



**Linthicum, MD (December 15, 2025)** - The Maryland Cannabis Administration (MCA) is issuing this bulletin to provide guidance on branded merchandise advertising. It is the responsibility of each licensee to ensure advertising remains in compliance with the state law governing the cannabis industry.

### **Branded Merchandise is Advertising**

The sale and promotion of cannabis-related branded merchandise are considered forms of advertising.

*What is an advertisement?* 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.

Md. Code Ann., Alc. Bev. § 36-901

### **Permissible and Prohibited Actions**

Allowed:

- Give or sell branded merchandise to individuals 21 years old or older, at the licensed premises or at an event sponsored by the licensee where 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 that otherwise complies with advertising restrictions.
- Advertising branded merchandise via television, internet, mobile applications, social media, event sponsorships, or print publications is permitted only when at least 85% of the expected audience is reasonably expected to be 21 years of age or older, based on reliable and current audience composition data.
- Create brand recognition through the use of a company logo and other design elements on branded merchandise, provided such use complies with advertising restrictions.

Not allowed:

- The sale or promotion of branded merchandise that directly or indirectly appeals to individuals under 21 years of age. Alc. Bev. § 36-903(a)(1)(ii)
- It is prohibited to use the brand, logo, or likeness of another company on branded merchandise. Alc. Bev. § 36-903(a)(1)(i)
- Falsely disparage another company using branded merchandise. Alc. Bev. § 36-903(a)(1)(i)
- Branded merchandise may not contain any design, illustration, picture, or representation that targets or is attractive to minors, including cartoon characters, mascots, or other imagery commonly used to market products to individuals under the age of 21. Alc. Bev. § 36-903(a)(1)(iii)(1)

- Branded merchandise must not display the use of cannabis, including consumption, smoking, or vaping; encourage or promote cannabis for use as an intoxicant; or contain obscene content. Alc. Bev. § 36-903(a)(1)(iii)(2)-(4)

### **Action Required for Compliance**

Licensees must remove all restricted branded merchandise from their websites, licensed premises, and any other promotional platforms. This includes ceasing all advertising that promotes or encourages the sale of such branded merchandise.

The MCA will begin auditing the cannabis-related websites of all licensees for compliance within **30 days** of this bulletin being released. Failure to comply will result in the Administration issuing violations and potentially issuing fines without further notice.