

BULLETIN: 2019 - 008
Effective Date: May 13, 2019

Statutory Advertising Restrictions

Linthicum, MD (May 13, 2019) - The Maryland Medical Cannabis Commission (the “Commission”) is notifying all medical cannabis growers, processors, dispensaries, certifying providers, independent testing laboratories, and third-party vendors of new restrictions on medical cannabis advertisements. During the 2019 legislative session, the Maryland General Assembly passed emergency legislation (House Bill 17 – Natalie M. LaPrade Medical Cannabis Commission – Processing and Dispensing Medical Cannabis) establishing certain restrictions on medical cannabis advertising and marketing. As an emergency measure, House Bill 17/Chapter 456 (2019) takes effect immediately upon the Governor’s signature.

Therefore, effective May 13, 2019, Health-General Article, §13-3313.1 requires medical cannabis businesses and advertisements to comply with the following statutory provisions:

General Advertising Restrictions

All advertising for medical cannabis, medical cannabis products, or edible cannabis products **must**:

- Include a statement that the product is for use only by a qualifying patient,
- Be placed more than 500 feet from any substance abuse or treatment facility, primary or secondary school, licensed child care or registered family care home, playground, recreation center, library or public park, and
- If making a therapeutic or medical claim, be supported by substantial clinical evidence and provide information on the most significant side effects or risks associated with the use of cannabis.

Growers, Processors, Dispensaries, Certifying Providers, Independent Testing Laboratories, and Third-Party Vendors

Any advertisement for a grower, processor, dispensary, independent testing laboratory, certifying provider, or third-party vendor **may not**:

- Make any false or misleading statement, or otherwise violate Commercial Law Article, §§ 13-301 through 13-320,
- Encourage or represent the recreational use of cannabis,
- Target or be attractive to minors, including the use of a cartoon character, mascot or other depiction that is commonly used to market products to minors,
- Display the use of cannabis, including the consumption, smoking, or vaping of cannabis,
- Encourage or promote cannabis use as an intoxicant, or
- Be obscene.

Internet Advertising

Any website owned, managed, or operated by a certifying provider or grower, processor, or dispensary must employ a neutral age-screening mechanism to verify the user is at least 18 years of age. Social media or mobile application advertisements must include a notification that (1) a person must be at least 18 years old to view the content and (2) medical cannabis use is for certified patients only.

The Commission is required to adopt regulations to enforce these restrictions and establish a process for an individual or business to submit an advertisement for an advisory opinion on whether the advertisement complies with the new advertising restrictions. The regulations are available under COMAR 10.62.34.08 Advertising Restrictions.

Pursuant to Health-General Article, §13-3313.1, the Commission will immediately enforce the advertising restrictions, and licensees and registrants may submit advertisements to the Commission for an advisory opinion on whether the advertisement complies with the law. A copy of the proposed advertising may be submitted to reporting.mmcc@maryland.gov for review. The Commission will provide an advisory opinion within 45-days of receipt of submission.

Please direct any questions regarding this bulletin to reporting.mmcc@maryland.gov.