



Medical Cannabis Advertising FAQs

Q1: Where can I find the medical cannabis advertising statute?

A1: Health-General Article, §13-3313.1, Annotated Code of Maryland can be accessed [here](#).

Q2: What are the general restrictions that apply to all types of medical cannabis advertisements?

A2: An advertisement for medical cannabis may not contain any statement or image that: is false or misleading; encourages or represents the recreational use of cannabis; targets or is attractive to minors; displays the use of cannabis (including the consumption, smoking, or vaping of cannabis); encourages or promotes cannabis for use as an intoxicant, or is obscene.

If an advertisement makes any therapeutic or medical claim, the claim must be “supported by substantial clinical evidence or substantial clinical data” and “include information on the most significant side effects or risks associated with the use of cannabis.” For more information regarding medical or therapeutic claim requirements, see Q6 below.

Q3: May I use a website to advertise my medical cannabis business?

A3: Yes. The website must employ a neutral age-screening mechanism to verify that the user is at least 18 years of age, such as an age-gate, age-screen, or age verification mechanism.

Q4: May I use social media to advertise my business or medical cannabis products?

A4: Yes, the use of social media is permitted under Health-General §13-3313.1, but the social media account of a medical cannabis business **must** contain the following notifications: (1) you must be at least 18 years old to view the content; and (2) medical cannabis is for use by certified patients only. In addition, as with all advertisements, social media accounts may not include cartoon characters or other images that are attractive to minors or show individuals using cannabis.

Q5: Is it permissible for advertising materials to describe the differences between cannabis strains?

A5: Yes. However, if these materials describe cannabis strains as having certain therapeutic or medical effects (e.g., euphoria, pain relief, stress relief, etc.), such claims must be supported by substantial clinical evidence or data. In addition, any information on therapeutic or medical effects must be accompanied by the most significant side effects or risks of cannabis use.

Q6: Medical cannabis advertisements that make therapeutic or medical claims must be supported by substantial clinical evidence or substantial clinical data. What is “substantial clinical evidence or substantial clinical data”?

A6: Any medical or therapeutic claims must be supported by two or more adequate, well-controlled, double-blinded clinical studies. This is the same standard applied to prescription drugs and dietary supplements by the U.S. Food and Drug Administration. This standard was announced in Maryland by the Court of Special Appeals of Maryland in T-UP, INC. et al., v. CONSUMER PROTECTION DIVISION, Office of the Attorney General.

Q7: Health-General Article, §13-3313.1(a)(1), Annotated Code of Maryland requires that medical cannabis advertisements that make therapeutic or medical claims include information on the most significant side effects or risks associated with the use of cannabis. What language should be included in cannabis advertisements that make therapeutic or medical claims in order to satisfy this requirement?

A7: The following statements sufficiently address the most significant side effects or risks associated with the use of cannabis:

Consumption of medical cannabis may impair your ability to drive a car or operate machinery. Please use extreme caution.

There may be health risks associated with cannabis use, especially during pregnancy or breast-feeding.

Accidental consumption of cannabis by children or animals may result in severe adverse reactions. Keep cannabis out of the reach of children and animals.

Q8: Are there restrictions on where I may place billboards or signs advertising my medical cannabis business?

A8: Other than signage placed on property owned or leased by a dispensary, grower, or processor, billboards or signs advertising medical cannabis products or services may not be placed within 500 feet of: a substance abuse or treatment facility; a primary or secondary school, or a family child care home, or a playground, recreation center, library, or public park.

Q9: May I hire a third party to promote my medical cannabis business online or otherwise?

A9: Yes. Advertising materials created by a third party must comply with the restrictions set forth in Health-General Article, §13-3313.1, Annotated Code of Maryland. Pursuant to the statute, medical cannabis businesses are responsible for ensuring any of their advertisements disseminated by a third party comply with applicable content and location restrictions.

Q10: May I advertise my medical cannabis business over television or radio?

A10: Maryland law does not prohibit advertising for medical cannabis over television or radio. However, television and radio advertisements are also subject to regulation by the Federal Trade Commission (the "FTC") and the Federal Communications Commission (the "FCC").

The FTC enforces federal consumer protection laws that require advertisements be truthful, not misleading, and, when appropriate, backed by scientific evidence. In addition to its authority to investigate law violations by individuals and businesses, the FTC has federal rule-making authority to issue industry-wide regulations. FTC regulations are published in Title 16 of the Code of Federal Regulations, which can be accessed [here](#).

The FCC regulates interstate and international communications by radio, television, wire, satellite, and cable. Among other things, FCC rules prohibit the broadcast of television and radio advertisements that contain obscene, indecent or profane content, or perpetuate a fraud. FCC regulations are published in Title 47 of the Code of Federal Regulations, which can be accessed [here](#).

You should consult with independent counsel regarding the legality of television or radio advertisements for your medical cannabis business under applicable federal regulations.

Q11: Before I publish a medical cannabis advertisement, may I submit it to the Maryland Medical Cannabis Commission for an advisory opinion?

A11: Yes. You may submit proposed advertising materials to MMCC by submitting the proposed advertisement to Kathryn Callahan (Policy Analyst) at Kathryn.Callahan@maryland.gov. Any advertisement submitted to the MMCC for an advisory opinion must be reviewed by the full Commission. Pursuant to COMAR 10.62.34.08, the Commission will provide an advisory opinion on whether an advertisement complies with Health-General §13-3313.1 within 45 days of receipt of the request. Please note that an advisory opinion will be limited to addressing whether specific material, as opposed to a website or social media profile in total, complies with the statutory restrictions on medical cannabis advertisements.

Q12: How can I report an advertisement that violates Health-General Article, §13-3313.1, Annotated Code of Maryland?

A12: You may report any advertisement for potential violation of the statute by submitting a Complaint Form, which can be found under the "Helpful Forms" tab on the Maryland Medical Cannabis Commission's website (linked [here](#)). The MMCC will investigate any report submitted through this electronic complaint form.

Q13: What penalties does the Maryland Medical Cannabis Commission impose for violations of the advertising statute?

A13: COMAR 10.6.34.08 establishes a fine of \$500 for a first violation, \$1,000 for a second violation within 24 months, and \$5,000 for each subsequent violation occurring within 24 months of the preceding violation. In addition, the Commission may suspend or revoke the license or registration of any entity or individual who violates Health-General §13-3313.1 or COMAR 10.62.34.08.