



February 26, 2026

The Honorable Pam Beidle
Chair, Senate Finance Committee
3 East Miller Senate Office Building
Annapolis, Maryland 21401

SB0594 – Cannabis – Advertising – Alterations
FAVORABLE WITH AMENDMENTS

Dear Chair Beidle, Vice Chair Hayes, and Members of the Senate Finance Committee,

I am writing on behalf of the Maryland Cannabis Administration (MCA) in SUPPORT with amendments of SB 594 – Cannabis – Advertising – Alterations.

SB 594 represents an effort to refine statutory language to reflect evolving advertising practices. MCA is greatly appreciative of the Chair for her leadership in clarifying and improving Maryland’s cannabis advertising framework and providing the Administration with additional flexibility in advertising enforcement. **In addition to supporting this work, MCA respectfully recommends three targeted amendments** to protect consumers from misleading health messaging, preserve core youth protection standards, and ensure statutory clarity surrounding editorial advertising. Draft language is attached at the end of this testimony.

Amendment 1: Strike the proposed definition of therapeutic and medical claims.

As introduced, SB 594 attempts to define what constitutes a “therapeutic or medical claim” that a cannabis licensee may make. The proposed definition in § 36-901 on page 2, line 8 states that a “therapeutic or medical claim means a claim that explicitly states a product can diagnose, treat, mitigate, cure, or prevent a disease or condition.” **MCA recommends striking this definition.**

Current regulatory guidance issued by the MCA states, “A medical or therapeutic claim is any statement that indicates cannabis use will relieve, treat, or prevent health conditions or any other ailment.” Since July 2023, there have been no enforcement violations against Maryland licensees related to medical or therapeutic claims, and the Administration has received no formal feedback on its interpretation thus far.

Furthermore, a statutory definition may unintentionally box the agency and industry into a narrow interpretation, hindering meaningful, reasonable, and truthful communication that licensees may need to make about products – especially in anticipation of federal rescheduling and evolving scientific evidence.

Instead, MCA recognizes this as an opportunity to work with our partners in the State and in industry to **develop a regulatory definition in COMAR that will continue to allow responsible licensees to make fair and reasonable claims while protecting consumers’ public health interests.** Proposed regulations are subject to a 30-day public comment period as well as informal comment periods, ensuring ample opportunity for all stakeholders to engage in meaningful discussions with the agency to strengthen any proposed regulatory definition.



Ultimately, moving the definition of therapeutic and medical claims into regulations positions Maryland's cannabis market for potential federal rescheduling, preserves the State's flexibility for future refinements as the marketplace and science evolve, and continues to protect consumers from misleading or unverified claims.

Amendment 2: Retain “Or Attractive To” in Youth Protection Standards

SB 594 proposes striking “or is attractive to” on page 2, line 25, from provisions prohibiting cannabis advertising that targets minors. **MCA recommends retaining this phrase.**

Maryland's cannabis statute was intentionally designed to establish strong youth protections at the outset of adult-use legalization. The existing language covers designs, imagery, and representation that may not expressly target minors but are nonetheless appealing to minors – a critical public health standard. Removing this phrase could unintentionally weaken protections against direct and indirect youth-oriented branding tactics. Maintaining this language aligns with longstanding practices in tobacco and alcohol advertising law to prevent youth appeal and helps ensure that youth protections remain robust as Maryland's legal cannabis market matures.

Amendment 3: Clarify Editorial Exception to Prevent Loophole

SB 594 appropriately clarifies that third-party use of a licensee's name, trademark, or product information in editorial or news content that is not intended as commercial advertising is permissible under statute. To prevent potential misuse of this exception, **MCA recommends adding the language “commissioned by or,”** on page 5, line 7, so that the relevant provision would read: “editorial content that is not commissioned by or is not intended as commercial advertising.”

This amendment ensures that the editorial exception cannot be used to circumvent advertising restrictions through sponsored content that is styled as journalism but is, in substance, commercial advertising. The recommended language provides clarity for media organizations, licensees, and regulators while maintaining the bill's intent to protect legitimate news reporting and journalism.

With the above amendments, the MCA supports SB 594's broader goals, including:

- Clarifying advertising standards in digital and broadcast media;
- Providing flexibility in evaluating audience composition data;
- Maintaining age-screening requirements for online platforms;
- Supporting limited exterior signage for licensed dispensaries to promote lawful consumer access; and,
- Strengthening the substantiation of medical or therapeutic claims.

For these reasons, the Administration respectfully requests the Committee to adopt these amendments and issue a favorable report. Should the Committee have any questions or concerns, please contact me at Tabatha.Robinson@maryland.gov, or Selena Rawlley, Deputy Chief of Legislative Affairs, at Selena.Rawlley@maryland.gov.

Sincerely,
Tabatha Robinson
Director, Maryland Cannabis Administration



Amendment 1

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

Amendment 2

REJECT amendment: 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;

Amendment 3

36-903

(4) (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 COMMISSIONED BY OR IS NOT INTENDED AS COMMERCIAL ADVERTISING IS NOT SUBJECT TO THE PROHIBITION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.