## **HOUSE BILL 1377**

A3 5lr1698

By: Delegate Amprey

Introduced and read first time: February 7, 2025

Assigned to: Economic Matters

## A BILL ENTITLED

1	AN ACT concerning
2 3	Cannabis – Advertising – Prohibited Locations (Equity in Cannabis Advertising Act)
4 5 6 7 8 9 10 11	FOR the purpose of altering a certain prohibition on advertising for cannabis licensees, products, or services by repealing a prohibition on certain outdoor advertising and instead prohibiting advertising within a certain distance of a substance use treatment facility or certain schools, child care facilities, or other locations; authorizing a cannabis licensee to request and requiring the Maryland Cannabis Administration to provide an opinion as to whether a cannabis advertisement complies with certain requirements; and generally relating to advertising for cannabis licensees, products, or services.
12 13 14 15 16	BY repealing and reenacting, with amendments, Article – Alcoholic Beverages and Cannabis Section 36–903 Annotated Code of Maryland (2024 Replacement Volume)
17 18	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
19	Article - Alcoholic Beverages and Cannabis
20	36–903.
$\frac{21}{22}$	(a) [(1)] An advertisement for a cannabis licensee, cannabis product, or cannabis—related service may not:
23	(i) (1) violate Title 13, Subtitle 3 of the Commercial Law Article;



1 2	[(ii)] (2) directly or indirectly target individuals under the age of 21 years;
3 4	[(iii)] (3) contain a design, an illustration, a picture, or a representation that:
5 6	[1.] (I) targets or is attractive to minors, including [a cartoon character, a mascot, or]:
7 8 9	1. RESEMBLANCES TO THE TRADEMARKED, CHARACTERISTIC, OR PRODUCT-SPECIALIZED PACKAGING OF ANY COMMERCIALLY AVAILABLE CANDY, SNACK, BAKED GOOD, OR BEVERAGE;
10	2. IMAGES OF FOOD, CANDY, BAKED GOODS, CEREAL, FRUIT, BEVERAGES, OR THE WORDS "CANDY" OR "CANDIES";
12 13 14 15	3. IMAGES, GRAPHICS, FEATURES, OR LIKENESSES TO IMAGES, GRAPHICS, OR FEATURES THAT ARE POPULARLY USED TO ADVERTISE TO CHILDREN, SUCH AS CARTOONS, ANIMALS, NEON COLORS, CELEBRITIES, MASCOTS, OR PHRASES; OR
16 17	4. any other depiction that is commonly used to market products to minors;
18	[2.] (II) displays the use of cannabis, including the consumption, smoking, or vaping of cannabis;
20 21	[3.] (III) encourages or promotes cannabis for use as an intoxicant; [or]
22 23	[4.] (IV) MAKES CLAIMS REGARDING HEALTH OR PHYSICAL BENEFITS TO THE CONSUMER;
24	(V) MAKES FALSE OR MISLEADING STATEMENTS; OR
25	(VI) is obscene;
26 27 28 29	[(iv)] (4) engage in advertising by means of television, radio, Internet, mobile application, social media, or other electronic communication, event sponsorship, or print publication, unless at least 85% of the audience is reasonably expected to be at least 21 years old as determined by reliable and current audience composition data; or
31 32	[(v)] (5) [except as provided in paragraph (2) of this subsection, engage in advertising by means of placing an advertisement on the side of a building or

- another publicly visible location of any form, including a sign, a poster, a placard, a device, a graphic display, an outdoor billboard, or a freestanding signboard.
- 3 (2) A cannabis business may place exterior signage on the premises of the 4 business for the limited purpose of identifying the business to the public] BE PLACED WITHIN 500 FEET OF:
- 6 (I) A SUBSTANCE USE TREATMENT FACILITY;
- 7 (II) A PRIMARY OR SECONDARY SCHOOL;
- 8 (III) A LICENSED CHILD CARE CENTER OR A REGISTERED FAMILY
  9 CHILD CARE HOME UNDER TITLE 9.5 OF THE EDUCATION ARTICLE; OR
- 10 (IV) A PLAYGROUND, RECREATIONAL CENTER, LIBRARY, OR 11 PUBLIC PARK.
- 12 (b) (1) (i) Subject to subparagraph (ii) of this paragraph, each cannabis—related website shall employ a neutral age—screening mechanism that verifies that the user is at least 21 years old, including by using an age—gate, age—screen, or age verification mechanism before the user may access or view any content and before the website may collect the user's address, e—mail address, phone number, or contact information to disseminate advertisements.
- 18 (ii) If a website is appropriate for a qualifying patient who is under 19 the age of 21 years, the website shall provide an alternative screening mechanism for the 20 qualifying patient.
- 21 (2) An advertisement placed on social media or a mobile application shall 22 include a notification that an individual must be at least 21 years old to view the content.
- 23 (3) The provisions of this subtitle applicable to cannabis licensees may not 24 be avoided by hiring or contracting with a third party, or outsourcing advertisements that 25 do not comply with this subtitle.
- 26 (4) A cannabis licensee may not allow the use of the licensee's trademarks, 27 brands, names, locations, or other distinguishing characteristics for third–party use for 28 advertisements that do not comply with this subtitle.
- 29 **(5)** A CANNABIS LICENSEE **(I)** MAY SUBMIT, INA **FORM** 30 **PRESCRIBED**  $\mathbf{BY}$ THE ADMINISTRATION, AN**ADVERTISEMENT** TO THE 31 ADMINISTRATION FOR AN ADVISORY OPINION ON WHETHER THE ADVERTISEMENT 32 COMPLIES WITH THE REQUIREMENTS OF THIS SECTION.

- 1 (II) WITHIN 30 DAYS AFTER RECEIVING AN ADVERTISEMENT
- 2 SUBMITTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE
- 3 ADMINISTRATION SHALL REVIEW THE ADVERTISEMENT AND PROVIDE THE
- 4 LICENSEE WITH THE ADVISORY OPINION.
- 5 (c) The Administration shall adopt regulations to establish procedures for the 6 enforcement of this section.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 8 October 1, 2025.