



## DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 25, 2025

The Honorable C. T. Wilson  
Chair, House Economic Matters Committee  
Room 231, House Office Building  
Annapolis, MD 21401-1991

### **RE: House Bill 1377 – Cannabis - Advertising - Prohibited Locations (Equity in Cannabis Advertising Act) – Letter of Opposition**

Dear Chair Wilson and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of opposition for House Bill (HB) 1377 – Cannabis - Advertising - Prohibited Locations (Equity in Cannabis Advertising Act). HB 1377 repeals the existing prohibitions on outdoor cannabis advertising (e.g., billboards, signage, etc.) and removes critical public health protections. The bill includes certain provisions to determine when an advertisement targets or is attractive to minors and limits where outdoor advertisements may be located (i.e., exclusionary zones).

HB 1377 removes provisions that the Maryland General Assembly passed to prevent youth cannabis use and protect public health. Cannabis advertising restrictions, including prohibitions on billboards and certain outdoor signage, are evidence-based practices and key pillars of the Cannabis Reform Act passed in 2023. Most states restrict outdoor advertisements, with 15 states (AL, DE, FL, HI, KY, MD, MN, MS, MT, NJ, NY, OH, SD, UT, and VA) fully prohibiting billboards for cannabis advertising because of the risk they present.<sup>1,2</sup> A similar bill (SB 399), which would have partially repealed the outdoor billboard prohibitions, was introduced in the 2024 General Assembly Session, and received an unfavorable committee report.<sup>3</sup>

Youth exposure to cannabis advertisements and marketing are significant public health concerns. Research demonstrates that youth exposed to cannabis advertising are more likely to use

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<sup>1</sup>AL- Ala. Admin. Code r. 538-X-4.17; 4 Del. Admin. Code 5001-10.0; Fla. Stat. Ann. § 381.986; Haw. Code. R. §§ 11-850-141, 145; 915 Ky. Admin. Reg. 1:090; MD Code, Alcoholic Beverages, § 36-903; Minn. Stat. § 342.64; 15 Miss. Code R. § 22-9- 9.2.1; Mont. Admin. R. 42.39.123; N.J. Admin. Code § 17:30-17.2; N.Y. Comp. Codes R. & Regs. Tit. 9, §§ 129.3, 129.4; Ohio Admin. Code 3796:5-7-01; S.D. Admin. R. 44:90:10:14.01; Utah Code Section 4-41a-403; Va. Code Ann. § 4.1-1401.

<sup>2</sup> Maryland Medical Cannabis Commission. Cannabis Reform: Best Practices for a Medical Cannabis Home Grow Program, On-site Cannabis Consumption Facilities, and Methods to Reduce Cannabis Use by Minors. Maryland Medical Cannabis Commission, November 2022.

<https://dlslibrary.state.md.us/publications/Exec/MDH/MMCC/HB837Ch26%2810%29%282022%29.pdf>

<sup>3</sup> <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0399?ys=2024RS>

cannabis, trends also seen with youth alcohol and tobacco use.<sup>4,5,6</sup> Similar factors were considered in 1998 when 46 states, including Maryland, entered into the Master Settlement Agreement with major tobacco companies and prohibited outdoor tobacco advertising. Youth are increasingly viewing cannabis use as less risky, which influences future cannabis use.<sup>7</sup> In 2021-22, only 21.4 percent of 12 to 17 year olds and 13.9 percent of 18 to 25 year olds in Maryland viewed regular cannabis use as risky, significantly less than perceived risk of alcohol and tobacco use.<sup>8</sup> These changes in social norms and risk perceptions around cannabis use behaviors coupled with increased access to cannabis products contribute to youth cannabis use.<sup>9</sup> While HB 1377 prohibits outdoor advertising near certain public places, Maryland youth and young adults will still be exposed to these advertisements in their communities which will further normalize cannabis use for them.

HB 1377 could contribute to health disparities as advertising concentrates in low-income neighborhoods that already have higher densities of cannabis, tobacco, and alcohol retailers.<sup>10,11,12</sup> Closer proximity to retail outlets and exposure to advertising are social determinants of health that influence health disparities in vulnerable communities, including increased cannabis use and exposure to secondhand smoke. Maryland has seen over \$1.1 billion in legal cannabis sales to date since legalization on July 1, 2023, far exceeding the State's initial sales projections and clearly demonstrating that these advertising restrictions protect public health without negatively impacting cannabis retail businesses.<sup>13,14</sup> Passing HB 1377 would also set a precedent, opening the door for future legislation that further erodes the strong public health foundation of the Cannabis Reform Act of 2023.

HB 1377 adds three restrictions on cannabis advertising. However, these restrictions are already generally covered in existing statutes.<sup>15</sup> The only new protection introduced is the prohibition on

<sup>4</sup> Hébert, E. T., Vandewater, E. A., Businelle, M. S., Harrell, M. B., Kelder, S. H., & Perry, C. L. (2023). Tobacco advertising exposure and product use among young adults: An ecological momentary assessment approach. *Addictive behaviors*, 139, 107601. <https://pmc.ncbi.nlm.nih.gov/articles/PMC9872832/>

<sup>5</sup> Whitehill, J. M., Trangenstein, P. J., Jenkins, M. C., Jernigan, D. H., & Moreno, M. A. (2020). Exposure to Cannabis Marketing in Social and Traditional Media and Past-Year Use Among Adolescents in States With Legal Retail Cannabis. *Journal of Adolescent Health*, 66(2), 247–254. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6980270/>

<sup>6</sup> Trangenstein, P. J., Whitehill, J. M., Jenkins, M. C., Jernigan, D. H., & Moreno, M. A. (2021). Cannabis Marketing and Problematic Cannabis Use Among Adolescents. *Journal of studies on alcohol and drugs*, 82(2), 288–296. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8864622/>

<sup>7</sup> Parker, M.A., & Anthony, J. C. (2018). Population-level predictions from cannabis risk perceptions to active cannabis use prevalence in the United States, 1991-2014. *Addictive behaviors*, 82, 101-104. <https://doi.org/10.1016/j.addbeh.2018.02.030>

<sup>8</sup> Perceived risk for alcohol use was 43.4 percent for 12-17 year olds and 39.9 percent for 18-25 year olds. Perceived risk for tobacco use was 62.4 percent for 12-17 year olds and 66.1 percent for 18-25 year olds. Data from the National Survey on Drug Use and Health (NSDUH) Maryland State Data 2015-2022, accessed 4 Feb 2025 at <<https://www.samhsa.gov/data/nsduh/state-reports-NSDUH-2022>>.

<sup>9</sup> Substance Abuse and Mental Health Services Administration (SAMHSA). Preventing Marijuana Use Among Youth. SAMHSA Publication No. PEP21-06-01-001. Rockville, MD: National Mental Health and Substance Use Policy Laboratory. Substance Abuse and Mental Health Services Administration, 2021. <https://store.samhsa.gov/sites/default/files/pep21-06-01-001.pdf>

<sup>10</sup> Shi, Y., Meseck, K., & Jankowska, M. M. (2016). Availability of Medical and Recreational Marijuana Stores and Neighborhood Characteristics in Colorado. *Journal of Addiction*, 1-7. <https://www.hindawi.com/journals/jad/2016/7193740/>

<sup>11</sup> Matthay, E. C., Mousli, L.M., Fu, C., Zhang, S., Ponicki, W. R., Gruenewald, P., Apollonio, D.E., & Schmidt, L.A. (2022). Equity in Coverage of Local Cannabis Control Policies in California, 2020–2021. *American Journal of Public Health*, 112, 1640-1650. <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2022.307041>

<sup>12</sup> Fakunle, D. O., Curriero, F. C., Leaf, P. J., Furr-Holden, D. M., & Thorpe, R. J. (2019). Black, white, or green? The effects of racial composition and socioeconomic status on neighborhood-level tobacco outlet density. *Ethnicity & Health*, 26(7), 1012–1027. <https://doi.org/10.1080/13557858.2019.1620178>

<sup>13</sup> Maryland Cannabis Administration, “MCA Medical and Adult-Use Cannabis Data Dashboard,” 5 Jan 2025, Accessed 5 Feb 2025 at <<https://mmcc.maryland.gov/Pages/Data-Dashboard.aspx>>.

<sup>14</sup> Department of Legislative Services, “Fiscal and Policy Note: Cannabis Reform (HB 556),” 2023, Maryland General Assembly, Accessed 5 Feb 2025 at <[https://mgaleg.maryland.gov/2023RS/fnotes/bil\\_0006/hb0556.pdf](https://mgaleg.maryland.gov/2023RS/fnotes/bil_0006/hb0556.pdf)>.

<sup>15</sup> MD Code, Alcoholic Beverages, § 36-903, MD Code, Commercial Law, § 13-3

making health or physical benefit claims in cannabis advertisements. Currently, such claims are permitted as long as they are “supported by competent and reliable scientific evidence” and include information on the most serious and common side effects or risks associated with cannabis use.<sup>16</sup> As such, this addition may have no new public health protections.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at [sarah.case-herron@maryland.gov](mailto:sarah.case-herron@maryland.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Laura Herrera Scott". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Laura Herrera Scott, M.D., M.P.H.  
Secretary

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<sup>16</sup> MD Code, Alcoholic Beverages, § 36-902