

**Article 6 Clear and Reasonable Warnings:
Amendments to Specific Exposure Warnings
Modification to Text of Proposed Regulation
September 2020**

NOTE: Changes to the proposed regulatory text are identified herein as follows. Additions to the proposed regulatory text as modified in January 2020 are indicated by underline, thus: added language. Deletions from the proposed regulatory text as modified in January 2020 are indicated by strikeout, thus: ~~deleted language~~. Additions to the proposed regulatory text as modified in September 2020 are indicated by double underline, thus: added language. Deletions from the proposed regulatory text as modified in September 2020 are indicated by double strikeout, thus: ~~~~deleted language~~~~.

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

(a) Unless otherwise specified in Section 25607.4 et seq, a consumer product exposure 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 ~~at the physical retail location~~ 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 warning on the label that complies with the content requirements in Section 25603(a).

(4) A short-form warning on the label 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, ~~including purchases through mobile device applications~~, a warning that complies with the content requirements of Section 25603(a) must also be provided by including either the warning or a clearly marked hyperlink ~~to the warning~~ 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 the warning is provided using the short-form warning label content pursuant to Section 25602(a)(4), the warning provided on the website may use the same content. 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, a warning that complies with the content requirements of Section 25603(a) must also be provided in the catalog, ~~in addition to any other warning provided under this subarticle,~~ in a manner that clearly associates it with the item being purchased. If a short-form warning is being provided on the label pursuant to Section 25602(a)(4), the warning provided in the catalog may use the same content.

(d) Where a sign or label used to provide a warning includes consumer information about a product 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.

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

(a) Section 25607.4 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), w~~Where warning methods or content are included in Section 25607.4 et seq., a person must use the specified warnings in order to satisfy the requirements of this subarticle.

~~(b) Where a consumer product that causes an exposure described in Section 25607 et seq. is sold via the internet or catalog, in addition to any requirements set forth below, the warning must also meet the requirements in Section 25602, subsections (b) and (c) for providing warnings for internet or catalog purchases.~~

~~(c) The warnings described in Section 25607 et seq. are subject to the alternative language requirements in Section 25602(d) for consumer product exposures, and in Section 25604(a)(1)(C), (a)(2)(D), and (a)(3)(E) for environmental exposures.~~

~~(b)(d)~~(b) If a person does not cause an exposure to a particular listed chemical required to be identified in a warning set out in Section 25607.4 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 for which the warning is being provided 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 listed 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.

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§ 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, as specified:

(1) For alcoholic beverages sold at a physical location:

(A) An 8 1/2 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 or;

(2B) 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 or;

(3C) 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.

(42) For alcoholic beverages ~~sold or distributed to purchasers within California through package delivery services,~~ delivered to consumers in California at a location other than the point of sale: a warning provided by incorporating or placing the warning message a product-specific warning provided to the purchaser or delivery recipient prior to or during the purchase of the product.

(3) For alcoholic beverages sold over the internet or through a catalog:

(A) In addition to the warning provided on the internet site or in the catalog as specified in subsections 25602(b) and (c), a warning must also be provided to the purchaser or delivery recipient prior to or contemporaneously with the delivery of the product using the content in Section 25607.4. The warning must be readable and conspicuous to the recipient prior to consumption of the alcoholic beverages, and must be provided using one or more of the following methods:

1. 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 or.~~The warning message must be readable and conspicuous to the recipient prior to consumption of the alcoholic beverages.~~

2. By email or text message as part of the electronically delivered receipt or confirmation for the applicable purchase.

(b) The warning must be provided in English and in any other language used for labeling or advertising the product on the premises, the internet, including mobile device applications, or catalog.

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