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Legislative Document

No. 903

S.P. 392

In Senate, March 11, 2025

An Act to Regulate the Advertising of Cannabis Products

Received by the Secretary of the Senate on March 5, 2025. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in dark ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CYRWAY of Kennebec.
Cosponsored by Representative NUTTING of Oakland and
Senators: BALDACCI of Penobscot, BERNARD of Aroostook, FARRIN of Somerset,
Representatives: ARATA of New Gloucester, BOYER of Poland, DUCHARME of Madison,
LAJOIE of Lewiston, PERKINS of Dover-Foxcroft.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §2429-B**, as amended by PL 2023, c. 679, Pt. A, §18, is further
3 amended to read:

4 **§2429-B. Signs, advertising and marketing**

5 **1. Prohibitions.** Signs, advertising and marketing used by or on behalf of a registered
6 caregiver or dispensary ~~may not~~ are prohibited except as authorized in this section.

7 ~~A. Be misleading, deceptive or false;~~

8 ~~B. Involve mass-market advertising or marketing campaigns that have a high~~
9 ~~likelihood of reaching persons under 21 years of age or that are specifically designed~~
10 ~~to appeal particularly to persons under 21 years of age;~~

11 ~~C. Be placed or otherwise used within 1,000 feet of the property line of a preexisting~~
12 ~~public or private school, except that, if a municipality chooses to prohibit the placement~~
13 ~~or use of signs or advertising by or on behalf of a registered caregiver or dispensary at~~
14 ~~distances greater than or less than 1,000 feet but not less than 500 feet from the property~~
15 ~~line of a preexisting public or private school, that greater or lesser distance applies;~~

16 ~~D. Violate any other requirement or restriction on signs, advertising and marketing~~
17 ~~imposed by the department by rule pursuant to subsection 2; or~~

18 ~~E. Market to any person authorized to possess cannabis plants or harvested cannabis~~
19 ~~under this chapter and specifically to any adult use or recreational cannabis market~~
20 ~~within the same sign, advertisement or marketing material.~~

21 **1-A. Authorized activity.** A registered caregiver or dispensary may:

22 A. Establish a publicly accessible website or other Internet-based presence that
23 provides general information on the registered caregiver's or dispensary's contact
24 information, location and hours and a list of products available;

25 B. Be listed in business directories; and

26 C. Display a sign on the premises of the registered caregiver or dispensary, except that
27 a sign on the premises may not:

28 (1) Be misleading, deceptive or false;

29 (2) Be designed to appeal specifically to or have a high likelihood of appealing
30 specifically to persons under 21 years of age;

31 (3) Include any health or physical benefit claims, except that the sign may contain
32 qualifying patients' testimonials of how cannabis for medical use has provided
33 palliative or therapeutic effects for the patients' conditions. All testimonials must
34 contain the following disclaimer: "This statement has not been evaluated by the
35 United States Food and Drug Administration. This product is not intended to
36 diagnose, treat, cure or prevent any disease.";

37 (4) Be placed or otherwise used within 1,000 feet of the property line of a
38 preexisting public or private school, except that, if a municipality by ordinance or
39 other regulation chooses to prohibit the placement or use of signs or advertising by
40 or on behalf of a registered caregiver or dispensary at distances greater than or less

1 than 1,000 feet but not less than 500 feet from the property line of a preexisting
2 public or private school, that greater or lesser distance applies;

3 (5) Contain any information regarding adult use cannabis pursuant to Title 28-B;

4 (6) Violate any other requirement or restriction regarding signs imposed by
5 ordinance or other regulation by the municipality where the registered caregiver or
6 dispensary operates; or

7 (7) Violate any other requirement or restriction regarding signs imposed by the
8 office by rule pursuant to subsection 2.

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

12 ~~A. A prohibition on health or physical benefit claims in advertising or marketing,~~
13 ~~including, but not limited to, health or physical benefit claims on the label or packaging~~
14 ~~of harvested cannabis, except that advertising, marketing, labeling or packaging may~~
15 ~~contain qualifying patients' testimonials of how cannabis for medical use has provided~~
16 ~~palliative or therapeutic effects for the patients' conditions. All testimonials must~~
17 ~~contain the following disclaimer: "This statement has not been evaluated by the United~~
18 ~~States Food and Drug Administration. This product is not intended to diagnose, treat,~~
19 ~~cure or prevent any disease";~~

20 ~~B. A prohibition on unsolicited advertising or marketing on the Internet, including, but~~
21 ~~not limited to, banner advertisements on mass-market websites;~~

22 ~~C. A prohibition on opt-in advertising or marketing that does not permit an easy and~~
23 ~~permanent opt-out feature; and~~

24 ~~D. A prohibition on advertising or marketing directed toward location-based devices~~
25 ~~unless such marketing includes a permanent and easy opt-out feature and the owner of~~
26 ~~the device is 21 years of age or older.~~

27 **Sec. 2. 28-B MRSA §702**, as amended by PL 2023, c. 679, Pt. B, §§123 to 125, is
28 further amended to read:

29 **§702. Signs, advertising and marketing**

30 **1. Prohibitions.** Signs, advertising and marketing used by or on behalf of a licensee:
31 are prohibited except as authorized in this section.

32 ~~A. May not be misleading, deceptive or false;~~

33 ~~C. May not be placed or otherwise used within 1,000 feet of the property line of a~~
34 ~~preexisting public or private school, except that, if a municipality by ordinance or other~~
35 ~~regulation, or, in the case of a town, plantation or township located in the unorganized~~
36 ~~and deorganized areas, the Maine Land Use Planning Commission, chooses to prohibit~~
37 ~~the placement or use of signs or advertising by or on behalf of a cannabis establishment~~
38 ~~at distances greater than or less than 1,000 feet but not less than 500 feet from the~~
39 ~~property line of a preexisting public or private school, that greater or lesser distance~~
40 ~~applies. As used in this paragraph, "school" has the same meaning as in section 402,~~
41 ~~subsection 2, paragraph A; and~~

1 ~~D. May not violate any other requirement or restriction on signs, advertising and~~
2 ~~marketing imposed by the office by rule pursuant to subsection 2.~~

3 **1-A. Authorized activity.** A licensee may:

4 A. Establish a publicly accessible website or other Internet-based presence that
5 provides general information on the licensee's contact information, location and hours
6 and a list of products available;

7 B. Be listed in business directories; and

8 C. Display a sign on the licensed premises, except that a sign on the licensed premises
9 may not:

10 (1) Be misleading, deceptive or false;

11 (2) Be designed to appeal specifically to or have a high likelihood of appealing
12 specifically to persons under 21 years of age;

13 (3) Include any health or physical benefit claims;

14 (4) Be placed or otherwise used within 1,000 feet of the property line of a
15 preexisting public or private school, except that, if a municipality by ordinance or
16 other regulation, or, in the case of a town, plantation or township located in the
17 unorganized and deorganized areas, the Maine Land Use Planning Commission,
18 chooses to prohibit the placement or use of signs or advertising by or on behalf of
19 a cannabis establishment at distances greater than or less than 1,000 feet but not
20 less than 500 feet from the property line of a preexisting public or private school,
21 that greater or lesser distance applies. As used in this subparagraph, "school" has
22 the same meaning as in section 402, subsection 2, paragraph A;

23 (5) Contain any information regarding cannabis for medical use pursuant to Title
24 22, chapter 558-C;

25 (6) Violate any other requirement or restriction regarding signs imposed by
26 ordinance or other regulation by the municipality where the licensee operates; or

27 (7) Violate any other requirement or restriction regarding signs imposed by the
28 office by rule pursuant to subsection 2.

29 **2. Rules on signs, advertising and marketing.** The office may adopt rules regarding
30 the placement and use of signs, advertising and marketing by or on behalf of a licensee,
31 which may include, but are not limited to:.

32 ~~A. A prohibition on health or physical benefit claims in advertising or marketing,~~
33 ~~including, but not limited to, health or physical benefit claims on the label or packaging~~
34 ~~of adult use cannabis or an adult use cannabis product;~~

35 ~~B. A prohibition on unsolicited advertising or marketing on the Internet, including, but~~
36 ~~not limited to, banner advertisements on mass-market websites;~~

37 ~~C. A prohibition on opt-in advertising or marketing that does not permit an easy and~~
38 ~~permanent opt-out feature;~~

39 ~~D. A prohibition on advertising or marketing directed toward location-based devices,~~
40 ~~including, but not limited to, cellular telephones, unless the marketing is a mobile~~

1 device application installed on the device by the owner of the device who is 21 years
2 of age or older and includes a permanent and easy opt-out feature; and

3 ~~E. Limitations on signs, advertising and marketing specifically designed to target~~
4 ~~minors regarding adult use cannabis and adult use cannabis products.~~

5 **~~3. Restrictions on signs, advertising and marketing.~~** A licensee may advertise or
6 market the promotion of the licensee's business and adult use cannabis and adult use
7 cannabis products sold by the licensee, including the display of a sign on the licensed
8 premises and off the licensed premises on the exterior of a motor vehicle in accordance
9 with this section.

10 **~~4. Voluntary sign, advertising and marketing approval.~~** A licensee may submit to
11 the office a request for approval of any sign, advertisement or marketing materials the
12 licensee intends to use. The request must include the following information as applicable:

13 A. A digital or physical sample of the sign, advertisement or marketing materials for
14 which approval is requested; and

15 B. Any additional information required on the sign, advertisement or marketing
16 materials approval request form provided by the office and available on the office's
17 publicly accessible website.

18 The office may not refuse to review any voluntary request for approval. The office may
19 deny any sign, advertisement or marketing materials it determines ~~do~~ does not comply with
20 this chapter or the rules adopted pursuant to this chapter. Within 30 days of submission of
21 the request, the office shall issue a written decision either approving or denying the request,
22 including the reason for denial, if applicable. If the request is approved, the office may not
23 take any enforcement action of any kind against the licensee solely for using the approved
24 sign, advertisement or marketing materials.

25 SUMMARY

26 This bill amends the provisions of law regarding signs, advertising and marketing for
27 medical use cannabis and adult use cannabis. The bill prohibits all forms of marketing and
28 advertising except for the following:

29 1. Establishing a website or other Internet-based presence containing only general
30 information on contact information, location, hours and products available;

31 2. Listings in business directories; and

32 3. The use of signs on the registered caregiver's, dispensary's or adult use cannabis
33 licensee's premises.

34 The bill establishes requirements for signs located on the registered caregiver's,
35 dispensary's or adult use cannabis licensee's premises. It also allows for the Department of
36 Administrative and Financial Services, Office of Cannabis Policy to review voluntary
37 requests for approval of adult use cannabis licensees' signs.