



**Testimony in Opposition to
Senate Bill 594
Cannabis – Advertising – Alterations**
Before the Economic Matters Committee: April 2, 2026

The Legal Resource Center for Public Health Policy – Cannabis (“LRC-C”) is a public health organization housed at the University of Maryland Carey School of Law. Our mission is to help the Maryland public health community understand cannabis legalization and regulation policy. To advance our mission, we provide legal technical assistance, develop educational resources, and conduct trainings on state, local, and national cannabis policy. To this end, the LRC-C submits this testimony in opposition to SB 594, which, among other provisions, allows for cannabis advertising that indirectly targets underage individuals and narrows the application of certain health and safety requirements for health claims in cannabis advertisements.

SB 594 proposes several changes to Maryland’s deliberate and robust requirements for cannabis business advertising, contained in Section 36-903 of the Alcoholic Beverages and Cannabis Article. The LRC-C is opposed to the proposed changes to Section 36-903(a)(1)(ii-iii), which would expand the ability of cannabis companies to indirectly target underage individuals or utilize elements that appeal to minors. The LRC-C does not take a position regarding the other proposed changes concerning audience composition data, exterior signage, or editorial content.

Targeting and Appealing to Underage Individuals

When the General Assembly passed the Cannabis Reform Act in 2023, it established a robust framework of public health protections to ensure that the newly-legalized adult-use cannabis industry is able to serve the needs of cannabis consumers over the age of twenty-one, while protecting the health of underage children and young adults. One of the cornerstones of this framework is our advertising laws, which provide firm guardrails (although by no means the strictest in the U.S.¹) against advertising methods that encourage cannabis consumption by underage individuals through direct targeting or indirect appeal.

To that end, Maryland currently prohibits advertisements for cannabis that “directly or indirectly target individuals under the age of 21 years,” and prohibits use of “a design, an illustration, a

¹ Consider, for example, Connecticut, which utilizes a 90% adult audience composition standard, as opposed to Maryland’s 85% (Conn. Gen. Stat. § 21a-421bb); or New Mexico and Ohio, which categorically prohibit advertisement via broadcast television or radio (N.M. Code R. § 16.8.3.8; Ohio Admin. Code 3796:6-3-24); or Vermont, which requires all cannabis advertisements receive pre-approval from state regulators before publication (Vt. Stat. Ann. tit. 7, § 864).

picture, or a representation that 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.” Clear prohibitions like these are essential to limiting the exposure of young people to cannabis products and cannabis advertising. Studies have shown that increased exposure to cannabis advertising during youth is associated with both increased cannabis use and an increase in the harms of cannabis overuse, such as the development of Cannabis Use Disorder.² Furthermore, cannabis use during adolescence has been linked to decreased cognitive performance and impaired brain development, among other harms.³

The harms of youth advertising exposure form the basis for Maryland’s prohibitions against “directly or indirectly” targeting underage individuals or using elements that “target or appeal to” minors. Since adult-use cannabis may only be sold to individuals over the age of twenty-one, it is obvious that directly targeting underage individuals with cannabis advertisements should be impermissible. But prohibitions against indirect targeting or the use of youth-appealing elements are essential as well. They clarify that cannabis advertisers bear the responsibility of ensuring that their advertisements are directed at adult audiences, and that reasonable care is taken to prevent advertisements from appealing to underage children.

In the Senate hearing for this bill, some of the bill’s proponents asserted that clarity is needed regarding the advertisements that are considered to be targeted at or attractive to underage individuals. While greater clarity in the law is always helpful, this bill does not achieve that objective. Currently, advertising enforcement cases must determine whether a particular advertisement targets underage individuals, but need not further distinguish whether that targeting is “direct” or “indirect,” as both types of targeting are prohibited. Under SB 594, these cases would need to adjudicate the distinction between direct and indirect targeting, a distinction that is not defined in any way. What qualities of an advertisement make it “directly” targeted at underage individuals? What qualities would make it “indirectly” targeted at them? This bill does not explain, and interpretation is left to regulators, who may or may not interpret the distinction in the way the General Assembly intends. All that the proposed change clearly indicates is that some amount of youth-targeting, youth-attractive that is currently prohibited would become permitted, without clearly delineating the specific aspects or elements of the advertisements that would fall in that category.

There is also evidence to suggest that the harms of this change would disproportionately impact Black and Hispanic Marylanders. A 2024 study of cannabis business advertisements across five different states found that cannabis businesses were likelier to employ youth-oriented elements in their advertisements when they were located in neighborhoods with a lower percentage of non-

² Pamela J. Trangenstein et al., *Cannabis Marketing and Problematic Cannabis Use Among Adolescents*, 82 J. Stud. on Alcohol & Drugs 288, 291-92 (2021), <https://pmc.ncbi.nlm.nih.gov/articles/PMC8864622/>; Elizabeth J. D’Amico et al., *Planting the Seed for Marijuana Use: Changes in Exposure to Medical Marijuana Advertising and Subsequent Adolescent Marijuana Use, Cognitions, and Consequences Over Seven Years*, 188 Drug & Alcohol Dependence 385-91 (2018), <https://pmc.ncbi.nlm.nih.gov/articles/PMC6744951/>.

³ Joanna Jacobus & Susan F. Tapert, *Effects of Cannabis on the Adolescent Brain*, 20 Curr. Pharmaceutical Design 2186 (2014), <https://pmc.ncbi.nlm.nih.gov/articles/PMC3930618/>; see also *Cannabis and Teens*, CDC (Feb. 15, 2024), <https://www.cdc.gov/cannabis/health-effects/cannabis-and-teens.html>.

Hispanic White residents.⁴ Weakening the protections our state employs against youth targeting is harmful to all youth, but especially to youth in communities that have already experienced the disproportionate harms of past cannabis policy.

Conclusion

Allowing indirect targeting and appeal to underage individuals increase the ability of cannabis advertisers to attempt to achieve indirectly aims that the state has determined they may not perform directly. This change is unnecessary and will only serve to increase the number of advertisements that indirectly target and are attractive to underage audiences. For these reasons, we respectfully request this committee issue an unfavorable report on SB 594.

The Legal Resource Center appreciates the opportunity to provide this testimony. Should you wish to discuss the information in this letter or require additional information, please do not hesitate to contact us.

Sincerely,

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⁴ Carla J. Berg et al., *Neighborhood Demographics in Relation to Marketing Regulation-Related Factors Among Cannabis Retailers in 5 US Cities*, 265 *Drug & Alcohol Dependence* 112471 (2024), <https://pubmed.ncbi.nlm.nih.gov/articles/PMC11662159/#S15>.