



Advancing Public Health & Equity in Cannabis Policy

May 21, 2021

Monet Vela
Office of Environmental Health Hazard Assessment
1001 I Street, 23rd Floor
P. O. Box 4010
Sacramento, California 95812-4010
E-mail: monet.vela@oehha.ca.gov

RE: Proposed Amendments to Article 6: *Clear and Reasonable Warnings Under Proposition 65; Cannabis (Marijuana) Smoke and Delta-9-THC Exposure Warnings*

Dear Ms. Vela,

On behalf of Getting it Right from the Start, a project of the Public Health Institute, a 501c3 that has served California to promote public health for the past 55 years, we are writing in strong support of the proposed amendments to Article 6 (new sections 25607.38 – 25607.47) and believe these heightened warnings will help discourage cannabis use among pregnant women.

The U.S. Surgeon General has published an advisory about the dangers of cannabis use during pregnancy, which highlights that cannabis use during pregnancy can affect the developing fetus.¹ The Colorado Pregnancy Risk Assessment Monitoring System reported that maternal marijuana use was associated with a 50% increased risk of low birth weight regardless of maternal age, race, ethnicity, education, and tobacco use.² Many other studies have also shown that marijuana use in pregnancy is associated with adverse outcomes,³ lower birth weight being one that disproportionately affects minority communities.⁴ The potential for exacerbation of existing health disparities in low birth weight with increasing cannabis use is of deep concern. Our own research has found that pregnant women in California who live closer to cannabis retailers are more likely to use cannabis than women who live further away;⁵ pregnant women with more retailers within a 15-minute drive had greater odds of cannabis use compared with pregnant women not living within a 15-minute drive of a retailer, highlighting the risk of an expanding legal

¹ US Department of Health and Human Services. Surgeon General's advisory: marijuana use and the developing brain. Accessed November 10, 2020. <https://www.hhs.gov/surgeongeneral/reports-and-publications/addiction-and-substance-misuse/advisory-on-marijuana-use-and-developing-brain/index.html>

² Crume et al: Cannabis use during the perinatal period in a state with legalized recreational and medical marijuana: the association between maternal characteristics, breastfeeding patterns, and neonatal outcomes. *J Pediatr*. 2018;197:90-96.

³ National Academies of Sciences, Engineering, and Medicine. 2017. The health effects of cannabis and cannabinoids: Current state of evidence and recommendations for research. Washington, DC: The National Academies Press.

⁴ Burris HH, Hacker MR. (2017) Birth outcome racial disparities: A result of intersecting social and environmental factors. *Semin Perinatol*. 41(6):360-366. doi:10.1053/j.semperi.2017.07.002

⁵ Young-Wolff KC, Adams SR, Padon A, Silver LD, Alexeeff SE, Van Den Eeden SK, Avalos LA. (2021). Association of Cannabis Retailer Proximity and Density With Cannabis Use Among Pregnant Women in Northern California After Legalization of Cannabis for Recreational Use. *JAMA Netw Open*. 4(3):e210694. doi: 10.1001/jamanetworkopen.2021.0694.

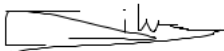
market that does not properly and prominently inform women of the risks of cannabis use during pregnancy.

California's cannabis product label requirements currently include warning statements, but in a nearly invisible 6-point font allowed with graphic highlights or visuals, and with vague language regarding pregnancy. First, we strongly support the proposed strengthening of warnings for consumer products and for environmental exposure. While the proposed language for the Clear and Reasonable Cannabis Smoke and Delta-9-THC Exposure Warnings is a good step forward, we do have a few minor suggestions to strengthen the requirement.

Rather than allowing options for how retailers can post the proposed warning language, we suggest that all storefront Cannabis Retailers be required to display a warning sign with the applicable language posted prominently behind the main dispensing counter. The sign should be at least 2 feet by 2 feet and be displayed with its mid-point 5 feet above the floor, so it is near eye level for most people. If the retailer also allows on-site consumption, then the additional proposed signage should be required to be 2 feet by 2 feet as well, because an 8.5 by 11 inch sheet of paper with 22-point font is not very easy to see from 5-10 feet away. If the on-site consumption space is poorly lit, the warning should be illuminated. In the case of cannabis delivery services, which make up a significant portion of the market, a printout of at least one-half page and 16-point font should be required to be provided to consumers with all products that require the applicable warning information.

The importance of these proposed amendments to Article 6, Clear and Reasonable warnings under Proposition 65, cannot be overstated. Consumers need to be properly warned about the dangers of cannabis smoke and delta-9-THC exposure during pregnancy.

Sincerely,



*Lynn Silver, MD, MPH, FAAP
Director, Getting it Right from the Start
Senior Advisor
Public Health Institute
Clinical Professor, UCSF*



*Aurash Jason Soroosh, RD, MSPH
Policy Associate
Getting it Right from the Start*