

# SENATE BILL 859

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9lr2733

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By: **Senator Zirkin**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 25, 2019

Returned to second reading: March 25, 2019

Senate action: Adopted with floor amendments

Read second time: March 25, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Natalie M. LaPrade Medical Cannabis Commission – Advertisements**

3 FOR the purpose of requiring that ~~all~~ certain advertisements for medical cannabis, medical  
4 cannabis products, or medical cannabis–related services be ~~consistent with certain~~  
5 ~~federal regulations governing prescription drug advertising~~ supported by certain  
6 evidence or data and include certain information about side effects or risks  
7 associated with the use of cannabis; prohibiting certain advertisements from being  
8 false or misleading; prohibiting certain advertisements from containing certain  
9 designs, illustrations, pictures, and representations; requiring that all advertising  
10 for medical cannabis or medical cannabis products include a certain statement;  
11 requiring certain websites to employ a certain neutral age–screening mechanism;  
12 requiring that certain advertisements include a certain notification; prohibiting  
13 advertisements for medical cannabis, medical cannabis products, or medical  
14 cannabis–related services from being placed within a certain distance of certain  
15 locations; requiring the Natalie M. LaPrade Medical Cannabis Commission to adopt  
16 certain regulations; and generally relating to medical cannabis advertisements.

17 BY adding to

18 Article – Health – General

19 Section 13–3313.1

20 Annotated Code of Maryland

21 (2015 Replacement Volume and 2018 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
2 That the Laws of Maryland read as follows:

3 Article – Health – General

4 13-3313.1.

5 ~~(A) ALL ADVERTISEMENTS FOR MEDICAL CANNABIS, MEDICAL CANNABIS~~  
6 ~~PRODUCTS, OR MEDICAL CANNABIS-RELATED SERVICES SHALL BE CONSISTENT~~  
7 ~~WITH THE FEDERAL REGULATIONS GOVERNING PRESCRIPTION DRUG ADVERTISING~~  
8 ~~AND MARKETING UNDER 21 C.F.R. 202.1.~~

9 (A) ALL ADVERTISEMENTS FOR MEDICAL CANNABIS, MEDICAL CANNABIS  
10 PRODUCTS, OR MEDICAL CANNABIS-RELATED SERVICES THAT MAKE THERAPEUTIC  
11 OR MEDICAL CLAIMS SHALL:

12 (1) BE SUPPORTED BY SUBSTANTIAL CLINICAL EVIDENCE OR  
13 SUBSTANTIAL CLINICAL DATA; AND

14 (2) INCLUDE INFORMATION ON THE MOST SIGNIFICANT SIDE  
15 EFFECTS OR RISKS ASSOCIATED WITH THE USE OF CANNABIS.

16 (B) AN ADVERTISEMENT FOR A GROWER, A PROCESSOR, A DISPENSARY, AN  
17 INDEPENDENT TESTING LABORATORY, A CERTIFYING PROVIDER, OR A  
18 THIRD-PARTY VENDOR MAY NOT ~~MAKE:~~

19 (1) MAKE ANY STATEMENT THAT IS FALSE OR MISLEADING IN ANY  
20 MATERIAL WAY OR IS OTHERWISE A VIOLATION OF §§ 13-301 THROUGH 13-320 OF  
21 THE COMMERCIAL LAW ARTICLE; OR

22 (2) CONTAIN A DESIGN, AN ILLUSTRATION, A PICTURE, OR A  
23 REPRESENTATION THAT:

24 (i) ENCOURAGES OR REPRESENTS THE RECREATIONAL USE OF  
25 CANNABIS;

26 (ii) TARGETS OR IS ATTRACTIVE TO MINORS, INCLUDING A  
27 CARTOON CHARACTER, A MASCOT, OR ANY OTHER DEPICTION THAT IS COMMONLY  
28 USED TO MARKET PRODUCTS TO MINORS;

29 (iii) DISPLAYS THE USE OF CANNABIS, INCLUDING THE  
30 CONSUMPTION, SMOKING, OR VAPING OF CANNABIS;

1                    (IV) ENCOURAGES OR PROMOTES CANNABIS FOR USE AS AN  
2 INTOXICANT; OR

3                    (V) IS OBSCENE OR INDECENT.

4            (C) ALL ADVERTISING FOR MEDICAL CANNABIS OR MEDICAL CANNABIS  
5 PRODUCTS SHALL INCLUDE A STATEMENT THAT THE PRODUCT IS FOR USE ONLY BY  
6 A QUALIFYING PATIENT.

7            (D) (1) ANY WEBSITE OWNED, MANAGED, OR OPERATED BY A CERTIFYING  
8 PROVIDER, DISPENSARY, GROWER, OR PROCESSOR SHALL EMPLOY A NEUTRAL  
9 AGE-SCREENING MECHANISM THAT VERIFIES THE USER IS AT LEAST 18 YEARS OLD,  
10 INCLUDING AN AGE GATE, AGE SCREEN, OR AGE VERIFICATION MECHANISM.

11            (2) AN ADVERTISEMENT PLACED ON SOCIAL MEDIA OR A MOBILE  
12 APPLICATION SHALL INCLUDE A NOTIFICATION THAT:

13            (I) A PERSON MUST BE AT LEAST 18 YEARS OLD TO VIEW THE  
14 CONTENT; AND

15            (II) MEDICAL CANNABIS IS FOR USE BY CERTIFIED PATIENTS  
16 ONLY.

17            (E) ANY ADVERTISEMENT FOR MEDICAL CANNABIS, MEDICAL CANNABIS  
18 PRODUCTS, OR MEDICAL CANNABIS-RELATED SERVICES MAY NOT BE PLACED  
19 WITHIN 500 FEET OF:

20            (1) A SUBSTANCE ABUSE OR TREATMENT FACILITY;

21            (2) A PRIMARY OR SECONDARY SCHOOL IN THE STATE OR A CHILD  
22 CARE CENTER LICENSED OR A FAMILY CHILD CARE HOME REGISTERED UNDER  
23 TITLE 9.5 OF THE EDUCATION ARTICLE; OR

24            (3) A PLAYGROUND, RECREATION CENTER, LIBRARY, OR PUBLIC  
25 PARK.

26            (F) THE COMMISSION SHALL ADOPT REGULATIONS TO ESTABLISH:

27            (1) PROCEDURES FOR THE ENFORCEMENT OF THE SECTION; AND

28            (2) A PROCESS FOR AN INDIVIDUAL TO VOLUNTARILY SUBMIT AN  
29 ADVERTISEMENT TO THE COMMISSION FOR AN ADVISORY OPINION ON WHETHER  
30 THE ADVERTISEMENT COMPLIES WITH THE RESTRICTIONS ON ADVERTISEMENTS

1 FOR MEDICAL CANNABIS, MEDICAL CANNABIS PRODUCTS, AND MEDICAL  
2 CANNABIS-RELATED SERVICES.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2019.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.