product exposure may enter into a written agreement with the retail seller of the product to allocate legal responsibility among themselves for providing a warning for the product, which shall bind the parties to that agreement and which shall supersede the requirements of subsections (b), (c), (d), and (e).

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6, 25249.7, and 25249.11(f), Health and Safety Code.

Subarticle 2. Safe Harbor Methods and Content

§ 25601. Safe Harbor Clear and Reasonable Warnings – Methods and Content.

(a) A warning is “clear and reasonable” within the meaning of Section 25249.6 of the Act if the warning complies with all applicable requirements of this article.

(b) Except as provided in Section 25603(c), a warning meets the requirements of this subarticle if the name of one or more of the listed chemicals in the consumer product or affected area for which the warning is being provided is included in the text of the warning. Where a warning is being provided for more than one endpoint (cancer and reproductive toxicity) the warning must include the name of one or more chemicals for each endpoint, unless the named chemical is listed as known to cause both cancer and reproductive toxicity and has been so

identified in the warning.

(c) Consumer product exposure warnings must be prominently displayed on a label, labeling, or sign, and must be displayed with such conspicuousness as compared with other words, statements, designs or devices on the label, labeling, or sign, as to render the warning likely to be read and understood by an ordinary individual under customary conditions of purchase or use.

(d) Environmental exposure warnings must be provided in a conspicuous manner and under such conditions as to make the warning likely to be seen, read, and understood by an ordinary individual in the course of normal daily activity.

(e) The warning content may contain information that is supplemental to the content required by this subarticle only to the extent that it identifies the source of the exposure or provides information on how to avoid or reduce exposure to the identified chemical or chemicals. Such supplemental information is not a substitute for the warning content required by this subarticle.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Section 25249.6 Health and Safety Code.

§ 25602. Consumer Product Exposure Warnings – Methods of Transmission.

(a) Unless otherwise specified in Section 25607.1 et seq, a warning meets the requirements of this subarticle if it complies with the content requirements in Section 25603 and is provided using one or more of the following methods:

(1) A product-specific warning provided on a posted sign, shelf tag, or shelf sign, for the consumer product at each point of display of the product.

(2) A product-specific warning provided via any electronic device or process that automatically provides the warning to the purchaser prior to or during the purchase of the consumer product, without requiring the purchaser to seek out the warning.

(3) A label that complies with the content requirements in Section 25603(a).

(4) An on-product warning that complies with the content requirements in Section 25603(b). The entire warning must be in a type size no smaller than the largest type size used for other consumer information on the product. In no case shall the warning appear in a type size smaller than 6-point type.

(b) For internet purchases, a warning that complies with the content requirements of Section 25603(a) must be provided by including either the warning or a clearly marked hyperlink using the word "**WARNING**" on the product display page, or by otherwise prominently displaying the warning to the purchaser prior to completing the purchase. If an on-product warning is provided pursuant to Section 25602(a)(4), the warning provided on the website may use the same content as the on-product warning. For purposes of this subarticle, a warning is not prominently displayed if the purchaser must search for it in the general content of the website.

(c) For catalog purchases, the warning must be provided in the catalog in a manner that clearly associates it with the item being purchased. If an on-product warning is being provided pursuant to Section 25602(a)(4), the warning provided in the catalog may use the same content as the on-product warning.

(d) Where a consumer product sign, label or shelf tag used to provide a warning includes consumer information in a language other than English, the warning must also be provided in that language in addition to English.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Section 25249.6, Health and Safety Code.

§ 25603. Consumer Product Exposure Warnings – Content.

(a) Unless otherwise specified in Section 25607.1 et seq., a warning meets the requirements of this subarticle if it is provided using one or more of the methods required in Section 25602 and includes all the following elements:

(1) A symbol consisting of a black exclamation point in a yellow equilateral triangle with a bold black outline. Where the sign, label or shelf tag for the product is not printed using the color yellow, the symbol may be printed in black and white. The symbol shall be placed to the left of the text of the warning, in a size no smaller than the height of the word "WARNING".

(2) The word "**WARNING**" in all capital letters and bold print, and:

(A) For exposures to listed carcinogens, the words, "This product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause cancer. For more information go to www.P65Warnings.ca.gov."

(B) For exposures to listed reproductive toxicants, the words, "This product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov."

(C) For exposures to both listed carcinogens and reproductive toxicants, the words, "This product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause cancer, and [name of one or more chemicals], which is [are] known to the State of California to cause birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov."

(D) For exposures to a chemical that is listed as both a carcinogen and a reproductive toxicant, the words, "This product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause cancer and birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov."

(E) Where a warning is being provided for an exposure to a single chemical the words "chemicals including" may be deleted from the warning content set out in subsections (A), (B), (C) and (D).

(b) An on-product warning may be provided using all the following elements:

(1) The symbol required in subsection (a)(1).

(2) The word "**WARNING**" in all capital letters, in bold print.

(A) For consumer products that cause exposures to a listed carcinogen, the words, "Cancer - www.P65Warnings.ca.gov."

(B) For consumer products that cause exposures to a listed reproductive toxicant, the words, "Reproductive Harm - www.P65Warnings.ca.gov."

(C) For consumer products that cause exposures to both a listed carcinogen and a reproductive toxicant, the words, "Cancer and Reproductive Harm - www.P65Warnings.ca.gov."

(c) A person providing an on-product warning pursuant to subsection (b) is not required to include within the text of the warning the name or names of a listed chemical.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

[Sections 25603.3(f) and (g) were moved, amended, and renumbered to sections 25607.30 and 25607.31 in Subarticle 2]

§ 25604. Environmental Exposure Warnings – Methods of Transmission.

(a) Unless otherwise specified in Section 25607.1 et seq., a warning for an environmental exposure meets the requirements of this subarticle if it complies with the content requirements in Section 25605 and is provided using one or more of the following methods:

(1) For indoor environments or outdoor spaces with clearly defined entrances, a warning sign posted at all public entrances to the affected area in no smaller than 72-point type. The warning sign must:

(A) Clearly identify one or more sources of exposure.

(B) Be provided in a conspicuous manner and under such conditions as to make it likely to be seen, read, and understood by an ordinary individual in the course of normal daily activity.

(C) Be provided in English and in any other language used on other signage in the affected area.

(2) A warning provided in a notice mailed, sent electronically, or otherwise delivered to each occupant in the affected area. The notice must:

(A) Clearly identify one or more sources of exposure.

(B) Include a map that clearly identifies the affected area.

(C) Be provided at least every three months.

(D) Be provided in English and in any other language ordinarily used by the person to communicate with the public.

(3) A warning published in the main or local news section of a newspaper with the largest circulation in the area for which the warning is given, at least once every three months. The warning must:

(A) Clearly identify one or more sources of exposure.

(B) Be at least a quarter-page in size in the print version.

(C) Include a map that clearly identifies the affected area.

(D) Also be published in the electronic version of the publication, if any.

(E) If a newspaper published in a language other than English is circulated in the affected area, the warning must be published in that newspaper and in that language, in addition to being published in English in at least one English-language newspaper that circulates in that area.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25605. Environmental Exposure Warnings – Content.

(a) Unless otherwise specified in Section 25607.1 et seq., a warning meets the requirements of this subarticle if it is provided using one or more of the methods required in Section 25604 and includes all the following elements:

(1) The symbol required in Section 25603(a)(1).

(2) The word "**WARNING**" in all capital letters and bold print.

(3) For exposures to listed carcinogens, the words, "Entering this area can expose you to chemicals known to the State of California to cause cancer, including [name of one or more chemicals], from [name of one or more sources of exposure]. For more information go to www.P65Warnings.ca.gov."

(A) For exposures to a single carcinogen, the following words may be used: "Entering this area can expose you to [name of chemical] from [name of one or more sources of exposure]. [Name of chemical] is known to the State of California to cause cancer. For more information, go to www.P65 Warnings.ca.gov."

(4) For exposures to listed reproductive toxicants, the words, "Entering this area can expose you to chemicals known to the State of California to cause birth defects or other

reproductive harm, including [name of one or more chemicals], from [name of one or more sources of exposure]. For more information go to www.P65Warnings.ca.gov."

(A) For exposures to a single reproductive toxicant, the following words may be used: "Entering this area can expose you to [name of chemical] from [name of one or more sources of exposure]. [Name of chemical] is known to the State of California to cause birth defects or other reproductive harm. For more information, go to www.P65 Warnings.ca.gov."

(5) For exposures to both listed carcinogens and reproductive toxicants, the words, "Entering this area can expose you to chemicals known to the State of California to cause cancer and birth defects or other reproductive harm, including [name of one or more chemicals known to cause cancer and name of one or more chemicals known to cause birth defects or other reproductive harm], from [name of one or more sources of exposure]. For more information go to www.P65Warnings.ca.gov."

(6) For exposures to a single chemical that is listed as both a carcinogen and a reproductive toxicant, the following words may be used, "Entering this area can expose you to [name of chemical] from [name of one or more sources of exposure]. [Name of chemical] is known to the State of California to cause cancer and birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25606. Occupational Exposure Warnings.

(a) A warning to an exposed employee about a listed chemical meets the requirements of this subarticle if it fully complies with all warning information, training, and labeling requirements of the federal Hazard Communication Standard (29 Code of Federal Regulations, section 1910.1200 (Feb. 8, 2013)), hereby incorporated by reference, the California Hazard Communication Standard (Title 8, California Code of Regulations section 5194), or, for pesticides, the Pesticides and Worker Safety requirements (Title 3, California Code of Regulations section 6700 et seq.).

(b) For occupational exposures to chemicals not covered by subsection (a), warnings may be provided consistent with sections 25601, 25602, 25603, 25604, 25605 and 25607 et seq. of this subarticle.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code

§ 25607. Specific Product, Chemical and Area Exposure Warnings.

(a) Section 25607.1 et seq. provides warning methods and content for specific types of

exposures that are subject to the warning requirements of Section 25249.6 of the Act. Except as provided in subsection (b), where warning methods or content are included in 25607.1 et seq., a person must use the specified warnings in order to satisfy the requirements of this subarticle.

(b) If a person does not cause an exposure to a listed chemical required to be identified in a warning set out in Section 25607.1 et seq., the name of that listed chemical need not be included in the warning in order to meet the requirements of this subarticle. The name of at least one listed chemical requiring a warning must be included in all warnings.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code

§ 25607.1 Food Exposure Warnings – Methods of Transmission.

(a) Except as provided in subsection (b), a warning for food exposures, including dietary supplements, meets the requirements of this subarticle if it complies with the content requirements in Section 25607.2 and is provided using one or more of the methods required in Section 25602.

(b) Where the warning is provided on the food product label, it must be set off from other surrounding information, enclosed in a box and comply with the content requirements specified in Section 25607.2.

(c) Where a specific food product sign, label, or shelf tag used to provide a warning includes consumer information in a language other than English, the warning must also be provided in that language in addition to English.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.2. Food Exposure Warnings – Content.

(a) A warning for food exposures, including dietary supplements, meets the requirements of this subarticle if it is provided via one or more of the methods specified in Section 25607.1 and includes all the following elements:

(1) The word "**WARNING**" in all capital letters and bold print.

(2) For exposure to a listed carcinogen, the words, "Consuming this product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause cancer. For more information go to www.P65Warnings.ca.gov/food."

(3) For exposure to a listed reproductive toxicant, the words, "Consuming this product can expose you to chemicals including [name of one or more chemicals], which is [are]

known to the State of California to cause birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov/food."

(4) For exposure to both listed carcinogens and reproductive toxicants, the words, "Consuming this product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause cancer and [name of one or more chemicals], which is [are] known to the State of California to cause birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov/food."

(5) For exposure to a chemical that is listed as both a carcinogen and a reproductive toxicant, the words, "Consuming this product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause cancer and birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov/food."

(6) Where a warning is being provided for an exposure to a single chemical the words "chemicals including" may be deleted from the warning content set out in subsections (2), (3), (4) and (5).

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.3. Alcoholic Beverage Exposure Warnings – Methods of Transmission.

(a) A warning for exposures to alcoholic beverages meets the requirements of this subarticle if it complies with the content requirements in Section 25607.4 and is provided using one or more of the following methods:

(1) An 8½ by 11 inch sign in no smaller than 22-point type, placed at eye level so that it is readable and conspicuous to customers as they enter the area or areas where, by permit or license, alcoholic beverages are served.

(2) A notice or sign no smaller than 5 by 5 inches placed at each retail point of sale or display so as to assure that it is readable and conspicuous. The warning message must be in a type size no smaller than 20-point type and be enclosed in a box.

(3) For alcoholic beverages provided for consumption on the premises served by food or beverage persons, or sold through an over-the-counter service, the warning message is provided on a menu or list identifying the alcoholic beverages served on the premises. If there is no menu or list identifying the alcoholic beverages served on the premises, then the warning message is provided on the menu or list identifying the food or other beverages sold on the premises.

(4) For alcoholic beverages sold or distributed to purchasers within California through package delivery services, a warning provided by incorporating or placing the warning message on or in the shipping container or delivery package in a type size no smaller than the largest type size used for other consumer information on the product. In no case shall the warning appear in

a type size smaller than 8-point. The warning message must be readable and conspicuous to the recipient prior to consumption of the alcoholic beverages.

(b) The warning must be provided in English and in any other language used for labeling or advertising the product on the premises.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.4. Alcoholic Beverage Exposure Warnings – Content.

(a) A warning for alcoholic beverages, including beer, malt beverages, wine and distilled spirits, complies with this subarticle if it is provided using one or more of the methods required in Section 25607.3 and includes all the following elements:

(1) The word "**WARNING**" in all capital letters and bold print.

(2) The words, " Drinking distilled spirits, beer, coolers, wine and other alcoholic beverages may increase cancer risk, and, during pregnancy, can cause birth defects. For more information go to www.P65Warnings.ca.gov/alcohol."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.5. Food and Non-Alcoholic Beverage Exposure Warnings for Restaurants – Methods of Transmission.

(a) A warning for foods or non-alcoholic beverages that are sold or served by restaurants or other food facilities, as defined in Health and Safety Code Section 113789, and that are intended for immediate consumption, meets the requirements of this subarticle if it complies with the content requirements in Section 25607.6 and is provided using one or more of the following methods:

(1) An 8½ by 11 inch sign, printed in no smaller than 28-point type placed so that it is readable and conspicuous to customers as they enter each public entrance to the restaurant or facility where food or beverages may be consumed.

(2) A notice or sign no smaller than 5 by 5 inches, printed in no smaller than 20-point type placed at each point of sale so as to assure that it is readable and conspicuous.

(3) A warning on any menu or list describing food or non-alcoholic beverage offerings, in a type size no smaller than the largest type size used for the names of general menu items.

(b) The warning must be provided in English and in any other language used on other signage or menus provided on the premises.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections

25249.6 and 25249.11, Health and Safety Code.

§ 25607.6. Food and Non-Alcoholic Beverage Exposure Warnings for Restaurants – Content.

(a) A warning at restaurants or other facilities that sell food or beverages primarily for on-site consumption, not including alcoholic beverages, meets the requirements of this subarticle if it is provided using one or more of the methods required in Section 25607.5 and includes all the following elements:

(1) The word "**WARNING**" in all capital letters and bold print.

(2) The words, "Certain foods and beverages sold or served here can expose you to chemicals including acrylamide in many fried or baked foods, and mercury in fish, which are known to the State of California to cause cancer and birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov/restaurant."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.7. Prescription Drug Exposure and Emergency Medical or Dental Care Exposure Warnings.

(a) For prescription drugs the labeling approved or otherwise provided under federal law or the prescriber's accepted practice of obtaining a patient's informed consent complies with this subarticle.

(b) For exposures resulting from emergency or urgent medical or dental care as defined in Article 1, Section 25102(g), no warning is required when any of the following circumstances exists:

(1) The patient is unconscious; or

(2) The procedure must be undertaken because the licensed medical personnel, licensed dental personnel, or certified emergency medical personnel responsible for administering the care, as these terms are defined in Sections 25102(q), 25102(d), and 25102(b), respectively, reasonably believes that the procedure should be undertaken immediately; and therefore, there is insufficient time to fully inform the patient; or

(3) The procedure must be performed on a person legally incapable of giving consent, and the licensed medical personnel, licensed dental personnel, or certified emergency medical personnel responsible for administering the care reasonably believes the procedure should be undertaken immediately; and therefore, there is insufficient time to obtain the informed consent of a person authorized to give such consent for the patient.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections

25249.6 and 25249.11, Health and Safety Code.

§ 25607.8. Dental Care Exposure Warnings – Methods of Transmission.

(a) A warning for an exposure that occurs during delivery of dental care, including an exposure from the use of dental appliances, meets the requirements of this subarticle if it complies with the content requirements in Section 25607.9 and is provided using one or both of the following methods:

(1) A sign posted at all public points of entry to the dental office or in each location within the office where an exposure is reasonably likely to occur. The notice or sign must be no smaller than 5 by 5 inches and printed in no smaller than 20-point type; or

(2) A warning provided with or in an informed consent form signed by the patient prior to exposure.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.9. Dental Care Exposure Warnings – Content.

(a) A warning for exposures that occur during the delivery of dental care services meets the requirements of this subarticle if it is provided using one or both of the methods required in Section 25607.8 and contains all the following elements:

(1) The word "**WARNING**" in all capital letters and bold print.

(2) The words, "Certain dental procedures performed in this office can expose you to chemicals known to the State of California to cause cancer or birth defects or other reproductive harm or both. Those procedures can include sedation with nitrous oxide, root canals, placement or removal of crowns, bridges, and restorations such as mercury-containing fillings and use of dental appliances. Consult your dental care provider about these exposures and which materials are appropriate for your treatment. Additional information is also available at www.P65Warnings.ca.gov/dental."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.10. Raw Wood Product Exposure Warnings – Methods of Transmission.

(a) A warning for consumer product exposures to wood dust by drilling, sawing, sanding, or machining raw wood products meets the requirements of this subarticle if it complies with the content requirements in Section 25607.11 and is provided using one or both of the following methods:

(1) The warning is displayed either at the point of sale or display of the wood products in a manner likely to be seen by the purchaser. The notice or sign must be no smaller than 8 1/2 by 11 inches and printed in no smaller than 20-point type.

(2) Where the product is sold in bulk form, the warning may be provided on an invoice or receipt for the wood products in no smaller than 12-point type.

(b) "Raw wood products" include logs, sawn lumber, plywood and composite wood panels, engineered structural wood products, and similar wood products that are for the most part uncoated and have not been processed into other useful products and have the strong likelihood to be sawed, sanded, or drilled so as to generate wood dust.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.11. Raw Wood Product Exposure Warnings – Content.

(a) A warning for consumer product exposures to wood dust by drilling, sawing, sanding or machining raw wood products meets the requirements of this subarticle if it is provided using one or both of the methods required in Section 25607.10 and includes all the following elements:

(1) The symbol required in Section 25603(a)(1).

(2) The word "**WARNING**" in all capital letters and in bold print.

(3) The words, "Drilling, sawing, sanding or machining wood products can expose you to wood dust, a substance known to the State of California to cause cancer. Avoid inhaling wood dust or use a dust mask or other safeguards for personal protection. For more information go to www.P65Warnings.ca.gov/wood."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.12. Furniture Product Exposure Warnings – Methods of Transmission.

(a) A warning for consumer product exposures from furniture meets the requirements of this subarticle if it complies with the content requirements in Section 25607.13 and is provided using the following process:

(1) A warning is affixed to the furniture product in the same manner as other consumer information or warning materials that are provided on the product and

(A) A notice or sign no smaller than 8 ½ by 11 inches is displayed either at each public entrance or point of display, and printed in no smaller than 28-point type, or

(B) A notice is printed or stamped in no smaller than 12-point type on each receipt.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.13. Furniture Product Exposure Warnings – Content.

(a) A warning for consumer product exposures from furniture meets the requirements of this subarticle if it is provided using the combination of methods required in Section 25607.12 and it includes all the following elements:

(1) An on-product warning label provided pursuant to Section 25607.12(a)(1), must contain all the following elements:

(A) The symbol described in Section 25603(a)(1).

(B) The word "**WARNING**" in all capital letters and bold print.

(C) The words, "This product can expose you to chemicals including [name of one or more chemicals known to cause cancer, name of one or more chemicals known to cause reproductive toxicity, or name of one or more chemicals known to cause both cancer and birth defects or other reproductive harm], which is [are] known to the State of California to cause cancer or birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov/furniture."

(2) A notice displayed pursuant to Section 25607.12(a)(1)(A) or stamped on a receipt pursuant to Section 25607.12(a)(1)(B) must contain all the following elements:

(A) The word "**NOTICE**" in all capital letters and bold print.

(B) The words, "Some furniture products can expose you to chemicals known to the State of California to cause cancer or birth defects or other reproductive harm. Please check on-product label for warning information."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.14. Diesel Engine Exposure Warnings (Except Passenger Vehicle Engines) – Methods of Transmission.

(a) A warning for a consumer product exposure to diesel engine exhaust from equipment other than passenger vehicle engines meets the requirements of this subarticle if it complies with the content requirements in Section 25607.15 and is provided using the following combination of methods:

(1) The warning is printed in the owner's manual for the specific vehicle, engine, or other equipment. Such notice must be printed in no smaller than 12-point type, be enclosed in a box and appear inside or outside the front or back cover of the manual or on the first page of the text, and

(A) The warning is provided on a label permanently attached to the product in a location that is easily visible to the operator of the vehicle, engine, or other equipment when it is being operated, or

(B) If other warnings or operating instructions are provided in an on-screen display, the warning is provided in that manner, using the same type size as other operator warnings. In no case shall the warning appear in a type size smaller than 8-point.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.15. Diesel Engine Exposure Warnings (Except Passenger Vehicle Engines) – Content.

(a) A warning for a consumer product exposure to diesel engine exhaust from products other than passenger vehicle engines meets the requirements of this subarticle if it is provided using the combination of methods required in Section 25607.14 and includes all the following elements:

(1) The symbol required in Section 25603(a)(1).

(2) The word "**WARNING**" in all capital letters and bold print.

(3) The words, "Breathing diesel engine exhaust exposes you to chemicals known to the State of California to cause cancer and birth defects or other reproductive harm.

- Always start and operate the engine in a well-ventilated area.
- If in an enclosed area, vent the exhaust to the outside.
- Do not modify or tamper with the exhaust system.
- Do not idle the engine except as necessary.

For more information go to www.P65warnings.ca.gov/diesel."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.16. Vehicle Exposure Warnings – Methods of Transmission.

(a) A warning for exposures that occur during the operation, service, and maintenance of a "passenger vehicle," as defined in Vehicle Code Section 465, or an "off-road vehicle," as defined in Vehicle Code Section 38012(b), meets the requirements of this subarticle if it complies with the content requirements in Section 25607.17 and is provided using both of the following methods:

(1) The warning is printed in the owner's manual for the passenger vehicle or off-road

vehicle, in no smaller than 12-point type enclosed in a box printed or affixed to the inside or outside of the front or back cover of the manual or on the first page of the text; and

(2) The warning is provided on a label attached to the front window on the driver's side of the passenger vehicle or off-road vehicle. If the vehicle does not have a driver's side window, the warning may be provided on a hang tag which is hung from the rear view mirror. If the vehicle does not have a driver's side window or rear view mirror, the warning may be placed in another prominent location. The label need not be permanently affixed.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.17. Vehicle Exposure Warnings – Content.

(a) A warning for exposures that occur during the service, operation, and maintenance of a passenger vehicle or off-road vehicle meets the requirements of this subarticle if it is provided using the methods required in Section 25607.16 and includes all the following elements:

(1) The symbol required in Section 25603(a)(1).

(2) The word "**WARNING**" in all capital letters and bold print.

(3) The words, "Operating, servicing and maintaining a passenger vehicle or off-road vehicle can expose you to chemicals including engine exhaust, carbon monoxide, phthalates, and lead, which are known to the State of California to cause cancer and birth defects or other reproductive harm. To minimize exposure, avoid breathing exhaust, do not idle the engine except as necessary, service your vehicle in a well-ventilated area and wear gloves or wash your hands frequently when servicing your vehicle. For more information go to www.P65Warnings.ca.gov/passenger-vehicle."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.18. Recreational Vessel Exposure Warnings – Method of Transmission.

(a) A warning for exposures that occur during the operation or maintenance of a recreational vessel as defined in California Harbor and Navigation Code Section 651(t) meets the requirements of this subarticle if it complies with the content requirements in Section 25607.19 and is provided as follows:

(1) The warning is printed in the owner's manual for the specific recreational vessel, in no smaller than 12-point type enclosed in a box printed or affixed to the inside or outside of the front or back cover of the manual or on the first page of the text, and;

(2) The warning is provided on a hang tag readily visible from the helm of the vessel printed in no smaller than 12-point type.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.19. Recreational Vessel Exposure Warnings – Content.

(a) A warning for exposures that occur during the operation or maintenance of a recreational vessel meets the requirements of this subarticle if it is provided using the method required in Section 25607.18 and includes all the following elements:

(1) The symbol required in Section 25603(a)(1).

(2) The word "**WARNING**" in all capital letters and bold print.

(3) The words, "Operating, servicing and maintaining a recreational marine vessel can expose you to chemicals including engine exhaust, carbon monoxide, phthalates, and lead, which are known to the State of California to cause cancer and birth defects or other reproductive harm. To minimize exposure, avoid breathing exhaust, service your vessel in a well-ventilated area and wear gloves or wash your hands frequently when servicing this vessel. For more information go to www.P65warnings.ca.gov/marine."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.20. Enclosed Parking Facility Exposure Warnings – Method of Transmission.

(a) A warning for exposures that occur in an enclosed parking facility meets the requirements of this subarticle if it complies with the content requirements in Section 25607.21, is provided on a 20 by 20 inch sign posted at each public entrance to the enclosed parking facility in no smaller than 72-point type, and is placed so that it is readable and conspicuous to individuals before they enter the facility.

(b) The warning must be provided in English and in any other languages in which other entrance signage is provided at the facility.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.21. Enclosed Parking Facility Exposure Warnings – Content.

(a) A warning for exposures that occur in an enclosed parking facility meets the requirements of this subarticle if it is provided using the method required in Section 25607.20 and includes all the following elements:

(1) The symbol required in Section 25603(a)(1).

(2) The word "**WARNING**" in all capital letters and bold print.

(3) The words, "Breathing the air in this parking garage can expose you to chemicals including carbon monoxide and gasoline or diesel engine exhaust, which are known to the State of California to cause cancer and birth defects or other reproductive harm. Do not stay in this area longer than necessary. For more information go to www.P65Warnings.ca.gov/parking."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.22. Amusement Park Exposure Warnings – Method of Transmission.

(a) For amusement parks, a warning meets the requirements of this subarticle if it complies with the content requirements in Section 25607.23 and is provided as follows:

(1) The warning is provided on a sign posted at each public entrance to the facility in no smaller than 72-point type.

(2) The warning is placed so that it is readable and conspicuous to individuals before they enter the facility or park.

(3) Where there is open access to the facility with no designated public entrances, the sign shall be posted at the most common areas used by the public to access the facility or park.

(b) For purposes of sections 25607.22 and 25607.23, "amusement park" is defined as any permanent facility or park providing amusement rides for use by the public. "Amusement ride" is defined as any type of ride, such as a mechanical or aquatic device, which carries passengers over a fixed or restricted route primarily for passengers' amusement; and includes any ride propelled by its passengers or gravity, if it is located in an amusement park.

(c) If other permanent entrance signage at the facility is provided in any language other than English, the warning must be provided in both English and that language.

(d) In addition to the warning specified in this section, warnings that comply with this article must also be provided for exposures to chemicals in consumer products, alcoholic beverages, food, and enclosed parking facilities where such exposures occur on the premises.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.23. Amusement Park Exposure Warnings – Content.

(a) A warning for amusement park exposures meets the requirements of this subarticle if it is provided using the method required in Section 25607.22 and includes all the following elements:

(1) The symbol required in Section 25603(a)(1).

(2) The word "**WARNING**" in all capital letters and bold print.

(3) The words, "Some areas or features in this amusement park can expose you to

chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause cancer or birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov/amusement-parks."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.24. Petroleum Products Warnings (Environmental Exposures) – Methods of Transmission.

(a) A warning for environmental exposures to petroleum products from industrial operations and facilities, other than from service stations and vehicle repair facilities, meets the requirements of this subarticle if it complies with the content requirements in Section 25607.25 and is provided using one or more of the methods required in Section 25604.

(b) If other signage at the facility is provided for the public in any language other than English the warning must be provided in both English and that language.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.25. Petroleum Products Warnings (Environmental Exposures) – Content.

(a) A warning for environmental exposures to petroleum products from industrial operations and facilities, other than from service stations and vehicle repair facilities, meets the requirements of this subarticle if it is provided using the methods required in Section 25607.24, and includes all the following elements:

(1) The symbol described in Section 25603(a)(1).

(2) The word "**WARNING**" in all capital letters and bold print.

(3) The words, "Crude oil, gasoline, diesel fuel, and other petroleum products can expose you to chemicals including toluene and benzene, which are known to the State of California to cause cancer and birth defects or other reproductive harm. These exposures can occur in and around oil fields, refineries, chemical plants, transport and storage operations, such as pipelines, marine terminals, tank trucks, and other facilities and equipment. For more information go to: www.P65Warnings.ca.gov/petroleum."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.26. Service Station and Vehicle Repair Facilities Warnings (Environmental Exposures) – Methods of Transmission.

(a) A warning for environmental exposures from service stations meets the requirements of this subarticle if it is posted on a sign at each gas pump that complies with the content requirements in Section 25607.27. The warning must be printed in no smaller than 22-point type and be enclosed in a box.

(b) A warning for environmental exposures from vehicle repair facilities meets the requirements of this subarticle if it is posted at each public entrance to the repair facility on a sign that complies with the content requirements in Section 25607.27. The warning must be printed in no smaller than 32-point type and be enclosed in a box.

(c) If other signage at the service station or facility is provided for the public in a language other than English the warning must be provided in both English and that language.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.27. Service Station and Vehicle Repair Facilities Warnings (Environmental Exposures) – Content.

(a) A warning for environmental exposures from service stations meets the requirements of this subarticle if it is provided using the methods described in Section 25607.26 and includes all the following elements:

(1) The symbol required in Section 25603(a)(1).

(2) The word "**WARNING**" in all capital letters and bold print.

(3) The words, "Breathing the air in this area or skin contact with petroleum products can expose you to chemicals including benzene, motor vehicle exhaust and carbon monoxide, which are known to the State of California to cause cancer and birth defects or other reproductive harm. Do not stay in this area longer than necessary. For more information go to www.P65Warnings.ca.gov/service-station."

(b) A warning for environmental exposures from vehicle repair facilities meets the requirements of this subarticle if it is provided using the methods described in Section 25607.26 and includes all the following elements:

(1) The symbol required in Section 25603(a)(1).

(2) The word "**WARNING**" in all capital letters and bold print.

(3) The words, "Breathing the air in this area or skin contact with petroleum products can expose you to chemicals including benzene, motor vehicle exhaust, and carbon monoxide, which are known to the State of California to cause cancer and birth defects or other

reproductive harm. Do not stay in this area longer than necessary. For more information go to www.P65Warnings.ca.gov/vehicle-repair."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.28. Designated Smoking Area Exposure Warnings (Environmental Exposures) – Method of Transmission.

(a) A warning for environmental exposures from a designated smoking area meets the requirements of this subarticle if it complies with the content requirements in Section 25607.29 and is provided on an 8 ½ by 11 inch sign posted both at the entrance to and within the area in which the exposure occurs. The warning must be printed in no smaller than 22-point type and be enclosed in a box.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

§ 25607.29. Designated Smoking Area Exposure Warnings (Environmental Exposures) – Content.

(a) A warning for environmental exposures from a designated smoking area meets the requirements of this subarticle if it is provided using the method described in Section 25607.28 and includes all the following elements:

(1) The symbol described in Section 25603(a)(1).

(2) The word "**WARNING**" in all capital letters and bold print.

(3) The words, "Breathing the air in this smoking area can expose you to chemicals including tobacco smoke and nicotine, which are known to the State of California to cause cancer and birth defects or other reproductive harm. Do not stay in this area longer than necessary. For more information go to www.P65Warnings.ca.gov/smoking-areas."

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

[Section 25607.30 was moved, amended, and renumbered from Section 25603.3(f)]

§25607.30. Responsibility to Provide Warnings for Exposure to Bisphenol A from Canned and Bottled Foods and Beverages.

(a) Canned and bottled foods and beverages that are offered for retail sale in California after May 10, 2016, that contain bisphenol A, are deemed to comply with the warning requirements of section 25249.6 of the Act if the following provisions are met:

(1) The manufacturer, producer, packager, importer or distributor of the canned and bottled food or beverage either:

(A) Affixes a label to the product bearing a warning that includes the following language:

"WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm"; or

(B) Provides written notice directly or through an authorized agent or trade association to the retailer or its authorized agent. The written notice must:

1. State that the canned or bottled food or beverage may result in an exposure to bisphenol A; and

2. Include the name or description of the canned or bottled foods or beverages, such as a Universal Product Code or other identifying designation; and

3. Provide, or offer to provide, to the retail seller, at no cost, a sufficient number of point-of-sale warning signs that satisfy the requirements of Section 25607.31.

(b) If a retail seller receives a notice pursuant to subsection (a)(1)(B)~~A)2.~~, the retail seller must post a warning sign that satisfies Section 25607.31 at each point of sale in the retail facility. The placement and maintenance of warning signs is the responsibility of the retail seller.

(1) Where a retail seller complies with all the provisions of Section 25607.30 and Section 25607.31, an opportunity to cure exists to correct the absence of the warning sign, which:

(A) Is not the result of intentional neglect or disregard for the requirements of this section, and

(B) Is not avoidable using normal and customary quality control or maintenance, and

(C) Is corrected within 24 hours of discovery or notification.

(c) For purposes of Section 25607.30 and Section 25607.31, "canned and bottled foods and beverages" means foods and beverages packaged in hermetically sealed, durable metal or glass containers, including, but not limited to, those containing fruits, vegetables, soups, pasta products, milk, soda, and alcoholic beverages.

(d) For purposes of sections 25607.30 and 25607.31, "point of sale" means the area within a retail facility where customers pay for foods and beverages, such as the cash register or checkout line where the warning sign is likely to be seen and understood, prior to the consumer purchasing the canned or bottled food or beverage. Point of sale also includes electronic checkout functions on internet websites.

(e) This subsection shall become inoperative one year after the date of adoption unless reenacted by the lead agency.

[Section 25607.31 was moved, amended, and renumbered from Section 25603.3(g)]

§25607.31. Warnings for Exposure to Bisphenol A from Canned and Bottled Foods and Beverages.

(a) Method of Transmission: Warnings for canned and bottled foods and beverages, as defined in subsection 25607.30(c), that contain bisphenol A shall be provided at each point of sale, as defined in section 25607.30(d), by posting a warning sign that includes the language set out in section 25607.31(b). Such warning signs must be no smaller than 5 by 5 inches and be displayed with such conspicuousness, as compared with other words, statements, designs, or devices at the point of sale, as to render it likely to be read and understood by an ordinary individual prior to purchase of the products that contain bisphenol A. For products sold over the internet, the warning must be prominently displayed to the purchaser either on the product display page or otherwise on a webpage prior to completing the purchase.

(b) Content of Warning Sign:

(1) The word "WARNING" in all capital letters and bold print, and

(2) The words: "Many food and beverage cans have linings containing bisphenol A (BPA), a chemical known to the State of California to cause harm to the female reproductive system. Jar lids and bottle caps may also contain BPA. You can be exposed to BPA when you consume foods or beverages packaged in these containers. For more information go to: www.P65Warnings.ca.gov/BPA.

(c) This subsection shall become inoperative one year after the date of adoption unless reenacted by the lead agency.

Note: Authority cited: Sections 25249.12 and 25249.11(f), Health and Safety Code. Reference: Sections 25249.6, 25249.7(k) and 25249.11, Health and Safety Code.