

Bureau of Cannabis Control

Notice Regarding OAL Approval of Change Without Regulatory Effect Billboard Advertisements on Interstate and State Highways

On January 11, 2021, in the case of *Farmer v. Bureau of Cannabis Control & Lori Ajax (Farmer)*, the San Luis Obispo County Superior Court (Court) entered a formal judgement ruling that Section 5040(b)(3) of the Bureau of Cannabis Control's (Bureau) regulations, which only prohibited billboard advertising within a 15-mile radius of the California border on an interstate or state highway that crosses the California border, as invalid.

In the Court's February 2, 2021 final judgment, it held Section 5040(b)(3) to no longer be in effect and ordered the Bureau to file an action with the Office of Administrative Law (OAL) to delete Section 5040(b)(3) from its regulations pursuant to Title 1, California Code of Regulations, section 100 (1 CCR 100) which allows an agency to make changes that have no regulatory impact to text published in the California Code of Regulations.

On May 19, 2021, OAL approved the Bureau's action to delete Section 5040(b)(3) from its regulations pursuant to 1 CCR 100 and filed the action with the Secretary of State, making the change effective the same day. Bureau licensees may not place advertising or marketing on a billboard, or similar advertising device, anywhere on an interstate or state highway that crosses the California border, as indicated in Business and Professions Code section 26152(d).

To view the section of the Bureau's regulations with the approved deletion, please click on the following link: https://bcc.ca.gov/law_regs/approved_text_regs_billboard.pdf. The deleted text is displayed in strikethrough type font.

To view the Statement of Explanation regarding the change, please click on the following link here:

https://bcc.ca.gov/law_regs/stmt_explanation_change_1_ccr_100_billboard.pdf.