

HOUSE BILL NO. 351

INTRODUCED BY K. SEEKINS-CROWE, B. MITCHELL, A. REGIER, J. ELLSWORTH, B. BEARD, T. SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO MARIJUANA ADVERTISING;
PROHIBITING A MARIJUANA LICENSEE FROM ADVERTISING A BRAND ASSOCIATED WITH A LICENSE
THROUGH CERTAIN MEDIUMS; CLARIFYING PROVISIONS FOR ELECTRONIC ADVERTISING FOR A
MARIJUANA LICENSEE; CLARIFYING PROVISIONS FOR SPONSORSHIPS FOR A MARIJUANA
LICENSEE; AND AMENDING SECTION 16-12-211, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-12-211, MCA, is amended to read:

"16-12-211. Limitations on advertising -- rulemaking. (1) Except as provided in subsection ~~(3)~~ (4),
persons with licenses may not advertise marijuana or marijuana products, or a brand associated with a license
or location of a license.

(2) Persons with licenses are specifically prohibited from advertising a brand associated with a
license or location of a license on outdoor signage, through radio, television, or printed media, or through direct
mail marketing.

~~(2)(3)~~ A listing in a directory of businesses authorized under this chapter is not advertising for the
purposes of this section.

~~(3)(4)~~ (a) A licensee may engage in electronic advertising such as maintaining a website and
advertising on web applications, provided that no electronic advertisement produced by the licensee contains a
statement or illustration that:

- (i) is false or misleading;
- (ii) promotes overconsumption of marijuana or marijuana products;
- (iii) depicts the actual consumption of marijuana or marijuana products;
- (iv) depicts a person under 21 years of age consuming marijuana;
- (v) makes any health, therapeutic, or medicinal claims about marijuana or marijuana products; ~~or~~

1 (vi) promotes marijuana or marijuana products under the guise of education; or

(vii) is designed in a way that is likely to appeal to minors and includes cartoons, animals, children, or any other likeness to images, characters, or phrases that are designed in any manner to be appealing or to encourage consumption of marijuana by persons under 21 years of age.

5 (b) A licensee may not advertise marijuana or marijuana products using pop-up advertisements
6 that display in a new internet browser window.

7 (c) A licensee may not direct advertising of marijuana or marijuana products toward mobile devices
8 in the form of push notifications unless users affirmatively opt in to receiving push notifications related to
9 marijuana or marijuana products.

10 (5) A licensee may sponsor or otherwise endorse an event, provided the licensee does not
11 advertise the licensee's brand associated with the license on any printed medium.

12 ~~(4)(6)~~ The department shall adopt rules to clearly identify the activities that constitute advertising that
13 are prohibited under this section."

14 - END -