



Effective July 1, 2023, all licensed and registered cannabis businesses and cannabis-related **advertising** must comply with the statutory requirements of Title 36, Subtitle 9, Alcoholic Beverages and Cannabis Article, Annotated Code of Maryland. This document summarizes the new statutory requirements.

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## Definition

Advertisement means **any** publication, dissemination, or circulation of any auditory, visual, digital, oral, or written matter, which is directly or indirectly calculated to induce the sale of cannabis or any cannabis-related product or service.

## Medical Claims

A cannabis advertisement may not include any medical or therapeutic claims unless it:

1. Is supported by competent and reliable scientific evidence (i.e., two or more blinded, well-controlled clinical trials) and
2. Includes information on the most serious and significant side effects or risks associated with the use of cannabis.

## All Advertisements

A cannabis licensee, product, or service may not:

- Make false or misleading claims,
- Directly or indirectly target individuals under the age of 21 years, or
- Contain a design, illustration, picture, or representation that:
  - a. targets or is attractive to minors, including a cartoon character, mascot, or any other depiction that is commonly used to market products to minors,
  - b. displays the use of cannabis (smoking, vaping, or consuming),
  - c. encourages or promotes cannabis for use as an intoxicant, or
  - d. is obscene

## Signs, Billboards, and Other Graphic Displays

An advertisement for a cannabis licensee, cannabis product, or cannabis-related service **may not** be placed on the side of a building or any other publicly visible location. This includes a:

- sign;
- poster;
- placard;
- device;
- graphic display;

*Version 3 - this document was updated on August 24th, 2023 and is current with the MCA's guidance, regulation, and compliance efforts. The MCA reserves the ability to alter guidance to align the State's cannabis program with Maryland law and policy.*

- outdoor billboard; or
- freestanding signboard.

**Exception:** *a licensed cannabis grower, processor, or dispensary may display an advertisement for its cannabis business, cannabis product, or cannabis-related service on its business' licensed premises.*

## **Audience Composition**

A cannabis advertisement **may not** be placed on television, radio, internet, mobile application, social media, or other electronic communication or print publication **unless** at least 85% of the audience is reasonably expected to be at least 21 years old as determined by reliable and current audience composition data.

MCA may require a licensed business advertising, or seeking to advertise, in any of these media formats submit audience composition data in order to confirm any advertisement complies with this statutory requirement.

## **Website**

Any cannabis-related website must employ a neutral age-screening mechanism that verifies a user as at least 21 years old, including by using an age-gate, age-screen, or age-verification mechanism **BEFORE** the (1) user may access or view any content and (2) website may collect any personal information, including address, email, phone number, or contact information.

**Exception:** *If a website is appropriate for a qualifying patient who is under the age of 21 years the website shall provide an alternative screening mechanism to provide the qualifying patient with access to those portions of the website appropriate for such a patient.*

## **Social Media**

Any advertisement must include a notification that an individual must be at least 21 years old to view the content.

## **Third Party Advertisements**

Licensees may not avoid these advertising requirements by employing third parties or otherwise outsource advertising. Further, licensees will be held responsible for third parties that use licensees' trademarks, brands, names, locations, or other distinguishing characteristics for advertisements that do not comply with these requirements.

## **Questions?**

Email [mca.policy@maryland.gov](mailto:mca.policy@maryland.gov) or visit [cannabis.maryland.gov](http://cannabis.maryland.gov).