

HOUSE BILL 1377

A3

5lr1698

By: **Delegate Amprey**

Introduced and read first time: February 7, 2025

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Cannabis – Advertising – Prohibited Locations**
3 **(Equity in Cannabis Advertising Act)**

4 FOR the purpose of altering a certain prohibition on advertising for cannabis licensees,
5 products, or services by repealing a prohibition on certain outdoor advertising and
6 instead prohibiting advertising within a certain distance of a substance use
7 treatment facility or certain schools, child care facilities, or other locations;
8 authorizing a cannabis licensee to request and requiring the Maryland Cannabis
9 Administration to provide an opinion as to whether a cannabis advertisement
10 complies with certain requirements; and generally relating to advertising for
11 cannabis licensees, products, or services.

12 BY repealing and reenacting, with amendments,
13 Article – Alcoholic Beverages and Cannabis
14 Section 36–903
15 Annotated Code of Maryland
16 (2024 Replacement Volume)

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

19 **Article – Alcoholic Beverages and Cannabis**

20 36–903.

21 (a) [(1)] An advertisement for a cannabis licensee, cannabis product, or
22 cannabis–related service may not:

23 [(i)] (1) violate Title 13, Subtitle 3 of the Commercial Law Article;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [(ii)] (2) directly or indirectly target individuals under the age of 21
2 years;

3 [(iii)] (3) contain a design, an illustration, a picture, or a
4 representation that:

5 [1.] (I) targets or is attractive to minors, including [a
6 cartoon character, a mascot, or]:

7 1. RESEMBLANCES TO THE TRADEMARKED,
8 CHARACTERISTIC, OR PRODUCT-SPECIALIZED PACKAGING OF ANY COMMERCIALY
9 AVAILABLE CANDY, SNACK, BAKED GOOD, OR BEVERAGE;

10 2. IMAGES OF FOOD, CANDY, BAKED GOODS, CEREAL,
11 FRUIT, BEVERAGES, OR THE WORDS “CANDY” OR “CANDIES”;

12 3. IMAGES, GRAPHICS, FEATURES, OR LIKENESSES TO
13 IMAGES, GRAPHICS, OR FEATURES THAT ARE POPULARLY USED TO ADVERTISE TO
14 CHILDREN, SUCH AS CARTOONS, ANIMALS, NEON COLORS, CELEBRITIES, MASCOTS,
15 OR PHRASES; OR

16 4. any other depiction that is commonly used to market
17 products to minors;

18 [2.] (II) displays the use of cannabis, including the
19 consumption, smoking, or vaping of cannabis;

20 [3.] (III) encourages or promotes cannabis for use as an
21 intoxicant; [or]

22 [4.] (IV) MAKES CLAIMS REGARDING HEALTH OR
23 PHYSICAL BENEFITS TO THE CONSUMER;

24 (V) MAKES FALSE OR MISLEADING STATEMENTS; OR

25 (VI) is obscene;

26 [(iv)] (4) engage in advertising by means of television, radio,
27 Internet, mobile application, social media, or other electronic communication, event
28 sponsorship, or print publication, unless at least 85% of the audience is reasonably expected
29 to be at least 21 years old as determined by reliable and current audience composition data;
30 or

31 [(v)] (5) [except as provided in paragraph (2) of this subsection,
32 engage in advertising by means of placing an advertisement on the side of a building or

1 another publicly visible location of any form, including a sign, a poster, a placard, a device,
2 a graphic display, an outdoor billboard, or a freestanding signboard.

3 (2) A cannabis business may place exterior signage on the premises of the
4 business for the limited purpose of identifying the business to the public] **BE PLACED**
5 **WITHIN 500 FEET OF:**

6 (I) A SUBSTANCE USE TREATMENT FACILITY;

7 (II) A PRIMARY OR SECONDARY SCHOOL;

8 (III) A LICENSED CHILD CARE CENTER OR A REGISTERED FAMILY
9 CHILD CARE HOME UNDER TITLE 9.5 OF THE EDUCATION ARTICLE; OR

10 (IV) A PLAYGROUND, RECREATIONAL CENTER, LIBRARY, OR
11 PUBLIC PARK.

12 (b) (1) (i) Subject to subparagraph (ii) of this paragraph, each
13 cannabis-related website shall employ a neutral age-screening mechanism that verifies
14 that the user is at least 21 years old, including by using an age-gate, age-screen, or age
15 verification mechanism before the user may access or view any content and before the
16 website may collect the user's address, e-mail address, phone number, or contact
17 information to disseminate advertisements.

18 (ii) If a website is appropriate for a qualifying patient who is under
19 the age of 21 years, the website shall provide an alternative screening mechanism for the
20 qualifying patient.

21 (2) An advertisement placed on social media or a mobile application shall
22 include a notification that an individual must be at least 21 years old to view the content.

23 (3) The provisions of this subtitle applicable to cannabis licensees may not
24 be avoided by hiring or contracting with a third party, or outsourcing advertisements that
25 do not comply with this subtitle.

26 (4) A cannabis licensee may not allow the use of the licensee's trademarks,
27 brands, names, locations, or other distinguishing characteristics for third-party use for
28 advertisements that do not comply with this subtitle.

29 (5) (I) A CANNABIS LICENSEE MAY SUBMIT, IN A FORM
30 PRESCRIBED BY THE ADMINISTRATION, AN ADVERTISEMENT TO THE
31 ADMINISTRATION FOR AN ADVISORY OPINION ON WHETHER THE ADVERTISEMENT
32 COMPLIES WITH THE REQUIREMENTS OF THIS SECTION.

1 **(II) WITHIN 30 DAYS AFTER RECEIVING AN ADVERTISEMENT**
2 **SUBMITTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE**
3 **ADMINISTRATION SHALL REVIEW THE ADVERTISEMENT AND PROVIDE THE**
4 **LICENSEE WITH THE ADVISORY OPINION.**

5 (c) The Administration shall adopt regulations to establish procedures for the
6 enforcement of this section.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2025.