



**WUNDERWORX**  
AD BUYING MADE SIMPLE

# THE DEFINITIVE GUIDE TO CANNABIS DIGITAL ADVERTISING

2021 EDITION

By: Steve Nolan, CEO & Founder of **WUNDERWORX**







THE  
**DEFINITIVE GUIDE TO CANNABIS  
DIGITAL ADVERTISING**  
**2021 EDITION**

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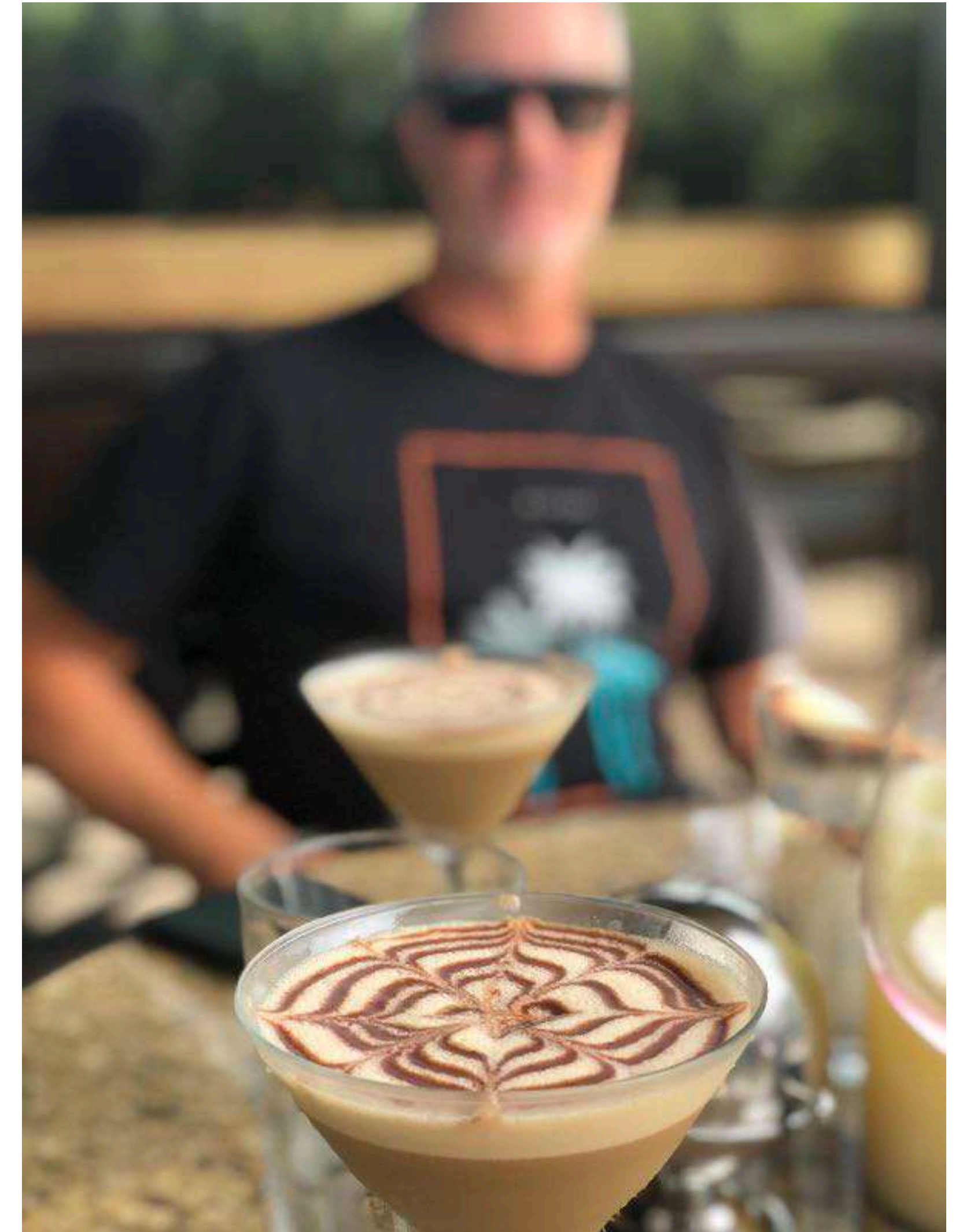
# DEDICATION

I would like to dedicate this book to some important people in my life...

*To my two daughters, Alexandra and Jordan, thank you for your undying support and endless encouragement.*

*To my parents, Don and Jan, who taught me the meaning of good work ethic.*

*To my business partner and best friend, Devin. You were there from the beginning and your unwavering faith in my ability to execute over the years has been steadfast. Thanks for the many lunch meetings shared over espresso martinis.*





# AARON SILVERMAN



## FOREWARD

*“Trying to build trust without a brand is like trying to make friends without a personality.”*

— a conversation I had with Steve Nolan

My discovery of *cannabis* is very different from my journey into *cannabis*. I was 13-years old at a Depeche Mode concert with my pal Edgar. A joint was being passed down the aisle and one was handed to me. Edgar and I looked at each other. Unsure what to do, we both shrugged our shoulders as if to say fuck it, why not? So we took a few hits, passed it down and you know what? As it turns out, nothing bad happened. Keep in mind, I was in Texas and this was back in 1989, during Nancy Reagan’s “Just Say No” days.

Fast forward to the year 2005. I started becoming very aware of the perception of cannabis by those far more open minded than me. Some people had it. Many wanted it. Yet others needed it. It was supply and demand in the purest sense. In the end, some enterprising folks figured out how to make it all happen. I was intrigued by that. I was fascinated by the fact that this level of business was being done with no branding or marketing, commonly found in other more mature and evolved industries.



# FOREWARD

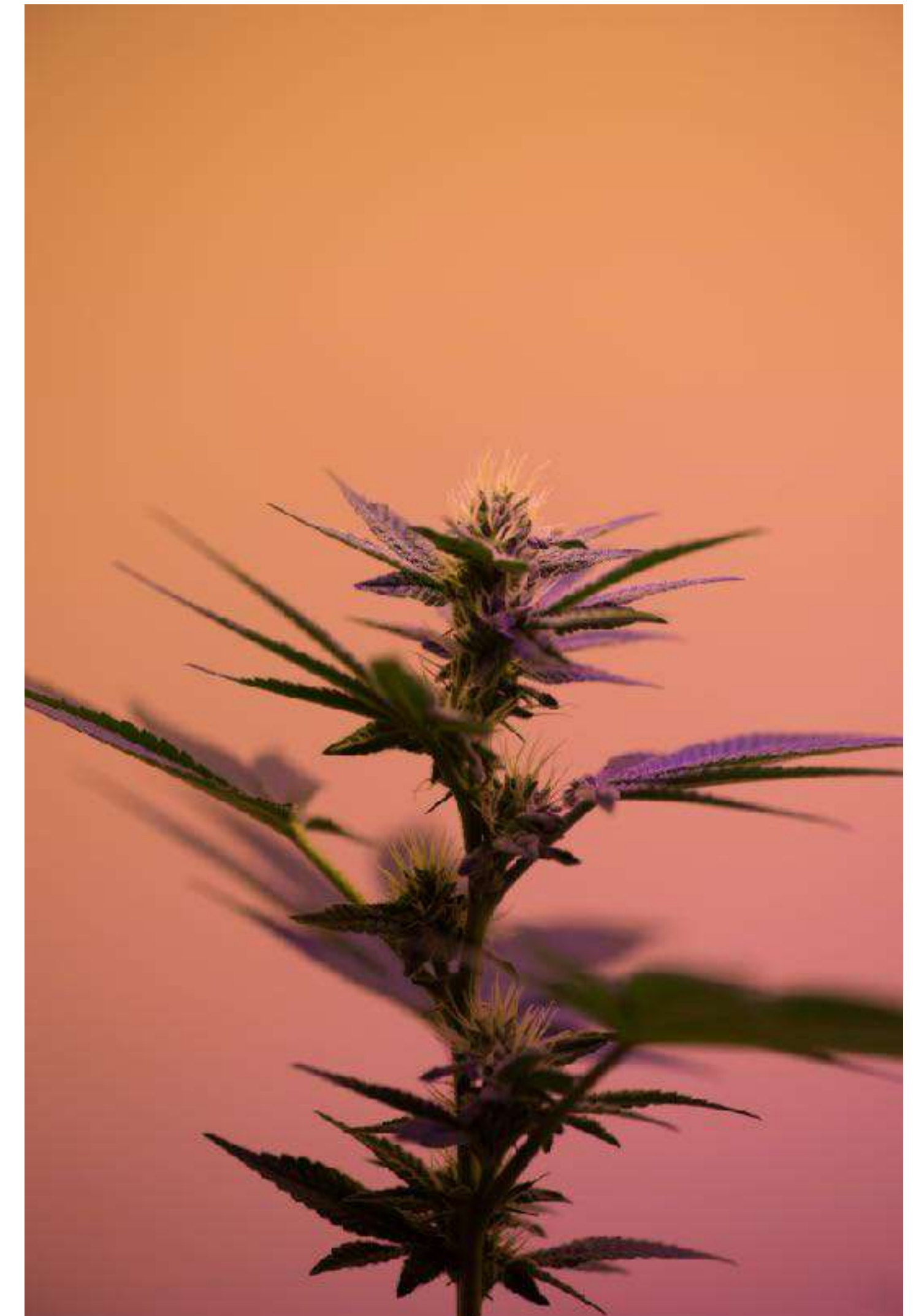
Having majored in marketing at “*The*” San Diego State University, I recognized early-on the opportunity for the industry to grow and mature—given the right disciplines. With a true entrepreneurial spirit, a high tolerance for risk, and my overwhelmingly supportive wife, Denae, I dove headfirst into the cannabis industry. It was if I was on a mission to single-handedly polish and professionalize its image. I was committed to being an advocate for its eventual legalization and regulation, but also its growth from a black market industry to the behemoth it has become today. I not only wanted to be a part of it, I longed for the day that I’d be invited to my kids’ school on Career Day and be able to talk to their class about what I did for a living and why it matters.

Twenty two years later, I buried my mom after her six-year battle with cancer. What I didn’t know back then was how helpful cannabis would have been for her during her chemotherapy treatments. There’s no doubt, cannabis most certainly would have helped during her last few months, weeks, and days—

easing her pain and providing her some comfort. It hurts to know she had to suffer towards the end, knowing what we know today about the many medical benefits of this amazing plant. Knowing that there was a remedy to her discomfort and the fact she was not allowed to have legal access to it—only ignited my passion for cannabis.

Ten years later, I started using cannabis instead of pharmaceutical painkillers to manage the chronic pain from having undergone a dozen surgeries following several sports injuries. In retrospect, I was fortunate to have friends who grew weed or had access to it. I eagerly shared my new found bounty.

The opportunity to help others have the same relief I experienced firsthand, was in part, in thanks to a cannabis delivery service I started, called Emerald Bay Outreach. From that point on, I was committed to bringing quality, well-branded cannabis to people like myself who needed it to enhance their quality of life.





# FOREWARD

True to that commitment, I came to fully appreciate the importance and need for *real brands* to be established. It was inevitable. Especially if we ever wanted to see the industry grow, thrive and be accepted. We weren't going to be welcomed if trust couldn't be established between customers and businesses. I can't help but reflect on a conversation I had with Steve Nolan, author of this book, one evening in Charlotte, North Carolina. We were sitting on his porch sipping expensive bourbon and smoking cigars. We discussed the virtues of being true to one's brand. In the end, it all boiled down to building *trust, truth and transparency*.

Deep down inside, I knew that I had found my calling. My purpose was to polish and professionalize the cannabis industry by bringing like-minded people together and doing good business, ethical business. My desire to create a brand that was so well-known that my own children would recognize it when they traveled abroad, only added fuel to the fire.

To this day, my dream is to be a part of the first cannabis TV commercial aired during a Super Bowl. I came close in 2019 when a PSA I was part of was banned by CBS. Seeing how close that was to happening, I was committed more than ever to work with some of the first early adopters in the industry, who understood the importance of branding and advertising.

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***“ I was determined to be a conduit between the cannabis culture—past, present, and future and brands, to help build a bridge of trust between Green Street and Wall Street. ”***

—Aaron Silverman

---

While I still haven't had the opportunity to speak at any of my children's school's career days, I have taught a class at Menlo College on cannabis business ethics, as well as at Sonoma State, where I taught a seminar on cannabis advertising, branding and marketing. To this day, I continue to do the speaking circuit, such

as SXSW, New West Summit, Emerald Cup and other national cannabis and CBD conferences in addition to co-hosting The 421 Show and The Liquid Lounge. Over the next decade, I got involved in nearly every facet of the business from advertising, consulting, cultivation, delivery, manufacturing, retail and technology; with brands ranging from Emerald Bay Outreach, OMG Farms, Holistic Harvest, Sons of Beaches, Canna Group Inc., MediaJel, Eighth Icon, The Liquid Lounge, and The 421 Show. Much of their DNA can be found in many of the more popular brands within cannabis today, from Kiva to Bhang, and Tommy Chong to Steve DeAngelo.

My experiences and conversations combined with my time in the game, I was able to see firsthand the value of creating and managing your brand. I also saw how your brand is the lifeblood of your business. I've learned the hard way that you will have a brand, good, bad, or indifferent whether you like it or not and most importantly, if you don't manage your brand—your competitors will.





# FOREWARD



Photo Courtesy Of: Don Gabriel Baleva

As a 15-year veteran of the cannabis industry, I'm most proud of the fact that I've had a hand in somehow contributing to how far we've come. If you are or have aspirations to be in the business, rest assure that you work or will work for a start-up—in a start-up industry. The cannabis industry can draw parallels to the Dot.com days two decades ago. The difference is, as cannaprenuers, we are forced to deal with countless local, state and federal regulations, not to mention, burdened with heavy taxes, and the challenges of banking while waiting for federal legalization.

During my career, I've had the pleasure of gettin' high and talkin' shit with some of the most influential and important people in cannabis. These trailblazers are some of the true influencers in the cannabis industry, such as Tim Blake, founder of The Emerald Cup and Steve DeAngelo of Harborside and the Last Prisoner Project. I've laughed with David Tran, founder of Dope Magazine, and I got Chang Weinberg, who produced the Smokeout Festival with Cypress Hill, to tell me the truth

about OG Kush and what it stands for. In 2019, I sat with George Zimmer, founder of Men's Warehouse, to discuss entrepreneurship and his passion for being a cannabis advocate. I've had in-depth conversations about genetics with Swami and I've nerded out about big data and analytics with Cy Scott, CEO of HeadSet. I've built friendships with folks like Jim McAlpine, founder of New West Summit and The 420 Games, and my co-host of The 421 Show and Eighth Icon President, Danny Keith.

I've also had the hilarious pleasure of going down memory lane with Tommy Chong. We sat on stage and smoked joints while we enlightened a crowd of thousands with stories of the past and some of his plans for the future. Discovering and sharing all of their trials and tribulations has allowed me to pursue my passion for helping others become successful in the cannabis industry by doing good business the right way and doing it with other like minded people.





# FOREWARD

I first met Steve Nolan five years ago, when I co-founded a cannabis tech-company called YoCanna. The vision was to create a cannabis lifestyle app that connected consumers, brands and retailers. More importantly, it would provide brands a platform for digital marketing and advertising. Steve, a veteran of the tech-startup world, was not only an early investor, but he helped build the technology that would later become MediaJel—a compliant digital marketing platform.

Little did we both know at the time, that four months later I would ask him to move out to Northern California and join MediaJel's executive team as our Chief Marketing Officer. During the past several years, we have had the pleasure to work hand-in-hand with some of the most recognized brands in the industry, while we continued to build our own brand at MediaJel. Being that MediaJel was one of the first cannabis advertising agencies, we found ourselves on the frontlines of regulatory compliance when it came to digital advertising.

Wading through countless regulations of local and state laws required us having a team of in-house attorneys. We learned firsthand the challenge cannabis marketers are faced with. Recently, Steve called me up and asked me if I would write a foreword for his new book. After reading an advanced copy of his work, I realized how invaluable having this information would be for other cannabis marketers. The hundreds of hours of research that went into this body of work cuts through the confusion of state regulations. My hope is that you are able to leverage this knowledge, regardless if you are a cannabis advertising agency, a new emerging brand or the next multi-state operator. If you are any of the above and find yourself one day looking for help creating that first cannabis Super Bowl ad, you better give me a call.



Aaron Silverman  
President & Co-Founder, MediaJel, Inc.

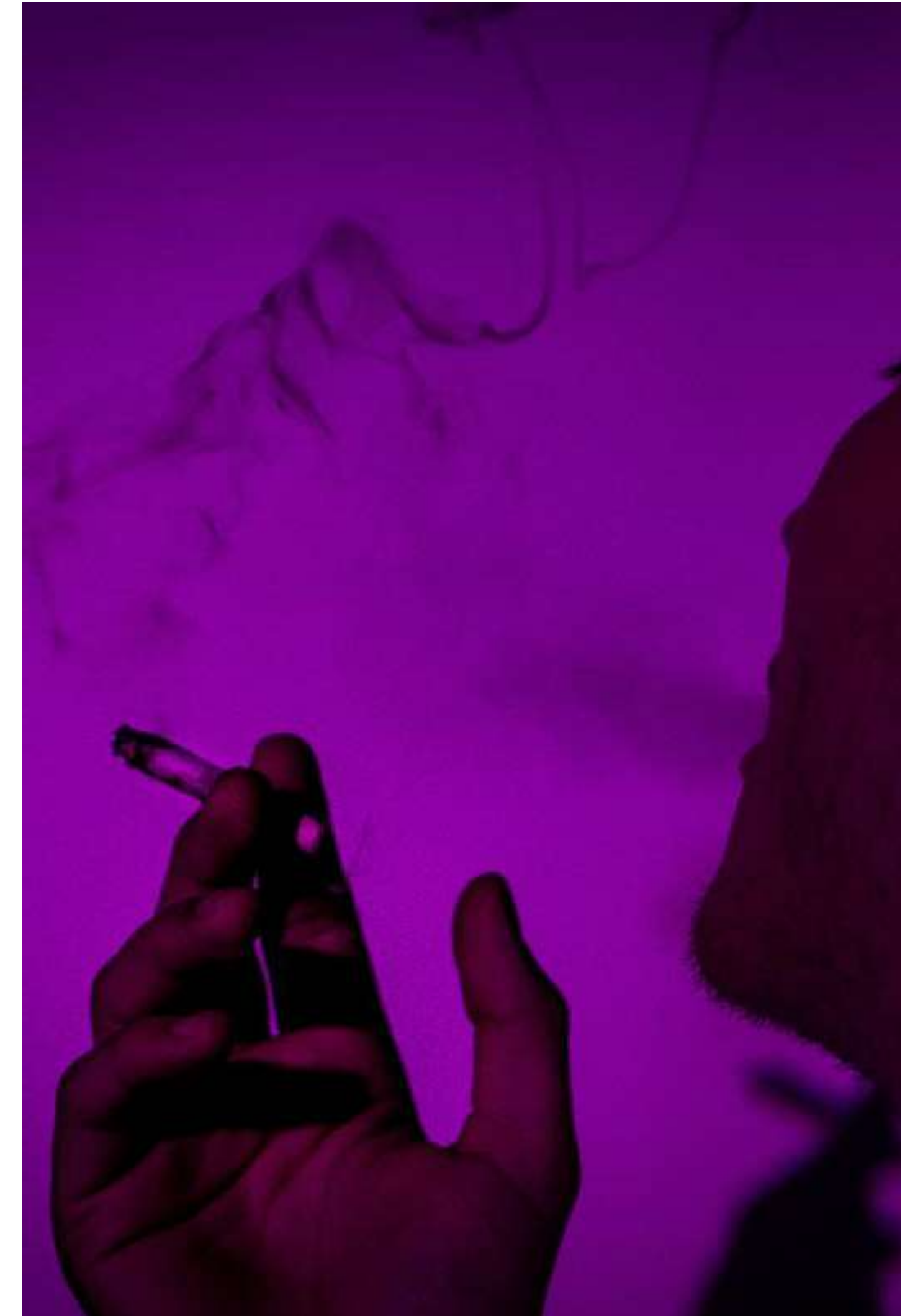


Photo Courtesy Of: Gras Grun







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# INTRODUCTION

In 2015, my business partner—a successful venture capitalist from San Francisco, asked if I could design and build an app like WeedMaps—only better. My first reaction, was absolutely. With enough money, you can build anything. We both had already made some significant investments into the cannabis industry and we were seeing the dividends of that early bet start to pay off. It was time to double down.

Living in North Carolina, where cannabis is still illegal, I immersed myself into the industry. At that time, Prop 64 was close to being passed in California. Having previously travelled several times to Colorado—the first state to legalize recreational marijuana, I saw the opportunity to build and invest into the cannabis industry as a golden opportunity to get in on the ground floor of something special.

After doing my analysis, I informed my business partner that we would need a subject matter expert—someone who was a veteran of the cannabis industry. Someone whom would be the heart and soul of the company.

Not long after, I was introduced to Aaron Silverman. Aaron and I had daily video conferences as we reviewed the initial user stories. I encouraged him to think out of the box and envision where this app could go. For those of you who don't know Aaron, thinking out of the box is what he does best. He's a natural and unafraid to forge new ground.

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***“Aaron was the perfect pick. He can’t walk ten feet at a conference without someone coming up to him and giving him a bear hug. He literally is that guy who knows everyone in the industry.”***

—Steve Nolan

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As the app was going through its final user acceptance testing, Aaron recognized the need to bring on a technical business partner. So he hired Jake Litke. Not only was Jake a super geek, he was also a guru of the ad-tech space. True to form of many startups, YoCanna pivoted and became MediaJel.

Seemingly overnight, it had reinvented itself. What was once a consumer lifestyle app, had transformed to a regulatory compliant ad buying platform. While a team of talented in-house developers took ownership of the app and began adding new functionality, Aaron and Jake began hiring a team of young and veteran marketers to build one of the first cannabis ad agencies.

When I was hired as MediaJel's Chief Marketing Officer, I packed my belongings and uprooted myself from Charlotte, North Carolina and moved across country to Walnut Creek, California. Working with entrepreneurs and being able to leverage decades of experience assisting start-ups with brand creation and launching successful ad campaigns, came second nature to me as we began working with many of these CBD and cannabis companies.

I quickly learned that navigating the murky world of cannabis advertising regulations wasn't easy. Misinformation runs the gamut from being incomplete or just flat-out wrong—only





# INTRODUCTION



raising even more questions for cannabis marketers. In states where cannabis is limited to only medical marijuana, advertisements are even more heavily restricted. Yet, in some states, they are explicitly prohibited altogether. While in others, they are subject to approval by the state's cannabis regulatory agency or commissioner. And if that wasn't confusing enough, some states don't have any regulations what-so-ever! Regardless, we couldn't afford to be wrong launching an ad campaign for a client that violated any one of these regulations.

That is why when I launched **WUNDERWORX**, the first thing we set out to do was to create the cannabis industry's most comprehensive guide to digital advertising regulations. We painstakingly scoured each of the state laws— assembling a complete state-by-state listing of regulations that apply to digital advertising, including links to the regulations themselves. Don't just take our word for it, I encourage you to look at the regulations yourself.





# INTRODUCTION

Throughout my career, I have created several digital agencies ranging in specialization of building custom software for Fortune 500 Companies to building brands and mobile apps for early-stage tech start-ups, including many cannabis businesses. I've worked with hundreds of talented entrepreneurs and cannaprenuers from all over this great country. It has been one of my most rewarding careers, knowing that I've helped make countless dreams become a reality. In 2015, I shifted my attention to cannabis. The industry generates \$50+ billion dollars a year—and shows no sign of letting up. Cannabis has been responsible for employing hundreds of thousands of Americans and is now legalized in 33 states, including the District of Columbia.

For five years, I've been able to share my passion for branding, marketing and technology to help a new breed of entrepreneur navigate the often confusing world of cannabis advertising. Today's cannabis entrepreneurs face the same challenges as their Silicon Valley counterparts, but their road to success is fraught with many local, state and federal regulations. At **WUNDERWORX** we appreciate those challenges of growing marketshare and your bottom line. This guide is a must have resource for all cannabis marketers that want to ensure their advertising campaigns are state compliant. So when you're ready to explore the world of digital advertising and building brand awareness to grow your bottom line, give us a call at 888.470.7870.



Steve Nolan  
CEO & Founder, **WUNDERWORX**



**KEY:**  Link To Official State Regulations  Mandatory Warning Labels  Digital Advertising Regulation  Medical Use Approved  Recreational Use Approved







Photo Courtesy Of: Luka Ruzicka

Alaska was the fourth state to legalize recreational cannabis. Since 2016 their cannabis advertising laws are among the most extensive. Alaska's cannabis advertising regulations are detailed in the Alaska Administrative Code. Alaskan regulations state that an advertisement for marijuana or any marijuana product must contain each of the following warnings, that must be plainly visible and at least half the font size of an advertisement on a sign, and no smaller than size nine font when the advertisement is in printed form; warnings in audio advertisements must be intelligible and played at the same speed.

Marijuana advertisements must contain the following warnings:

- ⚠️ "Marijuana has intoxicating effects and may be habit-forming and addictive."
- ⚠️ "Marijuana impairs concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence."
- ⚠️ "There are health risks associated with consumption of marijuana."
- ⚠️ "For use only by adults 21 and older. Keep out of the reach of children."
- ⚠️ "Marijuana should not be used by women who are pregnant or breastfeeding."





## Other Provisions Related To Digital Advertising:



An advertisement for marijuana or a marijuana product may not contain a statement or illustration that is false or misleading; promotes excessive consumption; represents that the use of marijuana has curative or therapeutic effects; depicts a person under 21 years of age, that promotes consumption of marijuana; or includes any object or character, including a toy, a cartoon character, or other depiction that appeals to a person under 21 years of age.



Advertisements must not contain any false or misleading statements.



Advertisements must include the cannabis business name and license number.



Web pages must utilize age-gating measures to ensure the viewers are over the age of 21.



A person may not advertise or market marijuana, a marijuana product, or a marijuana accessory in a manner enticing to minors.



A retail marijuana store may not use giveaway coupons as promotional materials, or conduct promotional activities such as games or competitions to encourage sale of marijuana or marijuana products.



A marijuana establishment shall maintain in a format that is readily understood by a reasonably prudent business person records related to advertising and marketing.







## Other Provisions Related To Digital Advertising:

- ⚠️ Advertising via marketing directed towards location-based devices is prohibited, including but not limited to cellular phones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and the application includes a permanent and easy opt-out feature.
- ⚠️ Advertisements must not contain any content that can be considered to target or appeal to individuals under the age of 21 or portray the consumption of cannabis by individuals under the age of 21.
- ⚠️ Advertisements must not offer free giveaway promotions of cannabis products or accessories.
- ⚠️ Advertisements shall not contain any written information about marijuana or a marijuana product or any photographic or illustrative depictions of marijuana or a marijuana product, other than depictions contained within the established business name font and logo.
- ⚠️ Advertisements must include the designated warning statements.
- ⚠️ Advertisements cannot promote the excessive use of cannabis or display cannabis consumption.
- ⚠️ A retail marijuana store may not place an advertisement for marijuana or a marijuana product, on or in a public transit vehicle or public transit shelter; on or in a publicly owned or operated property; within 1,000 feet of a substance abuse or treatment facility; or on a campus for postsecondary education.
- ⚠️ Advertisements cannot represent that the use of marijuana has curative or therapeutic effects.



Photo Courtesy Of: Federico Artusi



# ARIZONA



There are currently no cannabis advertising regulations in Arizona. For more information please refer to the Rules & Statues for Arizona's Medical Marijuana Program.



Photo Courtesy Of: Florian Schneider

# ARKANSAS



Arkansas's medical marijuana program is regulated by the Arkansas Department of Health's Rules and Regulations Governing Medical Marijuana Registration, Testing, and Labeling.







Arkansas enacted new legislation in 2019 that placed increased regulation on advertising and labeling of medical cannabis products and dispensaries. Marijuana advertising and marketing must contain the following statements based on medical or adult use:

⚠️ “Marijuana is for use by qualified patients only. Keep out of reach of children.”

⚠️ “Marijuana use during pregnancy or breastfeeding poses potential harms.”

⚠️ “Marijuana is not approved by the FDA to treat, cure, or prevent any disease.”

⚠️ “Do not operate a vehicle or machinery under the influence of marijuana.”

## Other Provisions Related To Digital Advertising:

⚠️ Advertisements shall not contain any deceptive, false or misleading statements.

⚠️ Advertisements must not display the consumptions of marijuana.

⚠️ Cultivation facilities shall not advertise through any public medium or means designed to market its products to the public.

⚠️ Advertisements must not contain any content that can be considered to target or appeal to individuals under the age of 21.

⚠️ Advertisements must include at least one statutory disclaimer.

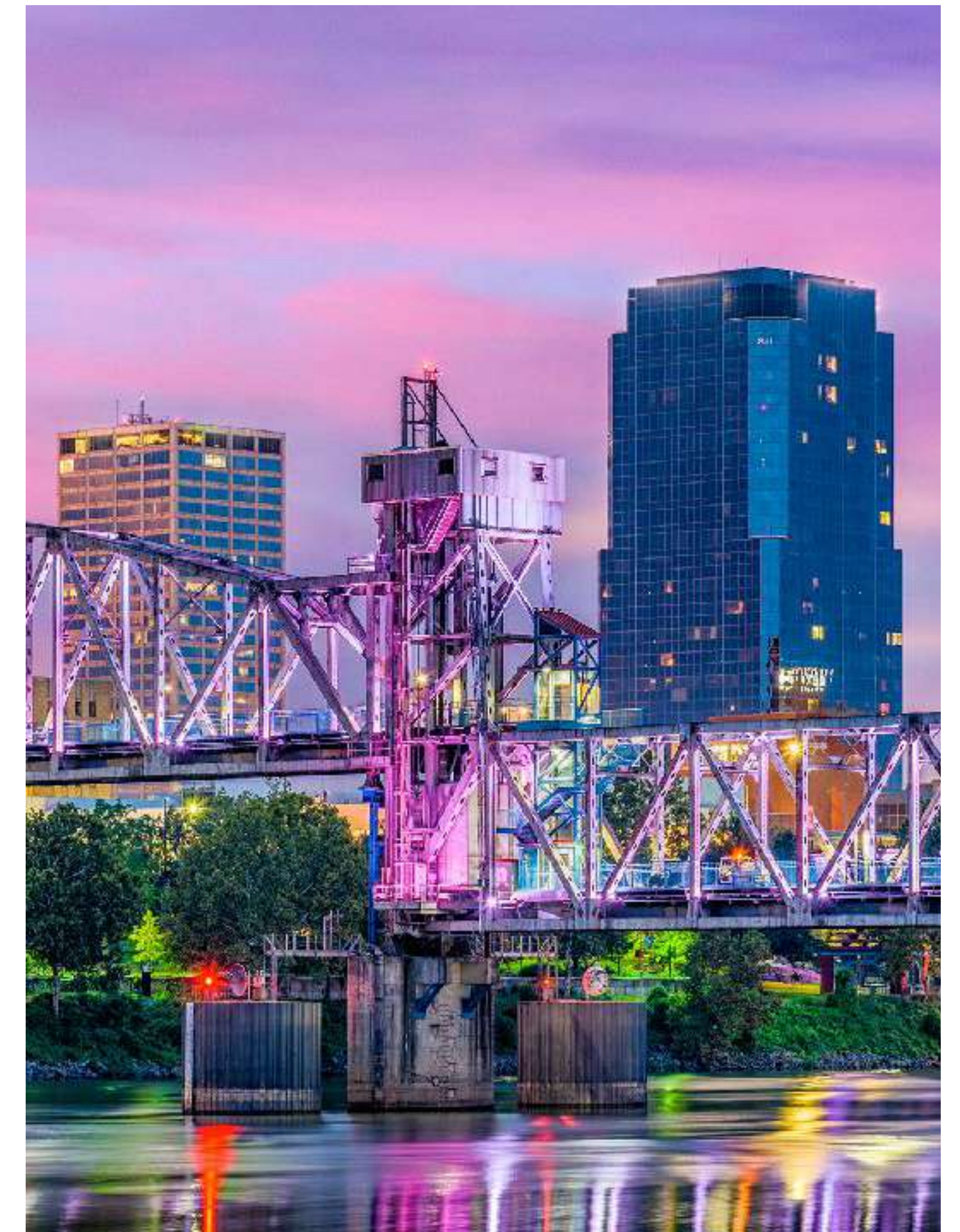
⚠️ Advertisements must not promote or encourage intoxication through the use of cannabis products.

⚠️ Cultivation facilities may market their products directly to dispensaries by any means directed solely to the dispensaries and not available to the public.

⚠️ Advertisements shall not contain any content that can reasonably be considered to target children, including but not limited to cartoon characters; toys; or similar images and items typically marketed towards children.

⚠️ Digital advertisements must only be displayed on websites that have reliable evidence that no more than 28.4 percent of the audience is expected to be under the age of 21.

⚠️ Advertisements must not encourage transport of cannabis products across state lines.







California was the first state to legalize medical marijuana use in 1996, but it didn't approve cannabis for adult-use until 2017. Chapter 15 of California's proposition 64 outlines the state's cannabis advertising and marketing restrictions in sections 26150-26156. Among the general similarities shared with other medical/recreational states' advertising laws, California also requires all advertisements to include the business license number. This requirement extends to technology platforms hosting ads for cannabis companies as well.



Photo Courtesy Of: Victoria Palacios

- ⚠️ A licensee shall not give away any amount of cannabis or cannabis products, or any cannabis accessories, as part of a business promotion or other commercial activity. For purposes of this section, the donation of cannabis or cannabis products by a licensee to a patient or the primary caregiver of a patient, pursuant to Section 26071, shall not be considered a business promotion or other commercial activity.
- ⚠️ Any advertising or marketing involving direct, individualized communication or dialogue controlled by the licensee shall utilize a method of age affirmation to verify that the recipient is 21 years of age or older before engaging in that communication or dialogue controlled by the licensee. For purposes of this section, that method of age affirmation may include user confirmation, birth date disclosure, or other similar registration method.
- ⚠️ A licensee shall not publish or disseminate advertising or marketing containing any statement, design, device, or representation which tends to create the impression that the cannabis originated in a particular place or region, unless the label of the advertised product bears an appellation of origin, and such appellation of origin appears in advertisement.
- ⚠️ Any advertising or marketing placed in broadcast, cable, radio, print, and digital communications shall only be displayed where at least 71.6% of the audience is reasonably expected to be 21 years of age or older, as determined by reliable, up-to-date audience composition data.
- ⚠️ A licensee shall not publish or disseminate advertising or marketing containing any statement concerning a brand or product that is inconsistent with any statement on the labeling thereof.



## Other Provisions Related To Digital Advertising:



-  A licensee shall not advertise or market in a manner that is false or untrue in any material particular, or that, irrespective of falsity, directly, or by ambiguity, omission, or inference, or by the addition of irrelevant, scientific, or technical matter, tends to create a misleading impression.
-  A licensee shall not publish or disseminate advertising or marketing while the licensee's license is suspended.
-  Advertisements must include the cannabis license number of the advertiser.
-  A licensee shall not advertise or market on a billboard or similar advertising device located on an Interstate Highway or on a State.
-  All advertising shall be truthful and appropriately substantiated.
-  A technology platform shall not display an advertisement by a licensee on an Internet Web page unless the advertisement displays the license number of the licensee.



Photo Courtesy Of: Cameron Venti





## Other Provisions Related To Digital Advertising:


-  A licensee shall not publish or disseminate advertising or marketing that is attractive to children.
-  An outdoor advertising company subject to the Outdoor Advertising Act shall not display an advertisement by a licensee unless the advertisement displays the license number of the licensee.
-  A licensee shall not advertise or market cannabis or cannabis products on an advertising sign within 1,000 feet of a day care center, school, providing instruction in kindergarten or any grades 1 to 12, inclusive, playground or youth center.
-  A licensee shall not include on the label of any cannabis or cannabis product or publish or disseminate advertising or marketing containing any health-related statement that is untrue in any particular manner or tends to create a misleading impression as to the effects on health of cannabis consumption.
-  A licensee shall not advertise or market cannabis or cannabis products in a manner intended to encourage persons under 21 years of age to consume cannabis or cannabis products.
-  A technology platform shall not display an advertisement by a licensee on an Internet Web page unless the advertisement displays the license number of the licensee.
-  An outdoor advertising company subject to the Outdoor Advertising Act shall not display an advertisement by a licensee unless the advertisement displays the license number of the licensee.








Colorado was one of the first states to legalize recreational cannabis in 2012, so their advertising regulations have served as the framework for many other states. The laws relating to cannabis advertising are detailed in the R 1100 section of the Colorado Code of Regulations. Listed below are the provisions related to digital advertising:





- 


A retail marijuana establishment shall not engage in advertising that is deceptive, false, or misleading assertions or statements on any product, any sign, or any document provided to a consumer.
- 


A retail marijuana establishment shall not engage in advertising that specifically targets persons located outside the state of Colorado.
- 


A retail marijuana establishment shall comply with any applicable local ordinances regulating signs and advertising.
- 

Advertisements must not claim that the product is safe because it has been tested by the State Licensing Authority or a retail marijuana testing facility.
- 

A retail marijuana establishment may advertise that its products have been tested by a retail marijuana testing facility, but shall not engage in advertising or utilize signage that asserts its products are safe because they are tested by a retail marijuana testing facility.
- 

Advertisements must not contain any content that can be considered to target or appeal to individuals under the age of 21, including but not limited to cartoon characters or similar images.
- 

A retail marijuana establishment shall not utilize unsolicited pop-up advertisement on the Internet.
- 

A retail marijuana establishment shall not utilize unsolicited pop-up advertisement on the Internet.
- 

Advertisements must only be displayed on websites that have reliable evidence that no more than 30% of the audience is expected to be under the age of 21.



# COLORADO



## Other Provisions Related To Digital Advertising:

- ⚠️ A retail marijuana establishment may sponsor a charitable, sports, or similar event, but a retail marijuana establishment shall not engage in advertising at, or in connection with, such an event unless the retail marijuana establishment has reliable evidence that no more than 30% of the audience at the event and/or viewing advertisement in connection with the event is reasonably expected to be under the age of 21.
- ⚠️ A retail marijuana establishment may advertise that its products have been tested by a retail marijuana testing facility, but shall not engage in advertising or utilize signage that asserts its products are safe because they are tested by a retail marijuana testing facility.
- ⚠️ Advertisements must only be displayed on websites that have reliable evidence that no more than 30% of the audience is expected to be under the age of 21.
- ⚠️ A retail marijuana establishment may sponsor a charitable, sports, or similar event, but a retail marijuana establishment shall not engage in advertising at, or in connection with, such an event unless the retail marijuana establishment has reliable evidence that no more than 30% of the audience at the event and/or viewing advertisement in connection with the event is reasonably expected to be under the age of 21.

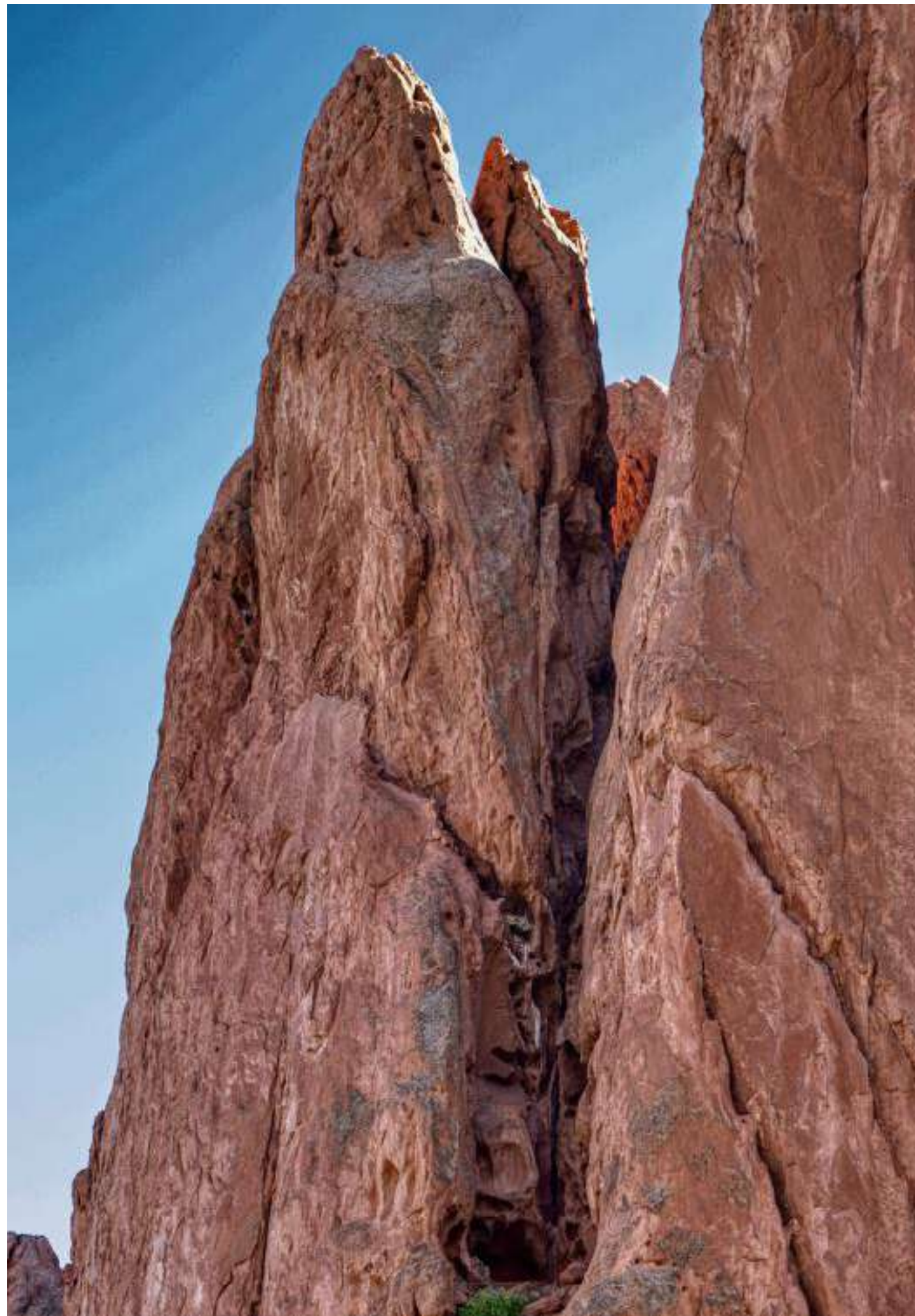








Photo Courtesy Of: Pieter Van deSande





## Other Provisions Related To Digital Advertising:



-  A retail marijuana establishment shall not engage in advertising that specifically targets persons located outside the state of Colorado.
-  Radio advertising which is transmitted via broadcast, cable, on-demand, satellite, or Internet streaming unless there is reliable evidence that no more than 30% of the audience for the program on which the advertising is to air is reasonably expected to be under the age of 21.
-  A retail marijuana establishment shall not engage in advertising that is deceptive, false, or misleading assertions or statements on any product, any sign, or any document provided to a consumer.
-  A retail marijuana establishment may advertise that its products have been tested by a retail marijuana testing facility, but shall not engage in advertising or utilize signage that asserts its products are safe because they are tested by a retail marijuana testing facility.
-  A retail marijuana establishment shall comply with any applicable local ordinances regulating signs and advertising.
-  Television advertising which is transmitted via broadcast, on-demand, satellite, Internet streaming or downloaded is prohibited unless there is reliable evidence that no more than 30% of the audience for the program on which the advertising is to air is reasonably expected to be under the age of 21.
-  Advertisements must not claim that the product is safe because it has been tested by the State Licensing Authority or a retail marijuana testing facility.
-  A retail marijuana establishment may sponsor a charitable, sports, or similar event, but a retail marijuana establishment shall not engage in advertising at, or in connection with, such an event unless the retail marijuana establishment has reliable evidence that no more than 30% of the audience at the event and/or viewing advertisement in connection with the event is reasonably expected to be under the age of 21.





## Other Provisions Related To Digital Advertising:



A retail marijuana establishment shall not engage in advertising via the Internet unless the retail marijuana establishment has reliable evidence that no more than 30% of the audience for the Internet web site is reasonably expected to be under the age of 21.



Advertisements via marketing directed towards location-based devices is prohibited, including but not limited to cellular phones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and the application includes a permanent and easy opt-out feature.



Outdoor advertising is generally prohibited. Except as otherwise provided in this rule, it shall be unlawful for any any retail marijuana establishment to engage in advertising that is visible to members of the public from any street, sidewalk, park or other public place, including advertising utilizing any of the following media: any billboard or other outdoor general advertising device; any sign mounted on a vehicle, any hand-held or other portable sign; leaflet or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property without the consent of the property owner.



A retail marijuana establishment may sponsor a charitable, sports, or similar event, but a retail marijuana establishment shall not engage in advertising at, or in connection with, such an event unless the retail marijuana establishment has reliable evidence that no more than 30% of the audience at the event and/or viewing advertisement in connection with the event is reasonably expected to be under the age of 21.








Photo Courtesy Of: Hari Nandakumar





Since 2012, Connecticut’s medical marijuana program has expanded each year. Connecticut’s cannabis advertising regulations are outlined in Chapter 420f, Section 21a-408-68, 21a-408-69 and 21a-408-70 of the Connecticut General Statutes. Connecticut’s advertising regulations require all advertisements to be submitted to the Commissioner of Consumer Protection at the time or prior to the dissemination of the advertisement. Listed you will find provisions related to digital advertising:







-  Any statement related to the safety or efficacy of marijuana, unless supported by substantial evidence or substantial clinical data; or portraying anyone under the age of 18, objects suggestive of the presence of anyone under the age of 18, or containing the use of a figure, symbol or language that is customarily associated with anyone under the age of 18, except that an advertisement may address medical marijuana products as they related to minor patients.
-  Any offer a prize, award or inducement to a qualifying patient, primary caregiver, physician or APRN related to the purchase of marijuana or a certification for use the use of marijuana, expect that non-product specific price discounts are allowed.
-  A producer shall not advertise the price of its marijuana, except that it may make a price list available to a dispensary facility.
-  An advertisement does not satisfy the requirement that it present a “true statement” of information relating to side effects, consequences, contraindications, and effectiveness if it fails to present a fair balance between information relating to side effects, consequences, contraindications and effectiveness in that the information relating to effectiveness is presented in greater scope, depth, or detail than is the information relating to side effects, consequences and contraindications, taking into account all implementing factors such as typography, layout, contrast, headlines, paragraphing, white space, and any other techniques apt to achieve emphasis.
-  A dispensary facility shall not advertise marijuana brand names or utilize graphics related to marijuana or paraphernalia on the exterior of the dispensary facility or the building in which the dispensary facility is located.







## Other Provisions Related To Digital Advertising:

-  An advertisement is false, lacking in fair balance, or otherwise misleading if it contains a representation or suggestion that a marijuana strain, brand or product is better, more effective, useful in a broader range of conditions or patients or safer than other drugs or treatments including other marijuana strains or products, unless such a claim has been demonstrated by substantial evidence or substantial clinical experience.
-  An advertisement for marijuana or any material product shall not encourage or represent the use of marijuana for a condition other than a debilitating medical condition.
-  A producer, production facility employee, producer backer; dispensary facility employee, dispensary facility backer, a physician; or an APRN, in any combination, shall not cooperate, directly or indirectly, in an advertising if such advertising has the purpose or effect of steering or influencing patient or caregiver choice with regard to the selection of a physician, or APRN, dispensary or marijuana product. A producer, dispensary facility, physician or APRN make advertisements of another party available to patients or primary caregivers so long as such producer, dispensary facility, physician or APRN does so on the same terms for all such other businesses in the same category.
-  An advertisement for marijuana or any material product shall not contain any statement that is false or misleading.
-  No advertisement may be disseminated if the submitter of the advertisement has received information that has not been widely publicized in medical literature that the use of the marijuana product or strain may cause fatalities or serious damage to a patient.
-  An advertisement is false, lacking in fair balance, or otherwise misleading if it uses a quote or paraphrase out of context or without citing conflicting information from the same source, to convey a false or misleading idea.







## Other Provisions Related To Digital Advertising:

- ⚠ Any statement that indicates or implies that the product or entity in the advertisement has been approved or endorsed by the commissioner, department, the state of Connecticut or any person or entity associated with the state of Connecticut.
- ⚠ An advertisement is false, lacking in fair balance, or otherwise misleading if it uses a study on individuals without a debilitating medical condition without disclosing that the subjects were not suffering from a debilitating medical condition.
- ⚠ An advertisement is false, lacking in fair balance, or otherwise misleading if it fails to provide adequate emphasis for the fact that two or more facing pages are part of the same advertisement when only one page contains information relating to side effects, consequences and contraindications.
- ⚠ Any statement, design, representation, picture or illustration related to the safety or efficacy of marijuana, unless supported by substantial evidence or substantial clinical data.

- ⚠ All advertisements for marijuana or marijuana products that make a statement relating to side effects, consequences, contraindications and effectiveness shall present a true statement of such information. When applicable, advertisements broadcast through media such as radio, television, or other electronic media shall include such information in the audio or audio and visual parts of the presentation.
- ⚠ Any statement, design, representation, picture or illustration portraying anyone under the age of 18, objects suggestive of the presence of anyone under the age of 18, or containing the use of a figure, symbol or language that is customarily associated with anyone under the age of 18, except that an advertisement may address medical marijuana products as they relate to minor patients.
- ⚠ An advertisement is false, lacking in fair balance, or otherwise misleading if it uses data favorable to a marijuana product derived from patients treated with a different product or dosages different from those approved in the state of Connecticut.



Photo Courtesy Of: Isaias

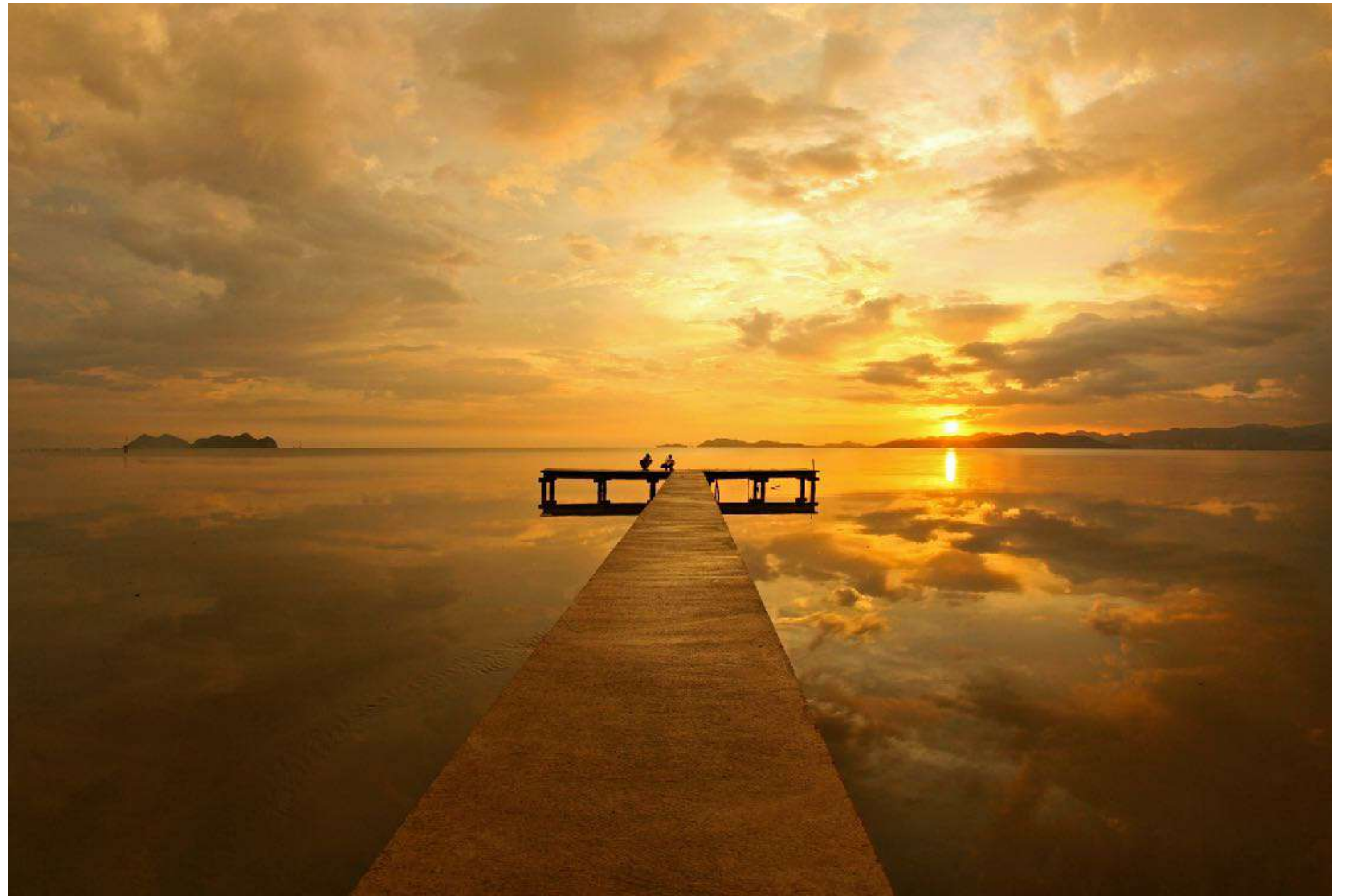
- ⚠ An advertisement for marijuana or any material product shall not contain any statement, design, or representation, picture or illustration that is obscene or indecent.
- ⚠ An advertisement is false, lacking in fair balance, or otherwise misleading if it contains favorable information or opinions about a marijuana product previously regarded as valid but which have been rendered invalid by contrary and more credible recent information.
- ⚠ An advertisement for marijuana or any material product shall not encourage or represent the recreational use of marijuana.





## Other Provisions Related To Digital Advertising:

- ⚠ False or misleading information in any part of the advertisement shall not be corrected by the inclusion of a true statement in another distinct part of the advertisement.
- ⚠ An advertisement for marijuana or any material product shall not contain falsely disparages a competitor's product.
- ⚠ An advertisement for marijuana or any material product shall not encourage or represent the recreational use of marijuana.
- ⚠ An advertisement is false, lacking in fair balance, or otherwise misleading if it contains favorable information or conclusions from a study that is inadequate in design, scope, or conduct to furnish significant support for such information or conclusions.
- ⚠ Any advertisement for marijuana or a marijuana product shall be submitted to the commissioner, on a form or in a format prescribed by the commissioner, at the same time as, or prior to, the dissemination of the advertisement.







Delaware's medical marijuana advertising regulations can be found in the Delaware's Medical Marijuana Act in Title 16, Chapter 4919A of the Delaware Code. Listed to the right are provisions related to digital advertising:



Photo Courtesy Of: Abel Y-Costa



No person may advertise medical marijuana sales in print, broadcast, or by paid in-person solicitation of customers. This shall not prevent appropriate signs on the property of the registered compassion center, listings in business directories including phone books, listings in trade or medical publications, or the sponsorship of health or not-for-profit charity or advocacy events.



A physician shall not refer patients to a registered compassion center or registered designated caregiver, advertise in a registered compassion center, or, if the physician issues written certifications, hold any financial interest in a registered compassion center.



# DISTRICT OF COLUMBIA



While recreational cannabis use is decriminalized in the District of Columbia, there are no laws regulating the recreational sale or marketing of adult use cannabis. While limited, the Washington D.C.'s medical marijuana advertising regulations are documented in Title 22-C District of Columbia Municipal Regulations For The Medical Marijuana Program.

- ⚠️ A medical marijuana certification provider shall include the following subjects in its education training program; which shall be submitted to the Department for approval for advertising, promotion, and marketing of medical marijuana.
- ⚠️ Advertising relating to the prices of medical marijuana shall not be displayed in the window of a registered establishment.



Photo Courtesy Of: Harold Mendoza










Florida legalized medical marijuana in 2016. Florida's cannabis advertising law is detailed in Section 986 of Florida's Public Health Statutes. The laws allow for medical marijuana treatment centers to advertise online, but only with approval from the Florida Department of Health. Listed below are provisions related to digital advertising:

-  A medical marijuana treatment center may engage in Internet advertising and marketing approved by the Public Health Department.
-  An advertisement may not have any content that specifically targets individuals under the age of 18, including cartoon characters or similar images.
-  A medical marijuana treatment center may not engage in advertising that is visible to members of the public from any street, sidewalk, park, or other public places.
-  A medical marijuana treatment center may engage in Internet advertising and marketing approved by the Public Health Department.
-  Each medical marijuana treatment center that dispenses marijuana and marijuana delivery devices shall make available to the public on its website the price for each marijuana.



Photo Courtesy Of: Viko Mozara

-  Each medical marijuana treatment center that dispenses marijuana and marijuana delivery devices shall make available to the public on its website each marijuana and low-THC product available for purchase, including the form, strain of marijuana from which it was extracted, cannabidiol content, tetrahydrocannabinol content, dose unit, total number of doses available, and the ratio of cannabidiol to tetrahydrocannabinol for each product.
-  Each medical marijuana treatment center that dispenses marijuana and marijuana delivery devices shall make available to the public on its website the price for a 30-day, 50-day and 70-day supply at a standard dose for each marijuana and low-THC product available for purchase.
-  An advertisement may not be an unsolicited pop-up advertisement.





## Other Provisions Related To Digital Advertising:



Opt-in marketing must include an easy and permanent opt-out feature.



Each medical marijuana treatment center that dispenses marijuana and marijuana delivery devices shall make available to the public on its website each marijuana and low-THC product available for purchase, including the form, strain of marijuana from which it was extracted, cannabidiol content, tetrahydrocannabinol content, dose unit, total number of doses available, and the ratio of cannabidiol to tetrahydrocannabinol for each product.



An advertisement may not have any content that specifically targets individuals under the age of 18, including cartoon characters or similar images.



A medical marijuana treatment center may not engage in advertising that is visible to members of the public from any street, sidewalk, park, or other public places.



Photo Courtesy Of: Adam Birkett



# HAWAII



The state of Hawaii does not allow cannabis medical dispensaries to advertise.



# ILLINOIS



Recreational cannabis laws were passed on January 1st, 2020. Illinois advertising laws can be found in the Cannabis Regulation and Tax Act. Illinois state regulations defines advertising as the engagement in promotional activities, including, but not limited to: newspaper, radio, Internet, electronic media, and television advertising; the distribution of fliers and circulars; billboard advertising; and the display of window and interior signs. Listed below are provisions related to digital advertising:



No cannabis business establishment nor any other person or entity shall engage in advertising that includes any image designed or likely to appeal to minors, including cartoons, toys, animals, or children or any other likeness to images, characters, or phrases that is designed in any manner to be appealing to or encourage consumption by persons under 21 years of age.



No cannabis business establishment nor any other person or entity shall place or maintain, or cause to be placed or maintained, an advertisement of cannabis or a cannabis-infused product in any form or through any medium that contains information that is false or misleading; promotes excessive consumption; depicts a person under 21 years of age consuming cannabis.





## Other Provisions Related To Digital Advertising:

⚠️ No cannabis business establishment nor any other person or entity shall engage in advertising that contains any statement or illustration that is false or misleading; promotes overconsumption of cannabis or cannabis products; depicts the actual consumption of cannabis or cannabis products; depicts a person under 21 years of age consuming cannabis; makes health, medicinal, or therapeutic claims about cannabis about cannabis or cannabis-infused products; includes the image of a cannabis leaf or bud.

⚠️ No cannabis business establishment nor any other person or entity shall place or maintain, or cause to be placed or maintained, an advertisement of cannabis or a cannabis-infused product that includes any image designed or likely to appeal to minors, including cartoons, toys, animals, or children, or any other likeness to images, characters, or phrases that are popularly used to advertise to children or imitation of candy packaging or labeling, or that promotes consumption of cannabis.

⚠️ No cannabis business establishment nor any other person or entity shall place or maintain, or cause to be placed or maintained, an advertisement of cannabis or a cannabis-infused product that depicts a leaf.

⚠️ No cannabis business establishment nor any other person or entity shall place or maintain, or cause to be placed or maintained, an advertisement of cannabis or a cannabis-infused product in any form or through any medium within 1,000 feet of the perimeter of school grounds, a playground, a recreation center or facility, a child care center, a public park or public library, or a game arcade to which admission is not restricted to persons 21 years of age or older.

⚠️ No cannabis business establishment nor any other person or entity shall place or maintain, or cause to be placed or maintained, an advertisement of cannabis or a cannabis-infused product in any form or through any medium on or in a public transit vehicle or public transit shelter; or in a publicly owned or publicly operated property.



Photo Courtesy Of: Donny Jiang



# LOUISIANA



Louisiana state legislators legalized medical marijuana in 2016 which is regulated by the Louisiana Department of Agriculture and Forestry. There are currently no cannabis advertising regulations in Louisiana.



# MAINE



Maine legalized medical marijuana back in 1999, and recently legalizing adult use in 2018 despite the fact that recreational dispensaries were not able to open until 2020. Listed below are provisions related to digital advertising:



Signs, advertising and marketing used by or on behalf of a licensee may not be placed or otherwise used within 1,000 feet of the property line of a preexisting public or private school, except that, if a municipality by ordinance or other regulation, or, in the case of a town, plantation or township located in the unorganized and reorganized areas, the Maine Land Use Planning Commission, chooses to prohibit the placement or use of signs or advertising by or on behalf of a marijuana establishment at distances greater than or less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that greater or lesser distance applies.





## Other Provisions Related To Digital Advertising:

- ⚠ A prohibition on unsolicited advertising or marketing on the Internet, including, but not limited to, banner advertisements on mass-market websites.
- ⚠ A prohibition on opt-in advertising or marketing that does not permit an easy and permanent opt-out feature.
- ⚠ Signs, advertising and marketing used by or on behalf of a licensee may not involve advertising or marketing that has a high likelihood of reaching persons under 21 years of age or that is specifically designed to appeal particularly to persons under 21 years of age.
- ⚠ A retail marijuana to a food product if the manufacturer of the food product holds a trademark to the food product's name, except that a retail marijuana product's manufacturing facility licensee may use a trademarked food product if the licensee uses the product as a component or as part of a receipt and if the licensee does not state or advertise to the consumer that the final retail product contains a trademarked food product.
- ⚠ Signs, advertising and marketing used by or on behalf of a licensee may not violate any other requirement or restriction on signs, advertising and marketing imposed by the department.
- ⚠ Signs, advertising and marketing used by or on behalf of a licensee may not be misleading, deceptive or false.
- ⚠ A prohibition on advertising or marketing directed toward location-based devices, including, but not limited to, cellular telephones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and includes a permanent and easy opt-out feature.
- ⚠ A prohibition on health or physical benefit claims in advertising or marketing, including, but not limited to health or physical benefit claims on the label or packaging of adult use marijuana or an adult use marijuana product.



Photo Courtesy Of: Balazs Buszn



# MARYLAND



Maryland patients and caregivers can only purchase medical cannabis from state-licensed dispensaries. Listed below are the provisions related to digital advertising:



- ⚠️ All advertisements for medical cannabis, medical cannabis products, edible cannabis products, or medical cannabis-related services that make therapeutic or medical claims shall be supported by substantial clinical evidence or substantial clinical data.
- ⚠️ All advertisements for medical cannabis, medical cannabis products, edible cannabis products, or medical cannabis-related services that make therapeutic or medical claims shall include information on the most significant side effects or risks associated with the use of cannabis.
- ⚠️ Any advertisement for medical cannabis, medical cannabis products, edible cannabis products, or medical cannabis-related services may not be placed within 500 feet of a substance abuse or treatment facility, a primary or secondary school in the State or a child care center licensed or a family child care home registered under Title 9.5 of the Education Article or a playground, recreation center, library or public park.
- ⚠️ An advertisement for a grower, a processor, a dispensary, an independent testing laboratory, a certifying provider, or a third-party vendor may not contain a design, an illustration, a picture or a representation that encourages or promotes cannabis for use as an intoxicant or obscene.
- ⚠️ An advertisement placed on social media or mobile application shall include a notification that a person must be at least 18 years old to view the content and medical cannabis is for use by certified patients only.
- ⚠️ An advertisement for a grower, a processor, a dispensary, an independent testing laboratory, a certifying provider, or a third-party vendor may not contain a design, an illustration, a 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.



# MARYLAND



## Other Provisions Related To Digital Advertising:

- ⚠ Any website owned, managed, or operated by a certifying provider, dispensary, grower, or processor shall employ a neutral age-screening mechanism that verifies that the user is at least 18 years of age, including by using an age-gate, age-screen, or age verification mechanism.
- ⚠ An advertisement for a grower, a processor, a dispensary, an independent testing laboratory, a certifying provider, or a third-party vendor may not contain a design, an illustration, a picture or a representation that encourages or represents the recreational use of cannabis.
- ⚠ An advertisement for a grower, a processor, a dispensary, an independent testing laboratory, a certifying provider, or a third-party vendor may not contain a design, an illustration, a picture or a representation that displays the use of cannabis, including the consumption, smoking, or vaping of cannabis.
- ⚠ An advertisement for a grower, a processor, a dispensary, an independent testing laboratory, a certifying provider, or a third-party vendor may not make any statement that is false or misleading in any material way or is otherwise a violation.
- ⚠ All advertising for medical cannabis, medical cannabis products, or edible cannabis products that include a statement that the product is for use only by a qualifying patient.





# MASSACHUSETTS



Massachusetts recently approved adult use to go along with its previously existing medical marijuana program. Marijuana advertisements, branding and marketing created for viewing by the public shall include the statement “Please Consume Responsibly”, in a conspicuous manner on the face of the advertisement and shall include a minimum of two of the following warnings in their entirety in a conspicuous manner on the face of the advertisement:

- ⚠️ “This product may cause impairment and may be habit forming.”
- ⚠️ “There may be health risks associated with consumption of this product.”
- ⚠️ “Marijuana should not be used by women who are pregnant or breastfeeding.”
- ⚠️ “For use only by adults 21 years of age or older. Keep out of the reach of children.”
- ⚠️ “Marijuana can impair concentration, coordination and judgment. Do not operate a vehicle or machinery under the influence of this drug.”

Additionally all marketing, advertising and branding produced by or on behalf of a marijuana establishment shall include the following warning, including capitalization, in accordance with M.G.L. c. 94G, § 4(a)(2)(xxvi):

- ⚠️ This product has not been analyzed or approved by the Food and Drug Administration (FDA). There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN. There may be health risks associated with consumption of this product. Marijuana can impair concentration, coordination, and judgment. The impairment effects of Edible Marijuana Products may be delayed by two hours or more. In case of accidental ingestion, contact poison control hotline 1-800-222-1222 or 9-1-1. This product may be illegal outside of Massachusetts.”





# MASSACHUSETTS



## Other Provisions Related To Digital Advertising:

- ⚠️ A marijuana establishment may develop a business name and logo to be used in labeling, signage, and other materials; provided however, that use of medical symbols, images of marijuana, or related paraphernalia images, that are appealing to persons younger than 21 years old, and colloquial references to cannabis and marijuana are prohibited from use in this business name and logo.
- ⚠️ Advertising, marketing, and branding that utilizes statements, designs, representations, pictures or illustrations that portray anyone younger than 21 years old is prohibited.
- ⚠️ Advertising, marketing or branding, on or in public or private vehicles and at bus stops, taxi stands, transportation waiting areas, train stations, airports, or other similar transportation venues including, but not limited to, vinyl-wrapped vehicles or signs or logos on transportation vehicles or company cars is prohibited.
- ⚠️ Any advertising of an improper or objectionable nature including, but not limited to, the use of recipe books or pamphlets for marijuana products which contain obscene or suggestive statements is prohibited.
- ⚠️ Advertising or marketing of the price of marijuana products, except as permitted above pursuant to 935 CMR 500.105(4)(a); is prohibited.
- ⚠️ Advertising, marketing, and branding that utilizes statements, designs, representations, pictures or illustrations that portray anyone younger than 21 years old is prohibited.
- ⚠️ Advertising on any billboards, or any other public signage, which fails to comply with all state and local ordinances and requirements is prohibited.







## Other Provisions Related To Digital Advertising:

⚠ Advertising, marketing and branding in such a manner that is deemed to be deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly or by omission or ambiguity is prohibited.

⚠ Use of unsolicited pop-up advertisements on the internet or text message is prohibited.

⚠ Sponsorship of a charitable, sporting or similar event, except that advertising, a marketing, and branding at or in connection with such an event is prohibited, unless at least 85% of the audience is reasonably expected to be 21 years of age or older as determined by reliable, current audience composition data is prohibited.

⚠ Advertising, marketing, branding, signs or other printed matter advertising any brand or kind of Marijuana Products that are displayed on the exterior or interior of any licensed Premises where Marijuana Products are not regularly and usually kept for sale; is prohibited.



⚠ Marijuana Establishments and Treatment Centers are allowed to utilize brand name sponsorship at certain events, but not advertise to underage participants or entrants, and target advertising through mechanisms such as geofencing, provided they retain documentation of audience composition data related to those marketing activities.

⚠ Advertising, marketing, and branding including statements by a Licensee, that makes any false or statements concerning other Licensees and the conduct and products of such other Licensees that is deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly or by omission or ambiguity is prohibited.

⚠ A marijuana establishment may engage in reasonable marketing, advertising and branding practices that are not otherwise prohibited in 935 CMR 500.105(4)(b) that do not jeopardize the public health, welfare or safety of the general public or promote the diversion of marijuana or marijuana use in individuals younger than 21 years old.

⚠ Advertising, marketing, and branding through certain identified promotional items as determined by the Commission including, but not limited to, gifts, giveaways, discounts, points-based reward systems, customer loyalty programs, coupons or “free” or “donated” marijuana is prohibited.





## Other Provisions Related To Digital Advertising:



Photo Courtesy Of: Tiffany Chan

- ⚠ Installation of any illuminated, neon, or external signage beyond the period of 30 minutes before sundown until closing, provided however, that the Commission may further specify minimum signage requirements is prohibited.
- ⚠ The use of radio or loudspeaker equipment in any marijuana establishment for the purpose of attracting attention to the sale of marijuana is prohibited.
- ⚠ Advertising, marketing, and branding by a Licensee that asserts that its products are safe, or represent that its products have curative or therapeutic effects, other than labeling required pursuant to M.G.L. c. 94G, § 4(a)(2)(xxvi), unless supported by substantial evidence or substantial clinical data with reasonable scientific rigor as determined by the Commission is prohibited.
- ⚠ Nothing in 935CMR500.105(4) prohibits a marijuana establishment from using a mark provided by the commission which uses images of marijuana is prohibited.
- ⚠ Advertising, marketing or branding of marijuana products, on clothing, cups, drink holders, apparel accessories, electronic equipment or accessories, sporting equipment, novelty items and similar portable promotional items is prohibited.
- ⚠ Advertising, marketing and branding by means of television, radio, Internet, mobile applications, social media, or other electronic communication, billboard or other outdoor advertising, or print publication, unless at 85% of the audience is reasonably expected to be 21 years of age or older as determined by reliable and current audience composition data is prohibited.
- ⚠ Operation of any website of a Marijuana Establishment that fails to verify that the entrant is 21 years of age or older is prohibited.
- ⚠ The use of vehicles equipped with radio or loudspeakers for the advertising of Marijuana is prohibited.



# MASSACHUSETTS



## Other Provisions Related To Digital Advertising:



Advertising, marketing, branding, signs or other printed matter advertising any brand or kind of marijuana products that are displayed on the exterior or interior of any licensed premises where marijuana products are not regularly and usually kept for sale is prohibited.



Advertising, marketing, and branding at, or in connection with, a charitable, sporting or similar event, unless at least 85% of the audience is reasonably expected to be 21 years of age or older, as determined by reliable, current audience composition data is prohibited.



Advertising, marketing, and branding including, but not limited to, mascots, cartoons, brand sponsorships and celebrity endorsements, that is deemed to appeal to a person younger than 21 years old is prohibited.



Use of unsolicited pop-up advertisements on the internet or text message is prohibited.





# MICHIGAN


Michigan legalized recreation cannabis in 2018 with the official Adult Use Marijuana Establishments Act in 2019 which requires all advertisements to include the following warnings:


 “For use by registered qualifying patients only. Keep out of reach of children.”


 “National poison control center 1-800-222-1222.”

 “It is illegal to drive a motor vehicle while under the influence of marijuana.”

## Other Provisions Related To Digital Advertising:

 A licensee shall not advertise or market a marijuana product to members of the public unless the licensee has reliable evidence that no more than 30 percent of the audience or readership for the television program, radio program, internet web site, or print publication, is reasonably expected to be under 21 years of age. Any marijuana product advertised or marketed under this rule shall include the warnings listed in Rule 49(1)(k).

 A licensee shall not engage in advertising that is deceptive, false, or misleading. A licensee shall not make any deceptive, false, or misleading assertions or statements on any marijuana product, any sign, or any document provided.

 A marijuana product must be marketed or advertised as “marijuana” for use only by individuals 21 years of age or older.

 A marijuana establishment shall comply with all municipal ordinances, state law, and these rules that regulate signs and advertising.

 Sponsorships targeted to members under 21 years of age are prohibited.

 A marijuana product must not be marketed or advertised to individuals under 21 years of age.

 Before a marijuana product is sold or the universal symbol for marijuana product published on the agency’s website.

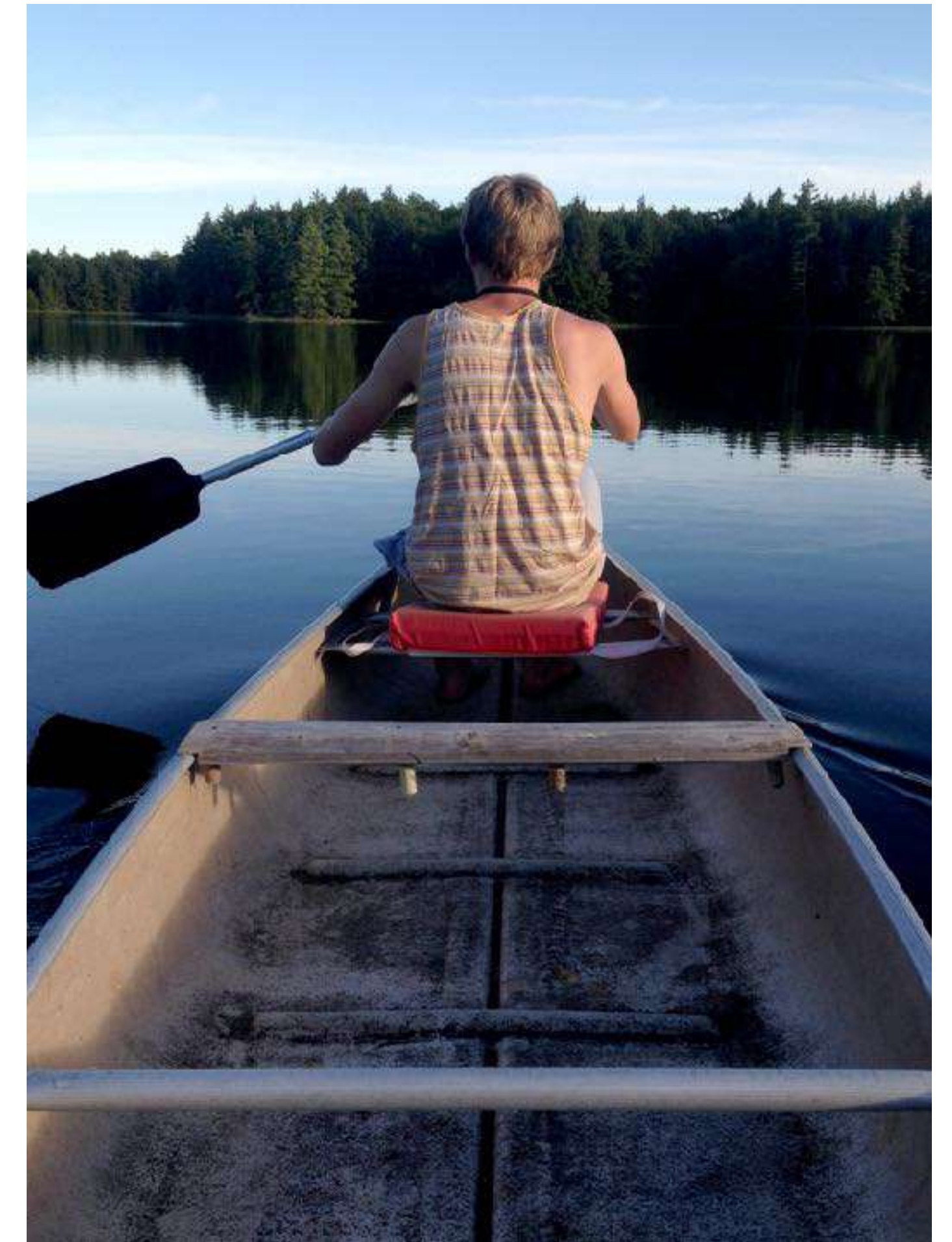






Patients in the North Star State may purchase their non-smokable cannabis medicine at a dispensary (adult-use is not legal). Commercial delivery is prohibited. Listed below are the provisions regarding digital advertising:

- ⚠️ A medical cannabis manufacturer may display the manufacturer's business name and logo on medical cannabis labels, signs, website, and informational material provided to patients.
- ⚠️ The name or logo must not include images of cannabis or cannabis-smoking paraphernalia.
- ⚠️ The name or logo must not include images of cannabis or cannabis-smoking paraphernalia.
- ⚠️ The name or logo must not include names of cannabis plant strains.
- ⚠️ Commissioner approval is required for marketing and advertising activities. A medical cannabis manufacturer must request and receive the commissioner's written approval before beginning marketing or advertising activities.
- ⚠️ The name or logo must not include names of cannabis plant strains medical symbols that bear a reasonable resemblance to established medical associations. Examples of established medical organizations include the American Medical Association or American Academy of Pediatrics. The use of medical symbols is subject to approval by the commissioner.
- ⚠️ A medical cannabis manufacturer must arrange displays of merchandise, interior signs, and other exhibits to prevent public viewing from outside the manufacturing facility and distribution facility.
- ⚠️ A medical cannabis manufacturer may maintain a business website that contains the following information: the medical cannabis manufacturer name; the distribution facility location; the contact information; the distribution facility's hours of operation; the medical cannabis products provided, product pricing and other information as approved by the commissioner.





# MISSOURI



Missourians voted to pass Amendment 2 in 2018 with 65.5% support. With its passage, the right of Missouri patients to safely access medical marijuana was officially enshrined in the state constitution. Listed below are the provisions related to digital advertising:

- ⚠️ Signage may not utilize images or visual representations of marijuana plants, products, or paraphernalia, including representations that indicate the presence of these items, such as smoke.
- ⚠️ A facility may not display marijuana, marijuana paraphernalia, or advertisements for these items in a way that is visible to the general public from a public right-of-way.
- ⚠️ Outdoor signage and, if visible to the public, interior signage, must comply with any local ordinances for signs or advertising and may not display any text other than the facility's business name or trade name, address, phone number and website.



# MONTANA



Montana's medical cannabis regulations are detailed in Title 50, Chapter 46 of the Montana Code. The law prohibits all forms of advertising including electronic media. Listed below are the provisions related to digital advertising.

- ⚠️ Person with licenses and individuals with valid registry identification cards may not advertise marijuana or marijuana-related products in any medium, including electronic media.
- ⚠️ A licensee may have a website but may not include prices on the website or actively solicit customers or out-of-state consumers through the website.







The state of Nevada passed the legalization of recreational cannabis in 2016. All cannabis establishments shall ensure that all advertising by the cannabis establishment contains such warnings as may be prescribed by the Board, which must include, without limitation, the following words:

⚠️ “Keep out of reach of children.”

⚠️ “For use only by adults 21 years of age and older.”

## Other Provisions Related To Digital Advertising:



⚠️ Reasonable restrictions on signage, marketing, display, and advertising, except that such restrictions must not require a marijuana establishment to obtain the approval of the Department before using a logo, sign or advertisement.

⚠️ A marijuana establishment shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.

⚠️ A retail marijuana store or marijuana product manufacturing facility shall not engage in advertising that in any way makes marijuana or marijuana products appeal to children, including, without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

⚠️ If a marijuana establishment engages in advertising for which it is required to determine the percentage of persons who are less than 21 years of age and who may reasonably be expected to view or hear the advertisement, the marijuana establishment shall maintain documentation for not less than 5 years after the date on which the advertisement is first broadcasted, published or otherwise displayed that demonstrates the manner in which the marijuana establishment determined the reasonably expected age of the audience for that advertisement.

⚠️ A marijuana establishment shall not place an advertisement at an entertainment event if it is reasonably estimated that 30 percent or more of the persons who will attend that entertainment event are less than 21 years of age.





## Other Provisions Related To Digital Advertising:



A marijuana establishment shall not place an advertisement within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement.



A marijuana establishment shall not place an advertisement at an entertainment event if it is reasonably estimated that 30 percent or more of the persons who will attend that entertainment event are less than 21 years of age.



A marijuana establishment shall not advertise or offer any marijuana or marijuana product as “free” or “donated” without a purchase.



A marijuana establishment shall not place an advertisement at a sports event to which persons who are less than 21 years of age are allowed entry.



Reasonable restrictions on signage, marketing, display, and advertising, except that such restrictions must not require a marijuana establishment to obtain the approval of the Department before using a logo, sign or advertisement.



If a marijuana establishment engages in advertising for which it is required to determine the percentage of persons who are less than 21 years of age and who may reasonably be expected to view or hear the advertisement, the marijuana establishment shall maintain documentation for not less than 5 years after the date on which the advertisement is first broadcasted, published or otherwise displayed that demonstrates the manner in which the marijuana establishment determined the reasonably expected age of the audience for that advertisement.





## Other Provisions Related To Digital Advertising:

⚠ In addition to any other penalties provided for by law, the Department may impose a civil penalty upon a marijuana establishment that violates the provisions of subsection 9 or 10 as follows: (a) For the first violation in the immediately preceding 2 years, a civil penalty not to exceed \$1,250. (b) For the second violation in the immediately preceding 2 years, a civil penalty not to exceed \$2,500. (c) For the third violation in the immediately preceding 2 years, a civil penalty not to exceed \$5,000. (d) For the fourth violation in the immediately preceding 2 years, a civil penalty not to exceed \$10,000.

⚠ A marijuana establishment shall not engage in advertising which contains any statement or illustration that depicts a child or other person who is less than 21 years of age consuming marijuana or marijuana products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of marijuana or marijuana products by a person who is less than 21 years of age.

⚠ Nothing in subsection 9 shall be construed to prohibit a local government, pursuant to [chapter 244](#), [268](#) or [278](#) of NRS, from adopting an ordinance for the regulation of advertising relating to marijuana which is more restrictive than the provisions of subsection 9 relating to: (a) The number, location and size of signs, including, without limitation, any signs carried or displayed by a natural person; (b) Handbills, pamphlets, cards or other types of advertisements that are distributed, excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media; (c) Any stationary or moving display that is located on or near the premises of a marijuana establishment; and (d) The content of any advertisement used by a marijuana establishment if the ordinance sets forth specific prohibited content for such an advertisement.

⚠ A marijuana establishment shall not place an advertisement on or inside of a motor vehicle used for public transportation or any shelter for public transportation.

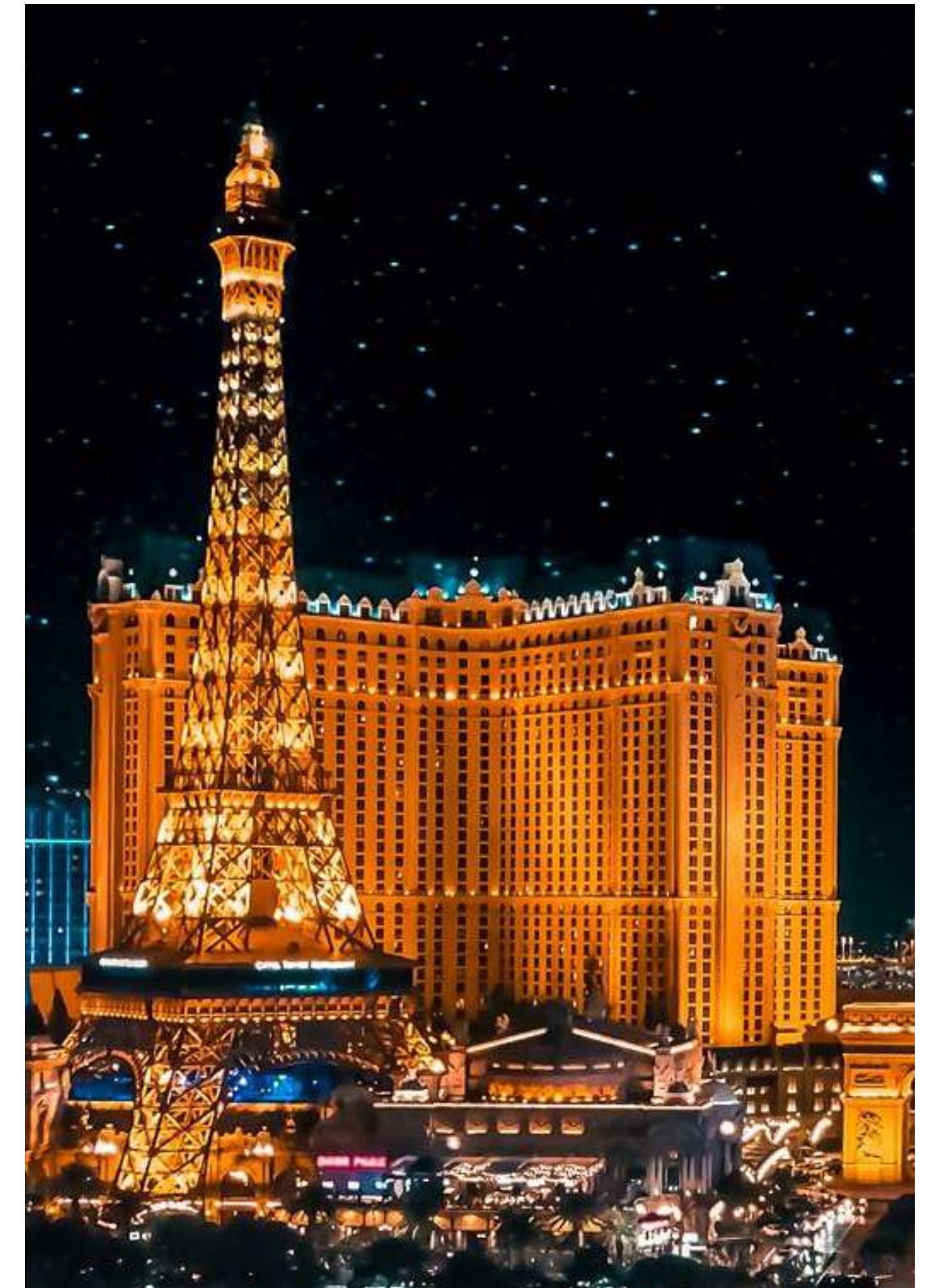




Photo Courtesy Of: Ameer Basheer





## Other Provisions Related To Digital Advertising:

-  A marijuana establishment shall not engage in advertising which contains any statement or illustration that promotes overconsumption of marijuana or marijuana products.
-  A marijuana establishment shall not engage in advertising which contains any statement or illustration that is false or misleading.



## Alternative Treatment Centers shall be prohibited from advertising its products or services except for those listed below:





-  The Alternative Treatment Center (ATC) shall not advertise their location, products, or services in a manner prohibited HE-C 402.23.
-  The activities and materials described here shall be subject to review by the department upon request.
-  The Alternative Treatment Center shall be prohibited from advertising a listing in a phone book, business director, search engine, or other place where it is reasonable for a business to maintain an informational presence of its existence, and a description of the nature of the business.
-  The Alternative Treatment Center's website and social media sites, shall be age-restricted in order to discourage minors from accessing the sites. The use of social media sites that cannot be age-restricted for this purpose shall be prohibited.





## Other Provisions Related To Digital Advertising:



-  The Alternative Treatment Center may maintain a website and social media site(s) for its business, which contain the following: (a) ATC name and dispensary location; (b) Contact information; (c) Hours of operation; (d) Services provided; (e) Strains of cannabis available, except that brand names or commercial names of cannabis strains shall not be used; (f) Products available; (g) Prices of products, including any available discounts on products; (h) Educational material, including information as described in He-C 4-202.21 and information regarding the department's therapeutic cannabis program in general; and (i) Any other information related to the ATC that is not intended to induce, directly or indirectly, the purchase of cannabis by persons who are not qualifying patients or designated caregivers.
-  E-mail communication, including electronic newsletters, to existing qualifying patients and designated caregivers, and to other non-minor age individuals who sign up to receive such e-mail communication and newsletters, containing information permitted by above.
-  An ATC shall not specifically direct the materials and activities allowed in (b) above to minors, or to persons 25 years of age or younger who are not qualifying patients or designated caregivers except for (b)(6) above, and shall make reasonable efforts to limit the exposure of such persons to these allowed materials and activities. However, incidental exposure to such materials and activities by such persons shall not be considered a violation of these rules.
-  The interior of the registered premises shall not be visible to public viewing from the exterior of the building or premises. This shall not prevent images of the interior of the ATC to be utilized by the ATC, on its website or social media sites or for other viewing, as long as the images do not include qualifying patients or designated caregivers, without their written consent, or security features which might compromise the security of the Alternative Treatment Center.





## Other Provisions Related To Digital Advertising:



The Alternative Treatment Center shall be prohibited from advertising its products or services except for a business name and logo to be used in labeling, signage, and other materials, however, the use of medical symbols, images of cannabis or cannabis products, paraphernalia, and colloquial references to cannabis or marijuana shall be prohibited from use in the business name or logo.



The Alternative Treatment Center shall be prohibited from advertising an exterior sign on the ATC building or property, which displays the business name and logo, and which meets the following additional requirements: (a) such signage shall be designed to assist qualifying patients and designated caregivers to find the ATC without drawing undue attention to the ATC such as through the use of flashing lights; (b) such signage shall not be illuminated during non-business hours (c) a second location for cultivation and processing which is separate from the location of the dispensary area of the ATC shall now be permitted to have an exterior sign.





# NEW JERSEY



New Jersey's advertising is restricted to storefront regulations and do not include digital advertising.



# NEW MEXICO



The state of New Mexico does not currently have cannabis advertising regulations.





# NEW YORK



The State of New York’s medical marijuana marketing and advertising regulations require the approval of the commissioner prior to an advertisement of an approval medical marijuana product. Listed below are the provisions related to digital advertising:

- ⚠️ Medical marijuana marketing and advertising by registered organizations may not advertise medical marijuana brand names or utilize graphics related to marijuana or paraphernalia on the exterior of the physical structures.
- ⚠️ All advertisements, regardless of form, for approval medical marijuana products that make a statement relating to effectiveness, side effects, consequences, and contraindications shall present a true and accurate statement of such information.
- ⚠️ An advertisement for any approved medical marijuana product shall not contain any statement, design, or representation, picture or illustration related to the safety or efficacy of marijuana, unless supported by substantial evidence or substantial clinical data.
- ⚠️ An advertisement is false, lacking in fair balance, or other misleading if it uses a quote or paraphrase out of context or without citing conflicting information from the same source, to convey a false or misleading idea.
- ⚠️ An advertisement does not satisfy the requirement that it presents a “true and accurate statement” of information relating to effectiveness, side effects, consequences, and contraindications if it fails to present a fair balance between information relating to effectiveness is presented in greater scope, depth, or detail than is the information relating to side effects, consequences and contraindications, taking into account all implementing factors such as typography, layout, contrast, headlines, paragraphing, white space, and any other techniques apt to achieve emphasis.
- ⚠️ An advertisement for any approved medical marijuana product shall not contain any statement, design, or representation, picture or illustration that encourages or represents the recreational use of marijuana.
- ⚠️ An advertisement for any approved medical marijuana product shall not contain any statement that falsely disparages a competitor’s products.





# NEW YORK

## Other Provisions Related To Digital Advertising:







-  An advertisement is false, lacking in fair balance, or other misleading if it fails to provide adequate emphasis for the fact that two or more facing pages are part of the same advertisement when only one page contains information relating to side effects, consequences and contraindications.
-  An advertisement for any approved medical marijuana product shall not contain any statement, design, or representation, picture or illustration that is obscene or indecent.
-  Any advertisement for an approved medical marijuana product shall be submitted to the department at least 30 business days prior to the public dissemination of the advertisement.
-  A registered organization, its officers, managers and employees shall not cooperate, directly or indirectly, in any advertising if such advertising has the purpose or effect of steering or influencing patient or caregiver choice with regard to the selection of a practitioner, or approved medical.
-  False or misleading information in any part of the advertisement shall not be corrected by the inclusion of a true statement in another distinct part of the advertisement.
-  The submitter of the advertisement shall provide the following information to the department in addition to the advertisement itself an annotated summary of the proposed advertisement showing every claim being made in the advertisement and which references support for each claim.



Photo Courtesy Of: Heather Shevlin





## Other Provisions Related To Digital Advertising:







-  An advertisement is false, lacking in fair balance, or other misleading if it contains a representation or suggestion that one marijuana brand or form is better, more effective, useful in a broader range of conditions or patients or safer than other drugs or treatments including other marijuana brands or forms, unless such a claim has been demonstrated by substantial scientific or clinical experience.
-  An advertisement for any approved medical marijuana product shall not contain any statement, design, or representation, picture or illustration that encourages or represents the use of marijuana for a condition other than a serious condition as defined in subdivision seven of section thirty-three hundred sixty of the public health law.
-  The department may require that changes be made to the advertisement that are (i) necessary to protect the public health, safety, and welfare; or (ii) consistent with dispensing information for the product under review.



Photo Courtesy Of: Sam Trotman

-  An advertisement for any approved medical marijuana product shall not contain any statement that indicates or implies that the product or entity in the advertisement has been approved or endorsed by the commissioner, department, New York State or any person or entity associated with New York State provided that this shall not preclude a factual statement that an entity is a registered organization.
-  A registered organization, its officers, managers and employees shall not cooperate, directly or indirectly, in any advertising if such advertising has the purpose or effect of steering or influencing patient or caregiver choice with regard to the selection of a practitioner, or approved medical marijuana product.
-  The submitter of the advertisement shall provide the following information to the department in addition to the advertisement itself verification that an official translation of a foreign language advertisement is accurate.





## Other Provisions Related To Digital Advertising:



Photo Courtesy Of: Triston Dunn

- ⚠ An advertisement is false, lacking in fair balance, or other misleading if it contains favorable information or conclusions from a study that is inadequate in design, scope, or conduct to furnish significant support for such information or conclusions.
- ⚠ The submitter of the advertisement shall provide the following information to the department in addition to the advertisement itself annotated references to support disease or epidemiology information, cross-referenced to the advertisement summary.
- ⚠ The submitter of the advertisement shall provide the following information to the department in addition to the advertisement itself a final copy of the advertisement, including a video where applicable, in a format acceptable to the department.
- ⚠ No advertisement may be disseminated if the submitter of the advertisement has received information that has not been widely publicized in medical literature that the use of any approved medical marijuana product may cause fatalities or serious damage to a patient.
- ⚠ The submitter of the advertisement shall provide the following information to the department in addition to the advertisement itself verification that a spokesperson who is represented as an actual patient is indeed an actual patient.
- ⚠ The department may require a specific disclosure be made in the advertisement in a clear and conspicuous manner if the department determines that the advertisement would be false or misleading without such a disclosure.
- ⚠ An advertisement is false, lacking in fair balance, or other misleading if it uses a study on persons without a debilitating medical condition without disclosing that the subjects were not suffering from a debilitating medical condition.
- ⚠ The submitter of the advertisement shall provide the following information to the department in addition to the advertisement itself a final copy of the advertisement, including a video where applicable, in a format acceptable to the department.





## Other Provisions Related To Digital Advertising:

- ⚠ An advertisement is false, lacking in fair balance, or other misleading if it contains favorable information or opinions about marijuana product previously regarded as valid but which have been rendered invalid by contrary and more credible recent information.
- ⚠ An advertisement for any approved medical marijuana product shall not contain any offer of a prize, award or inducement to a certified patient, designated caregiver or practitioner related to the purchase of marijuana or a certification for the use of marijuana.
- ⚠ The department may require a specific disclosure be made in the advertisement in a clear and conspicuous manner if the department determines that the advertisement would be false or misleading without such a disclosure.
- ⚠ An advertisement is false, lacking in fair balance, or other misleading if it contains favorable information or conclusions from a study that is inadequate in design, scope, or conduct to furnish significant support for such information or conclusions.
- ⚠ The submitter of the advertisement shall provide the following information to the department in addition to the advertisement itself annotated references to support disease or epidemiology information, cross-referenced to the advertisement summary.
- ⚠ The submitter of the advertisement shall provide the following information to the department in addition to the advertisement itself verification that a spokesperson who is represented as an actual patient is indeed an actual patient.
- ⚠ An advertisement is false, lacking in fair balance, or other misleading if it uses a study on persons without a debilitating medical condition without disclosing that the subjects were not suffering from a debilitating medical condition.







## Other Provisions Related To Digital Advertising:

⚠ No advertisement may be disseminated if the submitter of the advertisement has received information that has not been widely publicized in medical literature that the use of any approved medical marijuana product may cause fatalities or serious damage to a patient.

⚠ The submitter of the advertisement shall provide the following information to the department in addition to the advertisement itself (1) a cover letter that: (i) provides the following subject line: Medical marijuana advertisement review package for a proposed advertisement; (ii) provides a brief description of the format and expected distribution of the proposed advertisement; and (iii) provides the submitter's name, title, address, telephone number, fax number, and email address.

⚠ The submitter of the advertisement shall provide the following information to the department in addition to the advertisement itself verification that a person identified in an advertisement as an actual patient or health care practitioner is an actual patient or health care practitioner and not a model or actor.

⚠ An advertisement for any approved medical marijuana product shall not contain any statement, design, or representation, picture or illustration portraying anyone under the age of 18, objects suggestive of the presence of anyone under the age of 18, or containing the use of a figure, symbol or language that is customarily associated with anyone under the age of 18.

⚠ The department may (1) require a specific disclosure be made in the advertisement in a clear and conspicuous manner if the department determines that the advertisement would be false or misleading without such a disclosure; or (2) require that changes be made to the advertisement that are: (i) necessary to protect the public health, safety and welfare; or (ii) consistent with dispensing information for the product under review.

⚠ An advertisement for any approved medical marijuana product shall not contain any statement that is false or misleading.

⚠ An advertisement is false, lacking in fair balance, or other misleading if it uses data favorable to a marijuana product derived from patients treated with a different product or dosages different from those recommended in New York State.

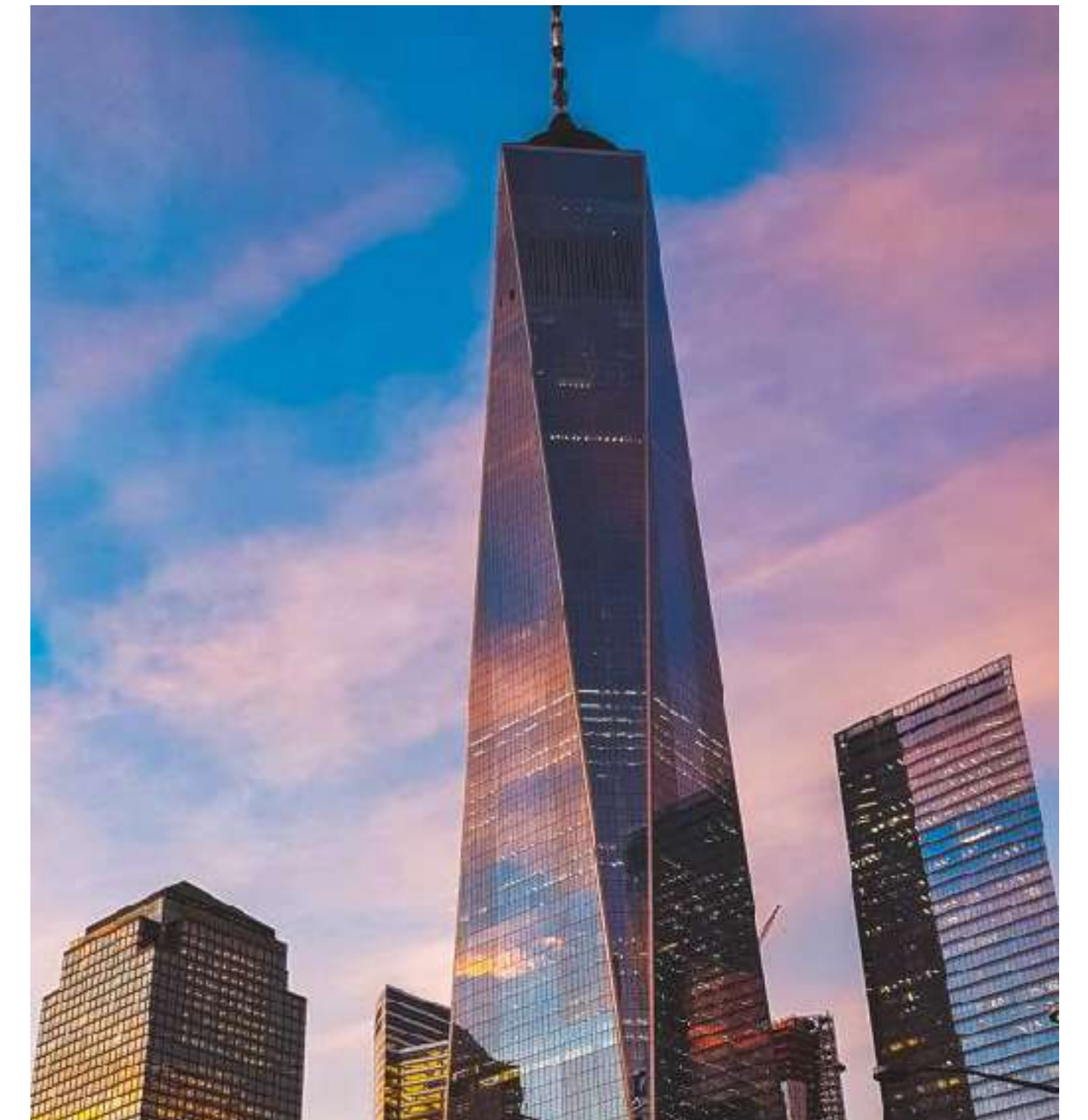





Photo Courtesy Of: Mihai Vlasceanu






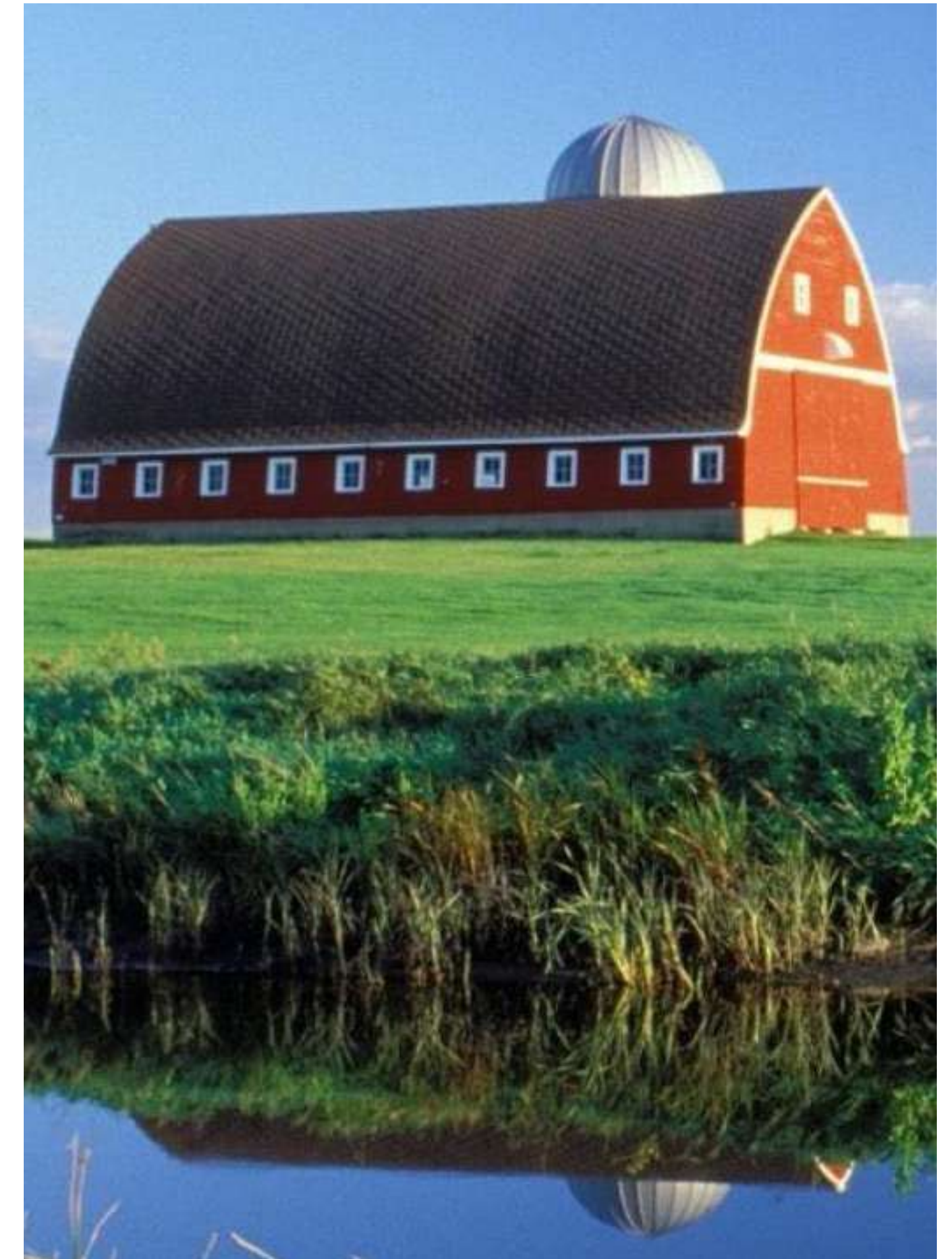
# NORTH DAKOTA



North Dakota's medical cannabis laws requires that all advertisements are subject to Department approval aides from an age-gated business website listing location, hours, and product pricing. Listed below are the provisions regarding digital advertising:

-  A dispensary may display its business name and logo on labels, signs, websites, and informational material provided to registered qualifying patients and registered designated caregivers. The name or logo may not include:  
(1) Images of marijuana or marijuana paraphernalia; (2) Colloquial references to marijuana; (3) Names of marijuana plant strains; (4) Medical symbols that bear a reasonable resemblance to established medical associations, including the American Medical Association or American Academy of Pediatrics.
-  All marketing or advertising activities not covered under the previous subsections are subject to department approval. The compassion center shall request approval from the department, and the department shall approve or deny the request within thirty calendar days.
-  A manufacturing facility may contain: (1) The facility name; (2) Phone number; (3) Other information as approved by the department.





-  A manufacturing facility may display its business name and logo on labels, websites, and informational material. The name or logo may not include: (1) Images of marijuana or marijuana paraphernalia; (2) Colloquial references to marijuana; (3) Names of marijuana plant strains; (4) Medical symbols that bear a resemblance to established medical associations, including the American medical association or American Academy of Pediatrics.
-  A dispensary may maintain a website that may contain: (1) The facility name; (2) Contact information; (3) Hours of operation; (4) The usable marijuana offered; (5) Product pricing; (6) Other information as approved by the department.
-  A manufacturing facility may not use strain or brand names containing any words that refer to products commonly associated with minors, marketed to minors, or any names that are false or misleading.









Ohio's medical cannabis regulations mandate that all advertisements must be submitted to the Board of Pharmacy prior to approval. Listed below are the provisions related to digital advertising:



-  For purposes of this rule "advertisement" means any written or verbal statement, illustration, or depiction created to induce sales through a combination of letters, pictures, objects, lighting effects, illustrations, or other similar means. An "advertisement" includes brochures, promotional material and other marketing materials. An advertisement that renders medical marijuana or medical marijuana products attractive to children is prohibited.
-  An advertisement for a dispensary, regardless of the medium, shall not: (1) Include any image bearing a resemblance to a cartoon character, fictional character whose target audience is children or youth, or pop culture icon; (2) Market, distribute, offer, sell, license or cause to be marketed, distributed, offered sold or licensed, any apparel or other merchandise related to the sale of marijuana, to an individual under eighteen years of age.
-  No dispensary shall place or maintain, or cause to be placed or maintained, an advertisement of medical marijuana or medical marijuana products, including paraphernalia, in any form or through any medium or in a public transit vehicle or public transit shelter.
-  The state of Ohio has a compelling interest in ensuring that any advertisement or marketing campaigns related to or involving medical marijuana does not encourage, promote, or otherwise create any impression that marijuana is legal or acceptable to use in a manner except as specifically authorized under Chapter 3796. of the Revised Code, or the rules promulgated in accordance with Chapter 3796. of the Revised Code, or that recreational marijuana use has any potential health or therapeutic benefits, or that recreational marijuana use or possession is somehow legal.




## Other Provisions Related To Digital Advertising:


-  A dispensary shall not use a name, logo, sign or advertisement unless the name, logo, sign or advertisement has been submitted to the state board of pharmacy and the applicable advertising approval fee has been paid. Materials submitted to the board shall include, but are not limited to: (1) A brief description of the format, medium and length of the distribution; (2) Verification that an actual patient is not being used on the advertisement; (3) Verification that an official translation of a foreign language advertisement is accurate; (4) Annotated references to support statements related to effectiveness of treatment; and (5) A final copy of the advertisement, including a video where applicable, in a format acceptable to the board.
-  Beginning September 9, 2019, the board shall have ten business days to review materials submitted above regulation of this rule. (1) After the state board of pharmacy reviews the proposed advertisement, the board may: (a) Require a specific disclosure be made in the advertisement in a clear and conspicuous manner if the advertisement would be false or misleading without such a disclosure; (b) Make recommendations with respect to changes that are necessary to protect the public health, safety, and welfare; or (c) Prohibit the use of the advertisement.
-  If the state board of pharmacy does not complete one of the actions permitted under paragraph (D)(1) of this rule within the applicable review period, the submitted materials may be used in accordance with this division. Failure by the board to act within the applicable review period, however, does not constitute a waiver of its authority to undertake any of the actions permitted by this rule and the rules promulgated pursuant to Chapter 3796. of the Revised Code, if it is subsequently determined that the submitted material violates any provision of this Chapter 3796 of the Revised Code or this division.
-  A dispensary shall not illuminate a sign advertising medical marijuana at any time.








## Other Provisions Related To Digital Advertising:

 An advertisement for a dispensary, regardless of the medium, shall not contain any statement, design, representation, picture or illustration that is: (a) False or misleading; (b) A departure from the medical marijuana registered name, including, marijuana leaves, slang terms, and similar references; (c) Disparaging to a competitor's products; (d) Obscene or indecent; or (e) Related to the safety or efficacy of marijuana, unless supported by substantial evidence or substantial clinical data.

 An advertisement for a dispensary, regardless of the medium, shall not suggest or otherwise indicate that the product or entity in the advertisement has been approved or endorsed by the department of commerce, the state board of pharmacy, the state of Ohio or any person or entity associated with the state of Ohio.

 A dispensary shall not advertise medical marijuana brand names or use graphics related to medical marijuana on the exterior of the building in which the dispensary is operating.


 A dispensary may develop a website or otherwise establish a web presence advertising the name, business address, contact information, and services provided by a dispensary. A dispensary operating a website shall require age affirmation of at least eighteen years of age by the user before access to the website is granted. A dispensary that establishes any type of web presences shall not: (1) Allow for direct engagement between consumers or user-generated content or reviews; (2) Provide a medium for website users to transmit website content to individuals under the age of eighteen; (3) Display or otherwise post content that has not been submitted to the state board of pharmacy pursuant to this rule; (4) Facilitate sales transactions to any patient, caregiver, or medical marijuana entity; (5) Target a consumer audience under the age of eighteen; or (6) Maintain a web presence in violation of Chapter 3796. of the Revised Code or this division.

 A dispensary shall not No dispensary shall license or otherwise expressly authorize any third party to use or advertise in a manner prohibited by this division. This rule, as it pertains to advertisements, does not apply to a noncommercial message.





## Other Provisions Related To Digital Advertising:

 No dispensary shall place or maintain, or cause to be placed or maintained, an advertisement of medical marijuana or medical marijuana products, including paraphernalia, in any form or through any medium: (1) Within five hundred feet of the perimeter of a prohibited facility, a community addiction services provider as defined under section [5119.01](#) of the Revised Code, a game arcade admission to which is not restricted to persons aged twenty-one years or older, or any other location where the placement of the advertisement targets or is attractive to children, as determined by the state board of pharmacy; (2) On a billboard; (3) On a radio or television broadcast; (a) A radio or television broadcast includes a system for transmitting sound alone or visual images and sound; and (b) Includes broadcast, cable, on-demand, satellite, or Internet programming.


 An advertisement for a dispensary, regardless of the medium, shall not Encourage the use of medical marijuana for a condition other than a qualifying medical condition.



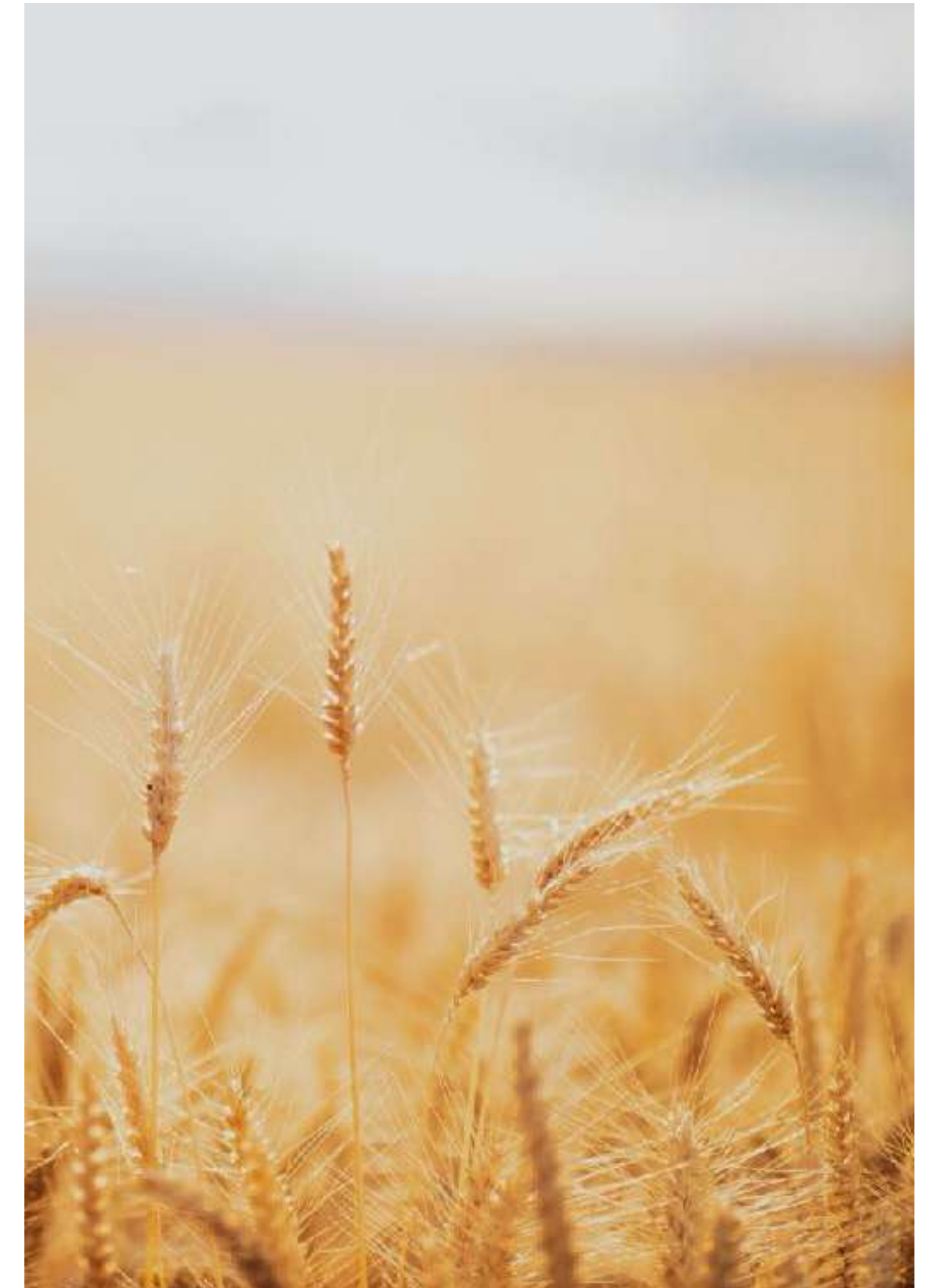
Photo Courtesy Of: Robert Conklin





Oklahoma's medical cannabis digital advertising regulations, as limited as they are, are listed below:

- ⚠ Commercial licensees shall not engage in, circulate, or otherwise cause the dissemination of advertising that contains any materials prohibited under Oklahoma law and these rules.
- ⚠ Advertising for medical marijuana and medical marijuana products shall not contain any statements, illustrations, or other material that:
  - (1) Is deceptive, false, or misleading;
  - (2) Promotes overconsumption;
  - (3) Represents that the use of marijuana has curative or therapeutic effects;
  - (4) Depicts a child or other person under legal age to consume marijuana;
  - (5) Depicts objects such as toys, cartoons, cartoon characters, or similar images, which suggest the presence of a child, or any other depiction designed in any manner to be especially appealing to children or other persons under legal age to consumer marijuana; Has any manner or design that would be especially appealing to children or other persons under eighteen (18) years of age.
- ⚠ No commercial establishment shall engage in false advertising.
- ⚠ No commercial establishment shall sell or offer to sell medical marijuana products by means of any advertisement or promotion that includes any statement, representation, symbol, depiction, or reference, directly or indirectly, which would reasonably be expected to induce minors to purchase or consume marijuana or medical marijuana products.
- ⚠ Commercial licensees shall not engage in, circulate, or otherwise cause the dissemination of advertising that contains any materials prohibited under Oklahoma law and these rules.
- ⚠ "Advertising" means the act of providing consideration for the publication, dissemination, solicitation, or circulation of visual, oral, or written communication to induce directly or indirectly any person to patronize a particular medical marijuana business or to purchase any particular medical marijuana or medical marijuana products. "Advertising" includes marketing but does not include packaging and labeling.







The State of New York’s medical marijuana marketing and advertising regulations require the approval of the commissioner prior to an advertisement of an approval medical marijuana product. Listed below are the provisions related to the mandatory warnings that are required for all print, billboard, television, radio and Internet advertising in the font size legible to the viewer:



“Do not operate a vehicle or machinery under the influence of this drug.”



"For use only by adults twenty-one years of age and older."



“Keep out of the reach of children."



Photo Courtesy Of: Ganapathy Kumar





## Other Provisions Related To Digital Advertising:



- ⚠ A licensee may not engage in advertising via marketing directed towards location- based devices, including but not limited to cellular phones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and includes a permanent and easy opt-out feature.
- ⚠ The Commission serves the interests of the citizens of Oregon by regulating and prohibiting advertising marijuana items in a manner: (a) That is attractive to minors; (b) That promotes excessive use; (c) That promotes activity that is illegal under Oregon law; or (d) That otherwise presents a significant risk to public health and safety.
- ⚠ A licensee may not not use the Commission name or logo on any signs at the premises, on the business' website, or in any advertising or social media, except to the extent that information is contained on the proof of licensure or is contained in part of warnings, signage or other documents required by these rules.





## Other Provisions Related To Digital Advertising:



Marijuana advertising may not: (a) Contain statements that are deceptive, false, or misleading; (b) Contain any content that can reasonably be considered to target individuals under the age of 21, including but not limited to images of minors, cartoon characters, toys, or similar images and items typically marketed towards minors, or references to products that are commonly associated with minors or marketed by minors; (c) Specifically encourages the transportation of marijuana items across state lines; (d) Assert that marijuana items are safe because they are regulated by the Commission or have been tested by a certified laboratory or otherwise make claims that any government agency endorses or supports marijuana; (e) Make claims that recreational marijuana has curative or therapeutic effects; (f) Display consumption of marijuana items; (g) Contain material that encourages the use of marijuana because of its intoxicating effect; or contain material that encourages excessive or rapid consumption.



A licensee who advertises via web page must utilize appropriate measures to ensure that individuals visiting the web page are over 21 years of age.



A licensee may not utilize television, radio, billboards, print media or internet advertising unless the licensee has reliable evidence that no more than 30 percent of the audience for the program, publication or internet web site in or on which the advertising is to air or appear is reasonably expected to be under the age of 21.



A licensee may not engage in advertising via marketing directed towards location- based devices, including but not limited to cellular phones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and includes a permanent and easy opt-out feature.







## Other Provisions Related To Digital Advertising:

- ⚠ A licensee who advertises via web page must utilize appropriate measures to ensure that individuals visiting the web page are over 21 years of age.
- ⚠ The Commission will notify the licensee and specify a reasonable time period for the licensee to remove any sign, display or advertisement that the Commission finds objectionable.
- ⚠ The Commission also serves the interests of Oregonians by allowing advertising for the purpose of informing the public of the availability and characteristics of marijuana.



- ⚠ The Commission prohibits advertising through handbills that are posted or passed out in public areas such as parking lots and publicly owned property.
- ⚠ A licensee may not utilize television, radio, billboards, print media or internet advertising unless the licensee has reliable evidence that no more than 30 percent of the audience for the program, publication or internet web site in or on which the advertising is to air or appear is reasonably expected to be under the age of 21.
- ⚠ All marijuana advertising by a licensee must conform to these rules.
- ⚠ A licensee must remove any sign, display, or advertisement if the Commission finds it violates these rules.
- ⚠ A licensee may not make any deceptive, false, or misleading assertions or statements on any informational material, any sign, or any document provided to a consumer.



# PENNSYLVANIA

Pennsylvania's medical cannabis digital advertising regulations state advertising must be consistent with federal prescription drug advertising regulations. Listed below are the provisions regulation digital advertising:

-  A practitioner may not advertise the practitioner's services as a practitioner who can certify a patient to receive medical marijuana.
-  Restrictions on advertising and marketing of medical marijuana, which shall be consistent with the Federal regulations governing prescription drug advertising and marketing.





# RHODE ISLAND



Rhode Island's medical cannabis regulations are listed below:





- ⚠ While a compassion center is permitted to purchase medical marijuana and medical marijuana products from a Rhode Island licensed cultivator pursuant to a written contract/purchase order, including final products that have already been packaged, labeled, and/or tested, the compassion center is responsible for ensuring the integrity of the product, compliance of the packaging and labeling, including particularly that the products have the correct composition and profiles that are advertised/indicated in the label.
- ⚠ A compassion center shall not make any false or misleading statements including particularly any statements regarding health or physical benefits to the consumer and the composition and profiles that are advertised/indicated in the label.
- ⚠ Medical marijuana plant tags shall not be altered or duplicated. As a continuing condition of holding plant tags, plant tag holders may not pursue any marijuana transaction that is in violation of the Act, including pursuing such a transaction by online advertising.



Under the Utah state law, all cannabis advertising to the general public is prohibited.

 A qualified medical provider may not advertise that the qualified medical provider recommends medical cannabis treatment.

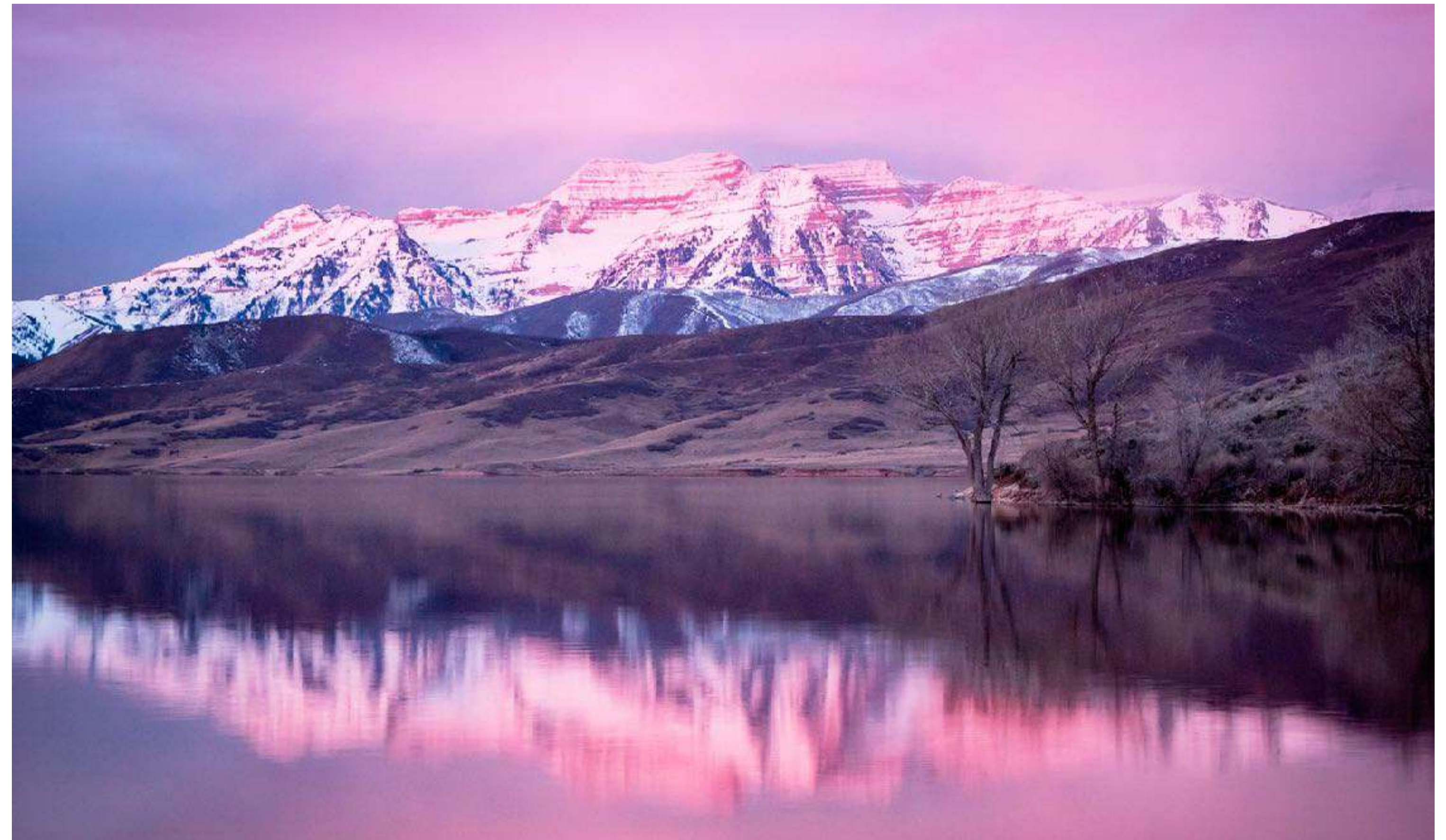
 A qualified medical provider may communicate through a website which does not constitute advertising: (i) a green cross; (ii) a qualifying condition that the qualified medical provider treats or (iii) a scientific study regarding medical cannabis use.

 A medical cannabis pharmacy may maintain a website that includes information about: (a) the location and hours of operation of the medical cannabis pharmacy; (b) a product or service available at the medical cannabis pharmacy; (c) personnel affiliated with the medical cannabis pharmacy; (d) best practices that the medical cannabis pharmacy upholds; and (e) education material related to the medical use of cannabis.

 Notwithstanding Subsection (1), a cannabis production establishment may advertise an employment [opportunities] opportunity at the cannabis production facility.

 A medical cannabis pharmacy may not advertise in any medium.

 A cannabis production establishment may not advertise to the general public in any medium.








# VERMONT



Vermont's medical and recreational cannabis regulations are listed below:

 A registered dispensary may communicate with registered patients and caregivers through electronic means, U.S. mail or voice means, provided that written authorization for such communication has been received. This authorization may be withdrawn by the registered patient or caregiver at any time. Dispensaries shall develop the appropriate procedures and forms necessary for registered patients and caregivers to “opt in” and to “opt out” of such communications.

 A registered dispensary shall not advertise through any means including electronic means or social media. Additionally, a registered dispensary shall not advertise any results of customer satisfaction surveys, their location of business, or any information that would identify them as a registered dispensary. Signage shall include only text and shall not contain pictures, logos, or symbols.

 A registered dispensary shall Ensure delivery vehicles are discreet and do not display advertising, cannabis related insignia, or distinguishing features indicative of dispensary operations.





# WASHINGTON



Washington state's medical and recreational regulations require that all advertising for marijuana businesses or marijuana products, regardless of what medium is used, must contain text stating that marijuana products may be purchased or possessed only by persons twenty-one years of age or older. Examples of language that conforms to this requirement include, but are not limited to:

⚠️ "21+," "for use by persons 21 and over only," etc.

## Other Provisions Related To Digital Advertising:

⚠️ Outdoor advertising is prohibited on signs and placards in arenas, stadiums, shopping malls, fairs that receive state allocations, farmers markets, and video game arcades, whether any of the foregoing are open air or enclosed, but not including any such sign or placard located at an adult only facility.

⚠️ All marijuana advertising and labels of useable marijuana, marijuana concentrates, and marijuana-infused products sold in the state of Washington must not contain any statement, or illustration that represents the use of marijuana has curative or therapeutic effects.

⚠️ No outdoor advertising signs, including billboards, may contain depictions of marijuana plants or marijuana products. Logos or artwork that do not contain depictions of marijuana plants or marijuana products as defined in this section are permissible.

⚠️ All marijuana advertising and labels of useable marijuana, marijuana concentrates, and marijuana-infused products sold in the state of Washington must not contain any statement, or illustration that is false or misleading.

⚠️ All marijuana advertising and labels of useable marijuana, marijuana concentrates, and marijuana-infused products sold in the state of Washington must not contain any statement, or illustration that promotes over consumption.

⚠️ Double-sided signs or signs with text visible on opposite sides are permissible and count as a single sign so long as the sign is contained in or affixed to a single structure.

⚠️ No marijuana licensee may use or employ a commercial mascot outside of, and in proximity to a licensed marijuana business.





Photo Courtesy Of: Timothy Eberly





# WASHINGTON

Washington state's medical and recreational cannabis digital advertising provisions are listed below:

-  No marijuana licensee shall place or maintain, or cause to be placed or maintained, an advertisement of a marijuana business or marijuana product, including marijuana concentrates, useable marijuana, or marijuana-infused product: In any form or through any medium whatsoever within one thousand feet of the perimeter of a school grounds, playground, recreation center or facility, child care center, public park, library, or a game arcade admission to which it is not restricted to persons aged twenty-one years or older unless the one thousand minimum distance requirement has been reduced by ordinance in the local jurisdiction where the licensed retailer is located and the licensed retailer is located within one thousand feet of a restricted location listed in this paragraph.
-  Except for the use of billboards as authorized under RCW 69.50.369 and as provided in this section, licensed marijuana retailers may not display any outdoor signage other than two separate signs identifying the retail outlet by the licensee's business name or trade name, stating the location of the business, and identifying the nature. Both signs must be affixed to a building or permanent structure and each sign is limited to sixteen hundred square inches.







## Other Provisions Related To Digital Advertising:



⚠ No marijuana licensee shall place or maintain, or cause to be placed or maintained, an advertisement of a marijuana business or marijuana product, including marijuana concentrates, useable marijuana, or marijuana-infused product: On or in a private vehicle, public transit vehicle, public transit shelter, bus stop, taxi stand, transportation waiting area, train station, airport, or any similar transit-related location.

⚠ Promotional items such as giveaways, coupons, and distribution of branded or unbranded merchandise are banned. For the purposes of this section, a "giveaway" does not include representative samples of products (edible products and topicals only) carried by a licensed retailer that are not infused with marijuana and are offered to customers on licensed marijuana retail premises for sampling purposes only.





## Other Provisions Related To Digital Advertising:

- ⚠ The restrictions in this section and RCW 69.50.369 do not apply to outdoor advertisements at the site of an event to be held at an adult only facility that is placed at such site during the period the facility or enclosed area constitutes an adult only facility, but must not be placed there more than fourteen days before the event, and that does not advertise any marijuana product other than by using a brand name, such as the business or trade name or the product brand, to identify the event. Advertising at adult only facilities must not be visible from outside the adult only facility.
- ⚠ Marijuana retail licensees holding a medical marijuana endorsement may donate product to qualifying patients or designated providers who hold a valid recognition card. Retail licensees may not advertise "free" or "donated" product.
- ⚠ A marijuana licensee may not engage in advertising or marketing that specifically targets persons residing out of the state of Washington.
- ⚠ Except for outdoor advertising under subsection (2) of this section, all advertising must contain the following warnings that must be in type size at least ten percent of the largest type used in the advertisement: (a) "This product has intoxicating effects and may be habit forming." ; (b) "Marijuana can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery under the influence of this drug." ; (c) "There may be health risks associated with consumption of this product."; and (d) "For use only by adults twenty-one and older. Keep out of the reach of children."







## Other Provisions Related To Digital Advertising:



- ⚠️ All text on outdoor signs, including billboards, is limited to text that identifies the retail outlet by the licensee's business or trade name, states the location of the business, and identifies the type or nature of the business.
- ⚠️ All marijuana advertising and labels of useable marijuana, marijuana concentrates, and marijuana-infused products sold in the state of Washington must not contain any statement, or illustration that Depicts a child or other person under legal age to consume marijuana or includes: (A) the use of objects, such as toys, inflatables, movie characters, cartoon characters suggesting the presence of a child, or any other depiction or image designed in any manner to be likely to be appealing to youth or especially appealing to children or other persons under legal age to consume marijuana; or (B) Is designed in any manner that would be especially appealing to children or other persons under twenty-one years of age.



# WEST VIRGINIA

West Virginia regulations require that all print, billboard, television, radio and Internet advertising must contain the following warnings in font size legible to the viewer:

⚠️ “Do not operate a vehicle or machinery under the influence of this drug.”

⚠️ “Keep out of the reach of children.”

## Other Provisions Related To Digital Advertising:

⚠️ Medical cannabis advertising may not contain that statements can reasonably be considered to target individuals under the age of 21, including but not limited to images of minors, cartoons, toys, or similar images and items typically marketed towards minors, or references to products that are commonly associated with minors or marketed by minors.

⚠️ Medical cannabis organization may not utilize television, radio, billboards, print media, or Internet advertising unless the medical cannabis organization has reliable evidence that no more than 30 percent of the audience for the program, publication, or Internet web site in or on which the advertising is to air or appear is reasonably expected to be under the age of 21.

⚠️ Medical cannabis advertising may not display consumption of medical cannabis items.











# WEST VIRGINIA



## Other Provisions Related To Digital Advertising:

-  Promotional, advertising, and marketing materials must be approved by the bureau prior to their use.
-  Medical cannabis organization that advertises via web page must utilize appropriate measures to ensure that individuals visiting the web page are over 21 years of age.
-  Medical cannabis advertising may not contain statements that are deceptive, false, or misleading.
-  A medical cannabis organization may not make any deceptive, false, or misleading assertions or statements on any informational material, any sign, or any document provided to a consumer.
-  Medical cannabis organization must remove any sign, display, or advertisement if the bureau finds it violates these rules.
-  The bureau will notify the medical cannabis organization and specify a reasonable time period for the medical cannabis organization to remove any sign, display, or advertisement that the bureau finds objectionable.







## Other Provisions Related To Digital Advertising:

⚠️ “Advertising” means the publication, dissemination, solicitation, or circulation, for a fee, that is visual, oral, written, or electronic to introduce directly an individual to patronize a particular dispensary or to purchase particular medical cannabis.

⚠️ Medical cannabis advertising may not display consumption of medical cannabis items.

⚠️ In the advertising and marketing of medical cannabis, a medical cannabis organization must be consistent with the federal regulations governing prescription drug advertising and marketing in 21 C.F.R. 202.1 (Prescription Drug Advertisements).

⚠️ Medical cannabis organization may not engage in advertising via marketing directed towards location-based devices, including but not limited to cellular phones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and includes a permanent and easy opt-out feature.

⚠️ Medical cannabis advertising may not contain that statements can reasonably be considered to target individuals under the age of 21, including but not limited to images of minors, cartoons, toys, or similar images and items typically marketed towards minors, or references to products that are commonly associated with minors or marketed by minors.

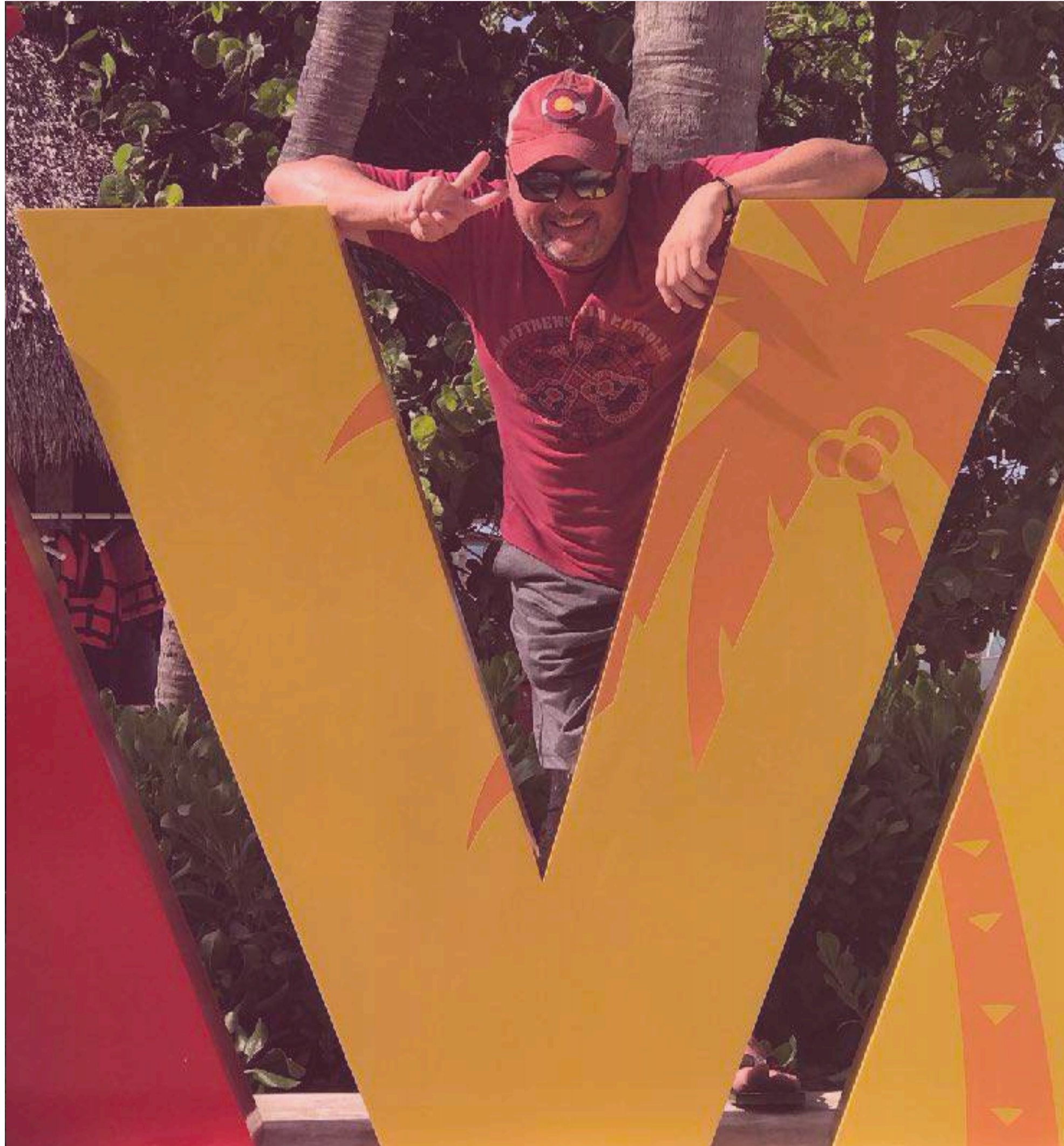
⚠️ Medical cannabis organization may not utilize television, radio, billboards, print media, or Internet advertising unless the medical cannabis organization has reliable evidence that no more than 30 percent of the audience for the program, publication, or Internet web site in or on which the advertising is to air or appear is reasonably expected to be under the age of 21.

⚠️ Medical cannabis advertising may not specifically encourages the transportation of medical cannabis items across state lines or otherwise encourages illegal activity.





# ABOUT THE AUTHOR



Steve Nolan is a serial entrepreneur and twenty-year marketing veteran. Most of his career has been focused on custom software development ranging from Fortune 500 Companies to early-stage startups. During his career, Steve has worked for six award-winning agencies, four of which he co-founded. He was the co-founder Logical Advantage, one of the premier Microsoft Gold Partners which built multimillion dollar custom software rating from B2B logistics, supply chain, eCommerce, ERP and MRP systems.

After selling his interest in Logical Advantage in 2010, Steve co-founded Binary Ventures, Inc., a digital agency dedicated to the early-stage tech-startup industry, providing branding, marketing and software development. Under Steve's leadership, the company accumulated an impressive track record, helping over 95+ companies from New York to California. In 2015, Steve met Devin Bosch, an accomplished venture capitalist from San Francisco. Together they founded Vibe Ventures, LLC, and Urban Leaf Ventures, LLC. Since opening its doors, Vibe Ventures has grown its portfolio of early-stage startups in a wide range of industries including cannabis, healthcare, consumer, and sports companies servicing both the B2B and B2C markets.

In 2018 Steve invested, then later joined the executive team of MediaJel, Inc., a cannabis advertising agency, as their Chief Marketing Officer. Steve has been instrumental in structuring the organization, bringing in top talent and helping scores of cannabis and CBD companies create, refine and advertise their brands.

In 2020 Steve founded **WUNDERWORX**, a self-service programmatic ad buying SaaS platform that specializes in programmatic, paid search and SEO services for small businesses as well as the CBD and cannabis industries. Steve is the author of numerous white papers, novels, a graphic novel and several award-winning screenplays. Steve currently lives in his home town of Charlotte, North Carolina.





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