Article - Alcoholic Beverages and Cannabis

[Previous][Next]

§36–903.

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

(i) violate Title 13, Subtitle 3 of the Commercial Law Article;

(ii) directly or indirectly target individuals under the age of 21 years;

(iii) contain a design, an illustration, a picture, or a representation that:

1. targets or is attractive to minors, including a cartoon character, a mascot, or any other depiction that is commonly used to market products to minors;

2. displays the use of cannabis, including the consumption, smoking, or vaping of cannabis;

3. encourages or promotes cannabis for use as an intoxicant; or

4. is obscene;

(iv) engage in advertising by means of television, radio, Internet, mobile application, social media, or other electronic communication, event sponsorship, or print publication, unless 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; or

(v) except as provided in paragraph (2) of this subsection, engage in advertising by means of placing an advertisement on the side of a building or another publicly visible location of any form, including a sign, a poster, a placard, a device, a graphic display, an outdoor billboard, or a freestanding signboard.

(2) A cannabis business may place exterior signage on the premises of the business for the limited purpose of identifying the business to the public.

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

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

(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.

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

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

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

[Previous][Next]