

In Effect

No existing provision

Proposed Amendment

10.62.36.01 ADVERTISING

A. CERTIFYING PROVIDER.

(1) A CERTIFYING PROVIDER MAY ADVERTISE THE CERTIFYING PROVIDER'S ABILITY TO CERTIFY A QUALIFYING PATIENT TO RECEIVE MEDICAL CANNABIS; AND

(2) AN ADVERTISEMENT BY A CERTIFYING PROVIDER SHALL COMPLY WITH COMAR 10.32.01.13(B).

B. LICENSED GROWER, PROCESSOR, OR DISPENSARY.

(1) A LICENSED GROWER, PROCESSOR, OR DISPENSARY MAY:

(A) ADVERTISE PRODUCTS OR SERVICES DIRECTLY TO LICENSED GROWERS, PROCESSORS OR DISPENSARIES;

(B) DEVELOP A LOGO TO BE USED IN LABELING, SIGNAGE, AND OTHER MATERIALS;

(C) COMMUNICATE EDUCATIONAL INFORMATION ON MEDICAL CANNABIS TO CERTIFYING PROVIDERS, QUALIFYING PATIENTS, AND CAREGIVERS;

(D) OFFER FOR SALE OR PROMOTIONAL GIFTS BEARING THE NAME AND LOGO OF THE LICENSED GROWER, PROCESSOR, OR DISPENSARY;

(E) ENGAGE IN REASONABLE ADVERTISING PRACTICES THAT ARE NOT OTHERWISE PROHIBITED IN §B(2) OF THIS CHAPTER.

(2) A LICENSED GROWER, PROCESSOR, OR DISPENSARY MAY NOT:

(A) ADVERTISE BY MEANS OF TELEVISION, RADIO, PRINT, THE INTERNET OR OTHER ELECTRONIC COMMUNICATION, OR AN EVENT UNLESS:

(I) AT LEAST 85 PERCENT OF THE AUDIENCE IS REASONABLY EXPECTED TO BE 18 YEARS OF AGE OR OLDER, AS DETERMINED BY RELIABLE AND CURRENT AUDIENCE COMPOSITION DATA; AND

(II) THE LICENSEE MAINTAINS CLEAR AND COMPLETE RECORDS OF THE ADVERTISING ACTIVITIES, EXPENDITURES, AND AUDIENCE COMPOSITION DATA FOR A PERIOD OF AT LEAST 2 YEARS FROM THE PLACEMENT OF THE ADVERTISEMENT.

(C) PLACE OR CAUSE TO BE PLACED AN ADVERTISEMENT ON ANY:

(I) PUBLICLY OWNED OR PUBLICLY LEASED PROPERTY;

(II) PUBLIC TRANSIT VEHICLE OR SHELTER; OR

(III) BILLBOARD OR SIMILAR ADVERTISING DEVICE LOCATED ON AN INTERSTATE HIGHWAY OR ON A STATE HIGHWAY THAT CROSSES THE STATE BORDER;

(D) OPERATE ANY WEBSITE THAT FAILS TO VERIFY THAT THE ENTRANT IS AT LEAST 18 YEARS OF AGE; OR

(E) OFFER CERTAIN IDENTIFIED PROMOTIONAL ITEMS, AS DETERMINED BY THE COMMISSION, INCLUDING GIVEAWAYS, OR FREE OR DONATED CANNABIS.

C. ALL ADVERTISING FOR CANNABIS OR CANNABIS PRODUCTS SHALL INCLUDE:

(1) A STATEMENT THAT THE PRODUCT IS FOR USE ONLY BY A QUALIFYING PATIENT;

(2) A WARNING THAT THERE MAY BE HEALTH RISKS ASSOCIATED WITH CONSUMPTION OF THE CANNABIS OR CANNABIS PRODUCT;

(3) A WARNING THAT THERE MAY BE ADDITIONAL HEALTH RISKS ASSOCIATED WITH CONSUMPTION OF THE CANNABIS OR CANNABIS PRODUCT FOR WOMEN WHO ARE PREGNANT OR BREASTFEEDING; AND

(4) ANY OTHER WARNINGS REQUIRED BY THE COMMISSION.

D. A LICENSEE OR REGISTRANT MAY NOT MAKE ANY STATEMENT THAT IS FALSE OR MISLEADING IN ANY MATERIAL WAY OR IS OTHERWISE IN VIOLATION OF TITLE 13, SUBTITLE 3, OF THE COMMERCIAL LAW ARTICLE.