A3 4lr 2240

By: Senator West

Introduced and read first time: January 18, 2024

Assigned to: Finance

## A BILL ENTITLED

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## Cannabis - Advertising - Prohibited Locations

- 3 FOR the purpose of altering a certain prohibition on advertising for cannabis licensees, products, or services by repealing a prohibition on certain outdoor advertising and 4 5 instead prohibiting advertising within a certain distance of a substance use 6 treatment facility or certain schools, child care facilities, or other locations; 7 authorizing a cannabis licensee to request and requiring the Maryland Cannabis 8 Administration to provide an opinion as to whether a cannabis advertisement 9 complies with certain requirements; and generally relating to advertising for cannabis licensees, products, or services. 10
- 11 BY repealing and reenacting, with amendments,
- 12 Article Alcoholic Beverages and Cannabis
- 13 Section 36–903
- 14 Annotated Code of Maryland
- 15 (2016 Volume and 2023 Supplement)
- 16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 17 That the Laws of Maryland read as follows:

## Article - Alcoholic Beverages and Cannabis

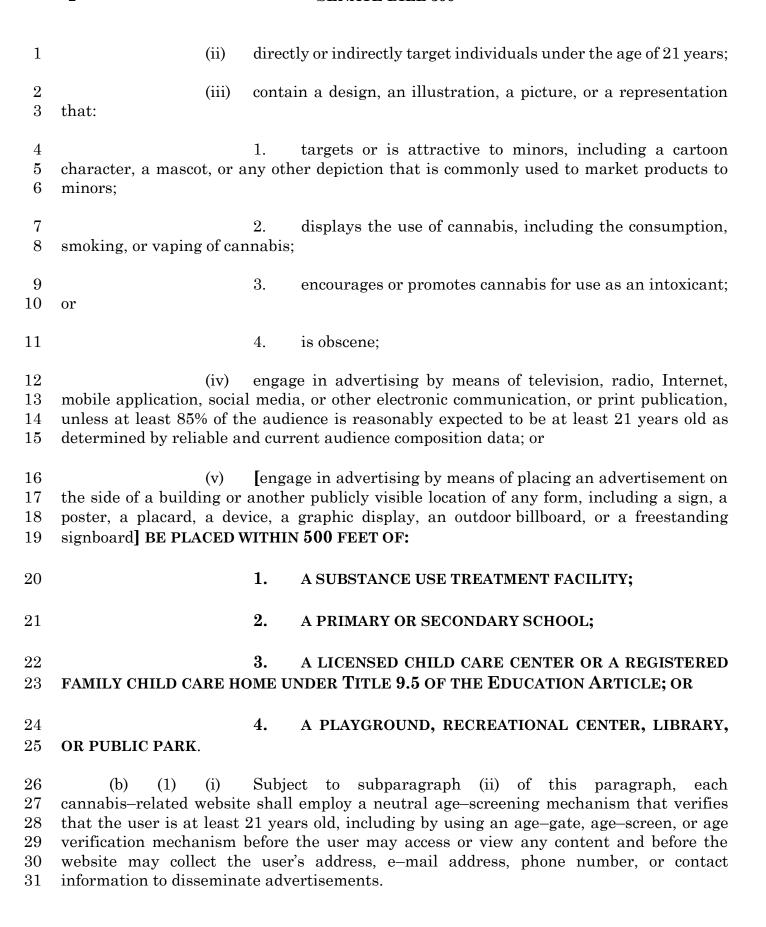
19 36–903.

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- 20 (a) (1) This subsection does not apply to an advertisement placed on property 21 owned or leased by a dispensary, grower, or processor.
- 22 (2) An advertisement for a cannabis licensee, cannabis product, or 23 cannabis—related service may not:
  - (i) violate Title 13, Subtitle 3 of the Commercial Law Article;





- 1 (ii) If a website is appropriate for a qualifying patient who is under 2 the age of 21 years, the website shall provide an alternative screening mechanism for the 3 qualifying patient.
- 4 (2) An advertisement placed on social media or a mobile application shall include a notification that an individual must be at least 21 years old to view the content.
- 6 (3) The provisions of this subtitle applicable to cannabis licensees may not 5 be avoided by hiring or contracting with a third party, or outsourcing advertisements that 6 do not comply with this subtitle.
- 9 (4) A cannabis licensee may not allow the use of the licensee's trademarks, 10 brands, names, locations, or other distinguishing characteristics for third–party use for 11 advertisements that do not comply with this subtitle.
- 12 **(I) (5)** Α CANNABIS LICENSEE MAY SUBMIT, **FORM** 13 **PRESCRIBED**  $\mathbf{BY}$ THE ADMINISTRATION, ANTO **ADVERTISEMENT** THE ADMINISTRATION FOR AN ADVISORY OPINION ON WHETHER THE ADVERTISEMENT 14 COMPLIES WITH THE REQUIREMENTS OF THIS SECTION. 15
- 16 (II) WITHIN 30 DAYS AFTER RECEIVING AN ADVERTISEMENT 17 **SUBMITTED** UNDER **SUBPARAGRAPH (I)** OF PARAGRAPH, THIS THE 18 ADMINISTRATION SHALL REVIEW THE ADVERTISEMENT AND PROVIDE THE 19 LICENSEE WITH THE ADVISORY OPINION.
- 20 (c) The Administration shall adopt regulations to establish procedures for the 21 enforcement of this section.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.