

Chapter 416

(Senate Bill 594)

AN ACT concerning

Cannabis – Advertising – Alterations

FOR the purpose of altering the ownership and control percentage requirement for a social equity applicant for a cannabis license; repealing certain criteria for a certain prohibition on cannabis advertising that targets ~~minors~~ individuals under the age of 21 years; authorizing a standard dispensary to place certain exterior signage for certain limited purposes under certain circumstances; requiring the Maryland Cannabis Administration to accept certain advertising audience composition data and ~~establish~~ develop by regulation ~~an alternative method for determining audience composition~~ a process for accepting a certain attestation from a certain person regarding audience composition; providing a certain exception to a prohibition on the third-party use of certain distinguishing characteristics of a cannabis licensee for advertisements; and generally relating to cannabis advertising.

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages and Cannabis
Section 36–101(ff) and 36–903
Annotated Code of Maryland
(2024 Replacement Volume and 2025 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Alcoholic Beverages and Cannabis~~
~~Section 36–901 and 36–903~~
~~Annotated Code of Maryland~~
~~(2024 Replacement Volume and 2025 Supplement)~~

BY repealing and reenacting, without amendments,
 Article – Alcoholic Beverages and Cannabis
 Section 36–901 and 36–902
 Annotated Code of Maryland
 (2024 Replacement Volume and 2025 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Alcoholic Beverages and Cannabis~~
~~Section 36–903~~
~~Annotated Code of Maryland~~
~~(2024 Replacement Volume and 2025 Supplement)~~

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

Article – Alcoholic Beverages and Cannabis

36-101.

(ff) “Social equity applicant” means an applicant for a cannabis license or cannabis registration that:

(1) has at least [65%] 55% ownership and control held by one or more individuals who:

(i) have lived in a disproportionately impacted area for at least 5 of the 10 years immediately preceding the submission of the application;

(ii) attended a public school in a disproportionately impacted area for at least 5 years; or

(iii) for at least 2 years, attended a 4-year institution of higher education in the State where at least 40% of the individuals who attend the institution of higher education are eligible for a Pell Grant; or

(2) meets any other criteria established by the Administration.

36-901.

(a) In this subtitle~~], “advertisement”] ~~THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~~~

~~(B) (1) “ADVERTISEMENT”~~ means the publication, dissemination, or circulation of any auditory, visual, digital, oral, or written matter, which is directly or indirectly calculated to induce the sale of cannabis or any cannabis-related product or service.

~~[(b)] (2)~~ “Advertisement” does not include packaging or labeling.

~~(C) “THERAPEUTIC OR MEDICAL CLAIM” MEANS A CLAIM THAT EXPLICITLY STATES A PRODUCT CAN DIAGNOSE, TREAT, MITIGATE, CURE, OR PREVENT A DISEASE OR CONDITION.~~

36-902.

An advertisement for cannabis and cannabis products or cannabis-related services that makes therapeutic or medical claims shall:

(1) be supported by competent and reliable scientific evidence; and

(2) include information on the most serious and most common side effects or risks associated with the use of cannabis.

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 ~~for is attractive to~~ ~~minors~~ **INDIVIDUALS UNDER THE AGE OF 21 YEARS**, including a cartoon character, a mascot, or any other depiction that is commonly used to market products to ~~minors~~ **INDIVIDUALS UNDER THE AGE OF 21 YEARS**;

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] **IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION**; 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) (I) **THIS PARAGRAPH DOES NOT APPLY TO:**

1. EXTERIOR SIGNAGE USED FOR OPERATIONAL PURPOSES;

2. SIGNS THAT WERE PAINTED ON THE PERMANENT STRUCTURE OF A CANNABIS BUSINESS PRIOR TO JANUARY 1, 2026; OR

3. INTERIOR DISPLAYS THAT ARE VISIBLE THROUGH THE WINDOWS OR DOORS OF A LICENSED PREMISES BUT ARE NOT AFFIXED TO A PERMANENT STRUCTURE.

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

~~(II)~~ **(III)** SUBJECT TO SUBPARAGRAPH ~~(III)~~ **(IV)** OF THIS PARAGRAPH, THE HOLDER OF A STANDARD DISPENSARY LICENSE MAY PLACE EXTERIOR SIGNAGE, INCLUDING A POSTER OR A PLACARD THAT IS ATTACHED TO THE BUILDING, OR A FREESTANDING SIGNBOARD THAT IS IMMEDIATELY ADJACENT TO THE ENTRANCE OF THE LICENSED PREMISES, FOR THE LIMITED PURPOSE OF:

~~1.~~ **1. IDENTIFYING ITSELF AS A LICENSED CANNABIS BUSINESS AND A CANNABIS TRUSTED SOURCE;**

~~2.~~ **2. PROVIDING CONTACT INFORMATION FOR THE DISPENSARY, INCLUDING A WEBSITE ADDRESS, PHONE NUMBER, E-MAIL ADDRESS, OR QUICK RESPONSE (QR) CODE;**

~~3.~~ **2. PROVIDING CONTACT INFORMATION FOR THE ADMINISTRATION;**

~~4.~~ **3. PROVIDING INFORMATION ON WHAT TO DO IF AN ADVERSE EVENT OCCURS, INCLUDING:**

A. AN ADVISORY TO CALL 9-1-1 IN AN EMERGENCY;

B. CONTACT INFORMATION FOR THE MARYLAND POISON CENTER; AND

C. CONTACT INFORMATION FOR THE PET POISON HELPLINE; AND

~~5.~~ **4. IDENTIFYING AN OWNERSHIP OR LICENSURE DESIGNATION, AS APPROVED BY THE ADMINISTRATION.**

~~(III)~~ **(IV)** EXTERIOR SIGNAGE UNDER SUBPARAGRAPH ~~(II)~~ **(III)** OF THIS PARAGRAPH MAY NOT EXCEED:

- 1. **900 SQUARE INCHES FOR ANY INDIVIDUAL EXTERIOR SIGN; OR**
- 2. **1,200 SQUARE INCHES TOTAL FOR ALL EXTERIOR SIGNAGE.**

(3) TO DETERMINE WHETHER AN ADVERTISEMENT OR A PROPOSED ADVERTISEMENT MEETS THE AUDIENCE COMPOSITION REQUIREMENTS UNDER PARAGRAPH (1)(IV) OF THIS SUBSECTION, THE ADMINISTRATION SHALL:

(I) ACCEPT THE MOST RECENT AND READILY AVAILABLE AUDIENCE COMPOSITION DATA FROM THE TELEVISION, RADIO, INTERNET, MOBILE APPLICATION, SOCIAL MEDIA, OR OTHER ELECTRONIC COMMUNICATION, ~~EVENT SPONSORSHIP,~~ OR PRINT PUBLICATION ENTITY WITH WHICH THE CANNABIS LICENSEE ADVERTISES OR PROPOSES TO ADVERTISE; AND

(II) ON OR BEFORE JANUARY 1, 2027, ADOPT REGULATIONS ~~ESTABLISHING AT LEAST ONE ALTERNATIVE METHOD FOR DETERMINING AUDIENCE COMPOSITION~~ THAT DEVELOP A PROCESS TO ACCEPT AN ATTESTATION REGARDING AUDIENCE COMPOSITION FROM AN ORGANIZER OR HOST OF AN EVENT THAT A CANNABIS BUSINESS PROPOSES TO ADVERTISE AT THROUGH AN EVENT SPONSORSHIP.

(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) (I) **[A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, 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.

~~(II) THE USE OF TRADEMARKS, BRANDS, NAMES, LOCATIONS, OR OTHER DISTINGUISHING CHARACTERISTICS IN A NEWS ARTICLE, INTERVIEW, DOCUMENTARY, OR OTHER EDITORIAL CONTENT THAT IS NOT INTENDED AS COMMERCIAL ADVERTISING IS NOT SUBJECT TO THE PROHIBITION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH~~ TRADEMARK, BRAND, NAME, LOCATION, OR OTHER DISTINGUISHING CHARACTERISTIC OF A CANNABIS BUSINESS MAY BE USED IN A NEWS ARTICLE, INTERVIEW, DOCUMENTARY, OR OTHER EDITORIAL CONTENT IF THE CANNABIS BUSINESS OR A THIRD PARTY ACTING ON BEHALF OF A CANNABIS BUSINESS DOES NOT PROVIDE COMPENSATION OR ANYTHING ELSE OF VALUE TO THE PUBLISHER OF THE NEWS ARTICLE, INTERVIEW, DOCUMENTARY, OR OTHER EDITORIAL CONTENT.

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

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2027, the Maryland Cannabis Administration shall submit an interim report to the Senate Finance Committee and the House Economic Matters Committee, and a final report on or before June 1, 2027, in accordance with § 2-1257 of the State Government Article, on the Administration's:

(1) progress in implementing this Act, including the adoption of regulations required under this Act;

(2) progress on developing guidance to assist cannabis businesses to comply with this Act; and

(3) efforts to ensure uniform enforcement of this Act among cannabis businesses.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2026.

Approved by the Governor, May 12, 2026.