

§2429-B. Signs, advertising and marketing

1. Prohibitions. Signs, advertising and marketing used by or on behalf of a registered caregiver or dispensary may not:

- A. Be misleading, deceptive or false; [PL 2017, c. 452, §18 (NEW).]
- B. Involve mass-market advertising or marketing campaigns that have a high likelihood of reaching persons under 21 years of age or that are specifically designed to appeal particularly to persons under 21 years of age; [PL 2017, c. 452, §18 (NEW).]
- C. 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 chooses to prohibit the placement or use of signs or advertising by or on behalf of a registered caregiver or dispensary 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; [PL 2017, c. 452, §18 (NEW).]
- D. Violate any other requirement or restriction on signs, advertising and marketing imposed by the department by rule pursuant to subsection 2; or [PL 2017, c. 452, §18 (NEW).]
- E. Market to any person authorized to possess cannabis plants or harvested cannabis under this chapter and specifically to any adult use or recreational cannabis market within the same sign, advertisement or marketing material. [PL 2019, c. 331, §29 (AMD); PL 2021, c. 669, §5 (REV).]

[PL 2019, c. 331, §29 (AMD); PL 2021, c. 669, §5 (REV).]

2. Rules on signs, advertising and marketing. The department shall adopt rules regarding the placement and use of signs, advertising and marketing by or on behalf of a registered caregiver or dispensary, which may include, but are not limited to:

- A. 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 harvested cannabis, except that advertising, marketing, labeling or packaging may contain qualifying patients' testimonials of how cannabis for medical use has provided palliative or therapeutic effects for the patients' conditions. All testimonials must contain the following disclaimer: "This statement has not been evaluated by the United States Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease"; [PL 2023, c. 679, Pt. A, §18 (AMD).]
- B. A prohibition on unsolicited advertising or marketing on the Internet, including, but not limited to, banner advertisements on mass-market websites; [PL 2017, c. 452, §18 (NEW).]
- C. A prohibition on opt-in advertising or marketing that does not permit an easy and permanent opt-out feature; and [PL 2017, c. 452, §18 (NEW).]
- D. A prohibition on advertising or marketing directed toward location-based devices unless such marketing includes a permanent and easy opt-out feature and the owner of the device is 21 years of age or older. [PL 2021, c. 367, §15 (AMD).]

[PL 2023, c. 679, Pt. A, §18 (AMD).]

SECTION HISTORY

PL 2017, c. 452, §18 (NEW). PL 2019, c. 331, §29 (AMD). PL 2021, c. 367, §15 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. A, §18 (AMD).

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