



Maryland Municipal League
The Association of Maryland's Cities and Towns

TESTIMONY

February 25, 2025

Committee: House Economic Matters Committee

Bill: HB 1377 - Cannabis - Advertising - Prohibited Locations (Equity in Cannabis Advertising Act)

Position: Unfavorable

Reason for Position:

The Maryland Municipal League (MML) opposed House Bill 1377. The bill would eliminate the Statewide prohibition on outdoor, public advertising of cannabis businesses. It also establishes a process for a cannabis licensee to have an advertisement reviewed by the Maryland Cannabis Administration for legal sufficiency.

MML has several concerns with HB 1377 related to the bill's impact on process, local liability, and preemption:

1. **Signage content** –The language in (b)(5) of the bill is problematic in that it establishes a process that is ill-equipped to handle decision-making on what could be a flood of requests on short deadlines. Advertisements submitted would need to be reviewed by the Administration and an advisory opinion issued within 30 days. This sets up a scenario where important judgements on the appropriateness, and legality, of an advertisement may be rushed and not subject to appropriate scrutiny.
2. **Local preemption** – If this bill were to pass, the State's express prohibition on public advertisements would be lifted. MML has concerns that the State's occupation of this policy space may be interpreted to implicitly preempt local authority to further restrict the placement of these advertisements.
3. **Legal uncertainty** – Further, if it is determined local governments are not implicitly preempted from placing further restrictions on cannabis advertisements until this bill, there are still concerns about how local restrictions would stand up to legal challenge of a local sign ordinance under *Reed v. Town of Gilbert*, 576 U.S. 155 (2015) and Maryland's Declaration of Rights.

For these reasons, the Maryland Municipal League respectfully requests an unfavorable report on House Bill 1377. For more information, please contact Bill Jorch, Director, Public Policy and Research at billj@mdmunicipal.org. Thank you in advance for your consideration.