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Law and Policy Partnership to End the Commercial Tobacco Epidemic

CANNABIS REGULATION & SMOKE-FREE AIR

Frequently Asked Questions About California's AB 1775

The promotion of smoke-free and clean air is one of the pillars of commercial tobacco regulation.*

Laws undermining the enforcement of state and local clean indoor air laws negatively impact public health. Effective January 1, 2025, Assembly Bill (AB) 1775 changed cannabis regulation in ways that could impact clean indoor air. This fact sheet addresses questions about this law regulating cannabis consumption lounges.

What is the change under AB 1775?

The 2017 Medical and Adult Use of Cannabis Regulation and Safety Act allowed cannabis consumption lounges in localities that explicitly permitted them. State law did not require localities to allow lounges and AB 1775 doesn't change that. For jurisdictions that permit such lounges or wish to, AB 1775 allows them to sell food and nonalcoholic beverages prepared on site and host live performances.

Does AB 1775 affect tobacco retailers?

No. AB 1775 only applies to cannabis retailers, and an entity cannot be both a tobacco and cannabis retailer. Under Business and Professions Code Section 26200(g)(2)(C), a business can only operate as a cannabis consumption lounge if the sale and consumption of alcohol and tobacco are not allowed on the premises.

* The Public Health Law Center recognizes that traditional and commercial tobacco are different in the ways they are planted, grown, harvested, and used. Traditional tobacco is and has been used in sacred ways by Indigenous communities and tribes for centuries. In contrast, commercial tobacco is manufactured with chemical additives for recreational use and profit, resulting in disease and death. For more information, visit http://keepitsacred.itcmi.org. When the word "tobacco" is used throughout this publication, a commercial context is implied and intended.

How can localities protect clean air?

Local jurisdictions can prohibit cannabis consumption lounges altogether. This helps protect employees and patrons from secondhand smoke. If a jurisdiction does permit such lounges, another possibility is to prohibit on-site food preparation and live performances. This may reduce the allure of such lounges and minimizes the number of people impacted.

If a local jurisdiction currently permits lounges, it could enact more stringent requirements than those in AB 1775. Although AB 1775 purports to provide additional worker protections, many measures are known to be inadequate to protect workers from the dangers of secondhand smoke.

If a locality does not permit cannabis consumption lounges, what happens?

No change. California's cannabis laws affirm local control. While state law permits localities to allow dispensaries and lounges, it does not require them to do so. If a locality does nothing, no lounges should be located in the jurisdiction. If they want to permit cannabis consumption lounges, local jurisdictions must pass enabling legislation.

If a jurisdiction permits lounges but not food preparation, what happens?

No change. AB 1775 does not allow cannabis cafes to exist on their own but leaves the issue to local control. Even if a locality allows lounges, it must pass further enabling legislation if the jurisdiction also wants to permit lounges to prepare food on site or allow live performances.

If a jurisdiction already permits lounges to sell food, what happens?

Before AB 1775, cannabis consumption lounges could sell only prepackaged food. In a jurisdiction that already permitted lounges to sell food, AB 1775 changes the range of food they can offer. They can now sell food prepared on site.

State law says no cannabis use where tobacco is prohibited. How does this work with AB 1775?

Under Health and Safety Code Section 11362.3(a)(2), cannabis smoking and vaping are prohibited where tobacco smoking is prohibited. Since California's clean indoor air law in Labor Code Section 6404.5 prohibits tobacco smoking in places of employment, including restaurants, cannabis smoking has historically been prohibited in restaurants as well.

An argument can be made that AB 1775 conflicts with the Health and Safety Code. There is no clear answer as to how to interpret this interaction. As mentioned, AB 1775 maintains local control, empowering jurisdictions to pass laws prohibiting the smoking of commercial tobacco and cannabis products equally.

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