

Frequently Asked Questions about California's New Cannabis Hospitality Law

Effective January 2025, California restaurants may expose patrons to secondhand smoke. ANRF has updated several maps, including [U.S. 100% Smokefree Laws in Non-Hospitality Workplaces AND Restaurants AND Bars](#), to reflect that a new California law weakens smokefree protections for marijuana/cannabis smoke in certain hospitality venues.

California now appears on the [maps](#) in the same shade of yellow as Colorado and Nevada, to indicate that laws in these states contain exemptions to allow the smoking of marijuana/cannabis in restaurants that are otherwise required to be smokefree.

Q: What is California's new law?

A: The California legislature enacted AB1775 in September 2024, which went into effect on January 1, 2025. This law expands what is permitted at cannabis/marijuana retailers. Existing law gives California cities and counties the authority to decide if cannabis retailers are permitted in the jurisdiction, and to decide whether those cannabis retailers may allow onsite use, such as indoor cannabis smoking and/or vaping. The new law goes a step further by allowing jurisdictions to permit an additional element at cannabis retailers: the sale of food and non-alcoholic beverages and the sale of tickets to performances.

Q: What is the impact of California's new law?

A: AB1775 now allows California cities and counties to permit cannabis retailers to sell food and non-alcoholic beverages, and sell tickets to performances, including concerts. In practice, this means that cannabis retailers can now become restaurants, cafes, concert halls, and other entertainment venues where cannabis smoking and vaping is allowed indoors.

By allowing smoking in enclosed cannabis retail spaces, businesses will now expose workers to increased indoor air pollution from secondhand smoke in order to do their job. The California hospitality workforce should be able to breathe air that is free from all types of secondhand smoke exposure—including people working in the cannabis industry. If cannabis smoking is brought indoors, employees working in these new and expanded cannabis businesses will be exposed to secondhand smoke at a much higher rate than the general public and will suffer the negative health effects of that exposure. This is a public health issue and will affect everyone in the community if an entire new class of unprotected workers must sacrifice their health for a paycheck.

Q: Can cannabis hospitality venues now be opened in any California city?

A: No, retailers cannot open a cannabis hospitality venue unless their local City Council or Board of Supervisors votes to allow the sale of food and non-alcoholic beverages and sets other parameters for the permitting of these expanded cannabis retailers. It is expected that some cities that already allow onsite consumption (i.e., smoking and/or vaping cannabis) at cannabis retailers will move quickly to allow food sales and that some retailers will advocate for being allowed to transform into hospitality venues. **Current restaurants will not be allowed to sell or permit cannabis use;** rather, cannabis retailers have the potential to become, in practice, restaurants and other hospitality spaces.

Q: The bill sponsor said the law allows cannabis retailers to sell soda and muffins, so could this new law really allow smoking in restaurants?

A: The new law is written very broadly. A cannabis retailer could choose to limit food and drink sales to just soda, coffee, and snacks. However, the law contains no minimum sales requirements for cannabis,

so a business obtaining a cannabis retail license could primarily exist to sell food and make some money on the side through its cannabis sales. Whether selling soda or operating as a sit-down restaurant, these venues may allow indoor smoking and vaping of cannabis and may look indistinguishable from a typical restaurant. We urge California cities and counties to not roll the clock back 30 years.

Q: Why is this new law problematic for California?

A: California workers have had lifesaving smokefree protections in all restaurants since 1995 and in all bar, and other hospitality worksites since 1998. California residents and visitors have likewise come to expect being able to breathe air that is free from secondhand smoke when patronizing these hospitality venues. Unfortunately, cities and counties now have the ability to roll back these successful public health protections for workers.

Q: How did AB1775 pass in California?

A: The short answer is that the cannabis industry in California has grown very powerful and their messaging around creating more jobs and economic opportunity drowned out the public health concerns voiced by tobacco prevention partners. Getting a job at a cannabis retailer or hospitality venue should not mean giving up the smokefree workplace protections that benefit nearly all other employees in California. This issue shouldn't only be about creating new jobs - it also needs to be about ensuring that people who work at these new jobs have the right to a healthy, safe, smokefree workplace - just like every other worker in California.

In 2023, Governor Newsom vetoed AB374, a nearly identical cannabis cafe bill, saying in his veto message: "I am concerned this bill could undermine California's long-standing smoke-free workplace protections. Protecting the health and safety of workers is paramount." What changed in one year, other than increased pressure from the cannabis industry? In August 2024, the state legislature amended AB1775 to include language that disingenuously claims to address worker health concerns, by adding language promoting ventilation systems, allowing workers to wear face masks, and requiring worker education about secondhand smoke. These amendments do not protect workers because ventilation systems are not an effective solution for protecting health from secondhand smoke exposure.

Q: What is next?

A: It is now up to California cities and counties to protect their hospitality workforce and patrons by enacting stronger local smokefree indoor air provisions that prevent indoor smoking and vaping at cannabis retailers. Advocates, commercial tobacco prevention partners, public health partners, and community members already need to organize and speak up to advocate for their jurisdiction to not allow smoking and vaping inside cannabis retailers, and now those efforts need to be expanded to educate, empower, and demand that local governments protect workers and patrons by not allowing cannabis retailers to turn into hospitality venues and putting their health and safety at risk.

Q: Is there any new research available about secondhand cannabis smoke?

A: Yes. The Surgeon General's Report, "Eliminating Tobacco-Related Disease and Death: Addressing Disparities," released in November 2024 contains useful information about including cannabis in smokefree protections, starting on p. 558, including:

- Secondhand cannabis smoke contains many of the same toxic and cancer-causing chemicals found in tobacco smoke, and some of those chemicals are found in higher amounts in secondhand cannabis smoke than in secondhand tobacco smoke. (p. 559)
- As states and communities consider whether use of cannabis in public places should be permitted as a part of legalization, protecting all populations from exposure to secondhand

tobacco smoke, including exposure to cannabis smoke, in all indoor settings should remain a priority. (p. 559)

- When implementing these interventions, smokefree policies will be most protective if they cover all emissions (i.e., smoke, aerosol) from the full range of products, including e-cigarettes, cigars, waterpipe, and cannabis. (p. 559)

See ANRF's [Secondhand Marijuana Smoke Fact Sheet](#) for more research and information.

Learn more about California's AB1775: <https://nonsmokersrights.org/california>

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