

SENATE BILL 967

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9lr3122

By: **Senator Cassilly**

Introduced and read first time: February 18, 2019

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of prohibiting growers, processors, dispensaries, independent testing
4 laboratories, and certain third-party vendors from placing or maintaining, or
5 causing to be placed or maintained, advertisements for medical cannabis, medical
6 cannabis products, or medical cannabis-related services on certain mediums or
7 locations; authorizing certifying providers to advertise the ability of the certifying
8 provider to certify a qualifying patient to receive medical cannabis; prohibiting
9 certain advertisements from making any statement that is false or misleading or
10 otherwise a violation of certain provisions of law; requiring that all advertising for
11 medical cannabis or medical cannabis products include certain statements; and
12 generally relating to medical cannabis advertising.

13 BY adding to

14 Article – Health – General

15 Section 13-3313.1

16 Annotated Code of Maryland

17 (2015 Replacement Volume and 2018 Supplement)

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

20 **Article – Health – General**

21 **13-3313.1.**

22 **(A) A GROWER, A PROCESSOR, A DISPENSARY, AN INDEPENDENT TESTING**
23 **LABORATORY, OR ANY THIRD-PARTY VENDOR AUTHORIZED BY THE COMMISSION**
24 **MAY NOT PLACE OR MAINTAIN, OR CAUSE TO BE PLACED OR MAINTAINED, AN**
25 **ADVERTISEMENT FOR MEDICAL CANNABIS, MEDICAL CANNABIS PRODUCTS, OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 MEDICAL CANNABIS-RELATED SERVICES ON:

2 (1) RADIO, TELEVISION, OR A BILLBOARD;

3 (2) A PRINT PUBLICATION, UNLESS AT LEAST 85% OF THE AUDIENCE
4 IS REASONABLY EXPECTED TO BE AT LEAST 18 YEARS OLD, AS DETERMINED BY
5 RELIABLE AND CURRENT AUDIENCE COMPOSITION DATA;

6 (3) PUBLIC PROPERTY;

7 (4) A HANDBILL, LEAFLET, OR FLYER DIRECTLY HANDED,
8 DEPOSITED, FASTENED, OR OTHERWISE DISTRIBUTED ON:

9 (i) PUBLIC PROPERTY; OR

10 (ii) PRIVATE PROPERTY WITHOUT THE CONSENT OF THE
11 OWNER; OR

12 (5) ANY WEBSITE, MOBILE APPLICATION, SOCIAL MEDIA, OR OTHER
13 ELECTRONIC COMMUNICATION THAT FAILS TO EMPLOY A NEUTRAL
14 AGE-SCREENING MECHANISM TO DETERMINE THAT THE USER IS AT LEAST 18 YEARS
15 OLD, INCLUDING AN AGE-GATE, AGE-SCREEN, OR AGE-VERIFICATION MECHANISM.

16 (B) A CERTIFYING PROVIDER MAY ADVERTISE THE ABILITY OF THE
17 CERTIFYING PROVIDER TO CERTIFY A QUALIFYING PATIENT TO RECEIVE MEDICAL
18 CANNABIS.

19 (C) AN ADVERTISEMENT FOR A GROWER, A PROCESSOR, A DISPENSARY, AN
20 INDEPENDENT TESTING LABORATORY, A CERTIFYING PROVIDER, OR ANY
21 THIRD-PARTY VENDOR MAY NOT MAKE ANY STATEMENT THAT IS FALSE OR
22 MISLEADING IN ANY MATERIAL WAY OR IS OTHERWISE A VIOLATION OF §§ 13-301
23 THROUGH 13-320 OF THE COMMERCIAL LAW ARTICLE.

24 (D) ALL ADVERTISING FOR MEDICAL CANNABIS OR MEDICAL CANNABIS
25 PRODUCTS SHALL INCLUDE:

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

28 (2) A WARNING THAT THERE MAY BE HEALTH RISKS ASSOCIATED
29 WITH CONSUMPTION OF THE MEDICAL CANNABIS OR MEDICAL CANNABIS PRODUCT.

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