

Ideas. Experience. Practical answers.



CANNABIS REGULATION

State Regulation of Adult-Use Cannabis Advertising

I. Introduction

Addressing cannabis use among adolescents is a major public health concern.¹ Thirty-seven percent of U.S. high school students reported lifetime use of cannabis and 22 percent reported use in the past 30 days.² Cannabis use in adolescents is linked to harmful effects on attention, memory and decision-making, coordination, and mental health. One way to reduce adolescent cannabis use is to regulate outdoor cannabis advertising. Studies have found that the more exposure adolescents have to cannabis advertising, the more likely they are to use the drug and to have positive views about it.³ In order to protect adolescents from the impacts of early initiation to cannabis consumption, states have created policies to address outdoor cannabis advertising. This fact sheet analyzes the outdoor advertising restrictions placed on cannabis markets in the 39 jurisdictions (38 states and the District of Columbia) that have legalized cannabis for medical and/or recreational purposes. Section II of this fact sheet contains a policy discussion that explains the importance of regulating outdoor cannabis advertising. Each advertising policy is divided into one of three categories: (1) no restrictions on outdoor advertising; (2) complete outdoor advertising prohibition; and (3) restrictions but not an outright prohibition. The third category allows for outdoor advertising, but employs various a table that provides a side-by-side comparison of state policies with citations for the state advertising laws.

II. Policy Explanation

In recent years, the legalization of cannabis for both medical and recreational purposes has sparked debates and policy shifts across various jurisdictions. While legalization offers potential economic benefits and opportunities for medical treatment, it also raises significant public health concerns, particularly underage cannabis consumption. A specific concern is the increased exposure that adolescents experience as a direct result of outdoor cannabis advertising, such as billboards. This section explores restricting outdoor cannabis advertising as a means to safeguard the health and well-being of adolescents.

Restrictions on outdoor cannabis advertising protect adolescents from unnecessary exposure to cannabis that results in adverse public health consequences. Research shows that adolescents exposed to cannabis advertising are significantly more likely to use cannabis and have more positive perceptions about the drug.⁴ Increased usage of cannabis during adolescence is linked to negative outcomes, such as increased delinquency, decreased attention

span, poor mental health, impaired cognitive development, development of psychosis, anxiety, depression, impaired cardiovascular health and heightened risk of cardiac arrest, higher risk of abuse or dependence in adulthood, obesity, and impaired immune system and cell function.⁵ As a public health matter, cannabis use during adolescence results in more significant negative consequences than alcohol use.⁶

Cannabis outdoor advertising plays a substantial role in the problem because physical advertisements, such as billboards, have a much stronger effect on adolescents than other forms of advertising. For example, one study found that adolescents frequently exposed to cannabis billboard advertising were seven times more likely to use cannabis and nearly six times as likely to have symptoms of cannabis use disorder.⁷ Therefore, outdoor cannabis advertising, specifically billboard advertising, has a profound effect on an adolescent's decision to use cannabis and related consequences.

Outdoor advertising for cannabis is even more dangerous for adolescents than outdoor advertising for other vices such as tobacco and alcohol. Advertising for cannabis is particularly problematic for two reasons. First, adolescents hold positive perceptions of cannabis because of cannabis-positive messages conveyed through advertising and social media. For example, more than 50 percent of high schoolers believe that smoking marijuana regularly does not carry great risk. Twenty percent of teens report driving under the influence of cannabis, and of this, over 30 percent believe their driving ability was impaired due to cannabis use. Second, the marketing methods of cannabis advertise the drug as a safe, natural, medicinal product, luring children into a false sense of security when deciding to use cannabis.⁸ Compared to tobacco and alcohol, adolescents' positive perceptions of cannabis advertisements such as billboards. By regulating outdoor cannabis advertising, states can minimize the normalization of cannabis use among particularly impressionable young people. Restrictions help promote healthier attitudes towards cannabis use, instilling in young people the understanding that cannabis consumption is not without consequences.

Further, a complete prohibition is the most ideal because adolescents are inherently transient. Restricting outdoor advertisements solely around schools and other child-centered facilities proves ineffective in preventing their exposure to such marketing because adolescents' mobility extends beyond these areas. By completely prohibiting outdoor cannabis advertising, the public health risk reduces drastically.

The regulation of cannabis advertising also has important First Amendment implications. Courts have established that states have a substantial interest in protecting the physical, mental, and emotional health of children. And as discussed above, cannabis exposure poses a significant risk to this interest, given the adolescent brain is still undergoing crucial cognitive and neurological development. To learn more about the link between cannabis advertising restrictions and the First Amendment's commercial speech doctrine, read the Network's <u>Cannabis</u> Advertising and the First Amendment Fact Sheet.

Overall, limitations on outdoor cannabis advertising play a crucial role in shaping a responsible and informed cannabis market, mitigating the normalization of cannabis use, and reducing the inadvertent exposure of adolescents to potentially influential messages. Ultimately, the advertising restrictions on cannabis contribute to a healthier and more responsible cannabis industry, ensuring that the paramount interest of protecting the well-being of the public, particularly adolescents.



Table: Outdoor Advertising Restrictions

State	Source		Complete Outdoor	Restrict Outdoor Advertising But Do Not Ban	Prohibits Specific Types of Outdoor Advertising	Restrictions					
State		ions on Outdoor Advertis- ing	Advertising Ban			Buffer-zone Marketing Restrictions	Audience Composi- tion Require- ments	Size/ Quantity/ Other Features?	Location Based Restriction s	Content Require- ments/ Restrictions	
AK	<u>Alaska</u> <u>Admin.</u> <u>Code</u> <u>tit. 3 §</u> <u>306.770</u> (2018).	Ν	Ν	Y	Y	Y, cannot be within 1,000 ft of a child- centered facility	Ν	Y, for onsite advertising only	Ν	Y	
AL	<u>Ala.</u> <u>Admin.</u> <u>Code r.</u> <u>538-X-</u> <u>4.17</u> (2022)	N	N	Y	Y, billboards, portable sign	Y, cannot be within 500 ft of a prohibited facility or any business or organization where the placement of the advertisement targets or is attractive to minors	Ν	Y	Y, vehicles, and transporta- tion locations; on or in publicly owned or operated property	Y	
AR	Ark. Code Ann. § 20-56- 305	Ν	Ν	Y	Y	Y, cannot be within 1,000 ft of a school	Z	Y	Y, vehicles, and transporta- tion locations; publicly owned or operated property	Y	
AZ	Ariz. <u>Rev.</u> Stat. <u>Ann. §</u> <u>36-2859</u> (2020).	Y	N	Ν	N/A	N/A	N/A	N/A	N/A	N/A	
CA	<u>Cal.</u> <u>Bus. &</u> <u>Prof.</u> <u>Code</u> <u>§§</u> <u>26151–</u> <u>26152</u>	N	N	Y	N	Y, cannot be within 1,000 ft of a child- centered facility	Ν	Ν	Y, no interstate, or state highways for billboards only	Y	

01-1-	Source	No Restrict-	Complete Outdoor	Restrict Outdoor Advertising But Do Not Ban	Prohibits Specific Types of Outdoor Advertising	Restrictions					
State		ions on Outdoor Advertis- ing	Advertising Ban			Buffer-zone Marketing Restrictions	Audience Composi- tion Require- ments	Size/ Quantity/ Other Features?	Location Based Restriction s	Content Require- ments/ Restrictions	
со	<u>Colo.</u> <u>Code</u> <u>Regs. §</u> <u>212-3-</u> <u>3-720</u> <u>Colo.</u> <u>Code</u> <u>Regs. §</u> <u>212-3-</u> <u>3-735</u>	Ν	Ν	Y	N	Y, cannot be within 500 ft of a child- centered facility	Ν	Ν	Ν	Υ	
СТ	<u>Conn.</u> <u>Gen.</u> <u>Stat. §</u> <u>21a-</u> <u>421bb</u> (2023)	Ν	N	Y	Ν	Y, cannot be within 1,500 ft of a child- centered facility	Y, no advertising unless at least 90% of the audience is 21+	Ν	Y, vehicles, and transporta- tion locations	Y	
DC	<u>D.C.</u> <u>Mun.</u> <u>Regs.</u> <u>tit. 25, §</u> <u>5800</u>	Ν	Ν	Y	Ν	N	Ν	Y	Y, exterior of any window or on the exterior or interior of any door	Y	
DE	<u>Del.</u> <u>Code</u> <u>Ann. tit.</u> <u>16, §</u> <u>4919A</u>	N	Y	N	N/A	N/A	N/A	N/A	N/A	N/A	
FL	<u>Fla.</u> <u>Stat.</u> <u>Ann. §</u> <u>381.986</u>	N	Y	Ν	Ν	N/A	N/A	N/A	N/A	N/A	
HI	<u>Haw.</u> <u>Code R.</u> <u>§ 11-</u> <u>850-141</u> (2023); <u>Haw.</u> <u>Code R.</u> <u>§ 11-</u> <u>850-145</u> (2023)	Ν	N	Y	Y, billboards	Ν	Ν	Y	Y, vehicles, and transporta- tion locations	Y	
IL	<u>410 III.</u> <u>Comp.</u>	Ν	N	Y	Ν	Y, cannot be within 1,000 ft	Ν	Ν	Y, vehicles and	Y	

04-14-	Source	No Restrict-	Complete Outdoor	Restrict Outdoor Advertising But Do Not Ban	Prohibits Specific	Restrictions					
State		ions on Outdoor Advertis- ing	Advertising Ban		Types of Outdoor Advertising	Buffer-zone Marketing Restrictions	Audience Composi- tion Require- ments	Size/ Quantity/ Other Features?	Location Based Restriction s	Content Require- ments/ Restrictions	
	<u>Stat.</u> <u>Ann. §</u> <u>705/55-</u> <u>20</u>					of child- centered facility			transporta- tion locations; publicly owned or operated property		
KY	<u>915 Ky.</u> <u>Admin.</u> <u>Reg.</u> <u>1:090</u> (2023)	Ν	Y	Ν	N/A	N/A	N/A	N/A	N/A	N/A	
LA	La. Admin. Code tit. 46 § LIII- 2459	Y	Ν	Z	N/A	N/A	N/A	N/A	N/A	N/A	
MA	9 <u>35</u> <u>Mass.</u> <u>Code</u> <u>Regs.</u> 500.105 (2023)	N	Ν	Y	N	N	Y, no advertising unless 85% of the audience is reasonably expected to be 21	Y	Y, vehicles, and transporta- tion locations	Y	
MD	<u>Md.</u> <u>Code</u> <u>Ann. Al.</u> <u>Bev.</u> <u>Cann.</u> <u>§§ 36-</u> <u>901–36-</u> <u>903)</u>	Ν	Y	Ν	Ν	N/A	N/A	N/A	N/A	N/A	
ME	<u>Me.</u> <u>Stat. tit.</u> <u>28–B §</u>	Ν	N	Y	Ν	Y, cannot be within 1,000 ft of school;	Ν	Ν	Ν	Y	

	Source	No Restrict-	Complete	Restrict Outdoor	Prohibits	Restrictions				
State		ions on	Outdoor Advertising Ban	Advertising But Do Not Ban	Specific Types of Outdoor Advertising	Buffer-zone Marketing Restrictions	Audience Composi- tion Require- ments	Size/ Quantity/ Other Features?	Location Based Restriction s	Content Require- ments/ Restrictions
	<u>702</u> (2023)					municipalities can enact an ordinance that alters this distance to greater than or less than 1,000 ft but not less than 500 ft				
МІ	<u>Mich.</u> <u>Admin.</u> <u>Code R.</u> <u>420.507</u>	Ν	N	Y	Ν	N	N	N	Ν	Y
MN	<u>Minn.</u> <u>Stat. §</u> <u>342.64</u> (2023)		Y, except cannabis businesses may erect up to two fixed outdoor signs on the exterior of the building or property	Ν	Ν	Ν	Υ,	Ν	Ν	Ν
мо	<u>Mo.</u> <u>Code</u> <u>Regs.</u> <u>tit. 19 §</u> <u>100-</u> <u>1.100</u>	N	Ν	Y	Ν	Ν	Ν	Ν	Y, cannot be visible from a public right of way	Y
MS	<u>15</u> <u>Miss.</u> <u>Code R.</u> <u>§ 22-3-</u> <u>1.2.1</u>	Ν	Y	N	N	N/A	N/A	N/A	N/A	N/A
МТ	<u>ARM</u> <u>42.39.1</u> <u>23</u>	N	Y	N	Ν	N/A	N/A	N/A	N/A	N/A
ND	<u>N.D.</u> <u>Admin.</u> <u>Code</u> <u>33-44-</u> <u>01-23</u>	Ν	N	Y	Ν	N	Ν	Ν	Ν	Y
NH	<u>N.H.</u> <u>Code</u> <u>Admin.</u>	Ν	N	Y	N	Ν	N	Y	N	Y

01010	Source	No Restrict-	Complete Outdoor	Restrict Outdoor Advertising But Do Not Ban	Prohibits Specific	Restrictions					
State		ions on Outdoor Advertis- ing	Advertising Ban		Types of Outdoor Advertising	Buffer-zone Marketing Restrictions	Audience Composi- tion Require- ments	Size/ Quantity/ Other Features?	Location Based Restriction s	Content Require- ments/ Restrictions	
	<u>R. He-C</u> 402.23										
NV	<u>Nev.</u> <u>Rev.</u> <u>Stat. §</u> <u>678B.5</u> <u>20</u>	N	N	Y	N	Y, cannot be within 1,000 ft of a child- centered facility	Y, no advertising unless 70% or more of the audience is reasonably expected to be 21 years of age or older	Ν	Y, vehicles, and transporta- tion locations	Y	
NJ	<u>N.J.</u> <u>Admin.</u> <u>Code §</u> <u>17:30-</u> <u>17.2</u>	N	Ν	Y	Y, billboard unless on business property	Y, cannot be within 200 ft of a school	Y, no advertising unless 71.6% of the audience is reasonably expected to be 21 years of age or older	Ν	Ν	Y	
NM	<u>N.M.</u> <u>Code R.</u> <u>§</u> <u>16.8.3.8</u>	N	N	Y	N	Y, cannot be within 300 ft be school or daycare	Ν	Ν	Y, vehicles, and transporta- tion locations	Y	
NY	<u>N.Y.</u> <u>Cannab</u> <u>is Law §</u> <u>86</u>	Ν	N	Y	Y, billboard	Y, cannot be within 500 ft of a child- centered facility	Ν	Ζ	Y, vehicles and transporta- tion locations; publicly owned or operated property	Y	
ОН	<u>Rule</u> <u>3796:5-</u> <u>7-01</u>	Ν	N	Y	Y, billboard	Y, cannot be within 500 ft of a prohibited facility	Ν	Y	Y, vehicles, and transporta- tion	Y	

04-4-	0	No Restrict-	Complete Outdoor	Restrict Outdoor Advertising But Do Not Ban	Prohibits Specific	Restrictions					
State	Source	ions on	Advertising Ban		Types of Outdoor Advertising	Buffer-zone Marketing Restrictions	Audience Composi- tion Require- ments	Size/ Quantity/ Other Features?	Location Based Restriction s	Content Require- ments/ Restrictions	
									locations; publicly owned or operated property		
ок	<u>Okla.</u> <u>Stat. tit.</u> <u>63 §</u> 427.21	N	N	Y	Ν	Ν	Ν	Y	N	Y	
OR	<u>OAR</u> <u>845-</u> 025- 8060	N	N	Y	N	Ν	Y, no advertising if 70% of the audience for the is reasonably expected to be 21 years of age or older	Ν	N	N	
ΡΑ	<u>28 Pa.</u> <u>Code §</u> <u>1141.50</u>	Y	Ν	Ν	Ν	N/A	N/A	N/A	N/A	N/A	
RI	<u>230-80-</u> <u>05 R.I.</u> <u>Code R.</u> <u>§ 1.10</u>	Ν	Ν	Y	Y, billboards, adopt a highway signs	Y, cannot be within 1,000 ft (or such greater distance if prescribed by the municipality in which the advertising is located) of a school	Ζ	Ζ	Y, any place that is viewable or can otherwise be perceived in a public space	Y	
SD	<u>SDAR</u> <u>44:90:1</u> <u>0:14.01</u> <u>S.D.</u> <u>Admin.</u> <u>R.</u>	N	N	Y	Y, a sign, or billboard, except that a business may advertise on signs on its	Ν	Ν	Ν	N	Y	

0	Source	No Restrict-	Complete Outdoor	Restrict Outdoor Advertising But Do Not Ban	Prohibits	Restrictions					
State		ions on	Advertising Ban		Specific Types of Outdoor Advertising	Buffer-zone Marketing Restrictions	Audience Composi- tion Require- ments	Size/ Quantity/ Other Features?	Location Based Restriction s	Content Require- ments/ Restrictions	
	<u>44:90:1</u> <u>0:15</u>				own premises						
UT	<u>Utah</u> <u>Code</u> <u>Section</u> <u>4-41a-</u> <u>403. A</u> <u>dvertisi</u> <u>ng.</u>	Ν	Y, except directly outside cannabis business	Ν	Ν	N/A	N/A	N/A	N/A	N/A	
VA	<u>18VAC</u> <u>110-60-</u> <u>215</u>	Ν	Ν	Y	Y, billboard	Y, cannot be within 1,000 ft of a child- centered facility	Y, no advertising unless at least 85% of the audience is reasonably expected to be 18 years of age or older	Ν	Y, sporting event; vehicles and transporta- tion locations	Υ	
VT	7 V.S.A. <u>§ 864</u> <u>CCB</u> <u>Rule</u> 2.2.12	Ν	N	Y	Ν	Ν	Y, no advertising unless 85% of the audience is reasonably expected to be 21 years of age or older	Ν	Ν	Y	
WA	RCW 69.50.3 69 WAC 314-55- 155	Ν	Ν	Y	Ν	Y, cannot be within 1,000 ft of a child- centered facility	Ν	Y	Y, for billboards; vehicles and transporta- tion locations; on signs	Y	

State	Source	No Restrict- ions on Outdoor Advertis- ing	Complete Outdoor Advertising Ban	Restrict Outdoor Advertising But Do Not Ban	Prohibits Specific Types of Outdoor Advertising	Restrictions				
						Buffer-zone Marketing Restrictions	Audience Composi- tion Require- ments	Size/ Quantity/ Other Features?	Location Based Restriction s	Content Require- ments/ Restrictions
									and placards in certain locations	
wv	<u>W. Va.</u> <u>Code R.</u> <u>§ 64-</u> <u>109-23</u>	Ν	Ν	Y	Ν	Ν	Y, no advertising unless 70% of the audience is reasonably expected to be 21 years of age or older	Ν	Ν	Υ

III. Research Summary

This section summarizes 38 different state approaches, as well as the District of Columbia, to outdoor cannabis advertising. The prevalence of each variable is explained, and examples from specific state regulations are provided when necessary. As discussed above these policies are divided into three main categories: (1) no restrictions on outdoor advertising; (2) complete outdoor advertising prohibition; and (3) restrictions but not an outright prohibition.

No restrictions

Of the 39 jurisdictions that allow the medical use and/or adult-use of cannabis products, **only three states do not have regulations** that address the advertisement of cannabis products and businesses (AZ, LA, PA).

Complete Prohibition

Of the 39 jurisdictions that allow the medical use of cannabis products, **only eight states completely prohibit businesses from outdoor advertising** (DE, FL, KY, MD, MN, MS, MT, UT). This includes any advertisement in any manner that is viewable or can otherwise be perceived in a public space, any format that may be viewable from roads or walkways. Mississippi goes as far as to prohibit all advertisement mediums, including broadcast or electronic media, radio, television, print media, newspaper, and mass communications.⁹

Restrictions

There are 28 Jurisdictions that permit outdoor advertising but place restrictions on specific modes of outdoor advertising, advertising locations, expected audience composition, physical properties, or content of the advertising.

Prohibition of a Specific Type of Advertising: There are 11 states that prohibit a specific form of outdoor advertising, rather than implementing a complete ban. These states (AL, CA, CT, HI, NJ, NY, OH, RI, SD, VA, WA) prohibit the use of billboards to advertise cannabis. Of these 11 jurisdictions, New Jersey and South Dakota allow billboards if the signs are physically on the cannabis businesses property. California only prohibits the use of billboards to advertise dighway or State Highway. Connecticut only prohibits advertising by means of a billboard between the hours of 6 a.m. and 11 p.m. Two states, Alabama and Ohio, specifically prohibit the use of handheld or portable signs. Only one state, Rhode Island, specifically prohibits the use of adopt-a-highway signs. And only one state, South Dakota, specifically prohibits the use of any type of sign outdoors unless the sign is on the retailer's property.

Location Based Restrictions: 19 states restrict outdoor cannabis advertising in specific locations. Fourteen states (AL, AR, CT, HI, IL, MA, ME, NV, NM, NY, OH, RI, VA, WA) prohibit advertising on public vehicles/mass transit. Ten states (AL, AR, CT, HI, MA, NV, NY, OH, VA, WA) prohibit advertising at locations related to transportation (i.e. train stations, taxi stands, bus stops, etc.). For example, Washington restricts advertising at public transit shelters, bus stops, transit waiting areas, train stations, airports, and other transit related areas. Six states (AK, AL, AR, NY, OH, IL) restrict cannabis advertising on publicly owned or operated property. In addition, four states do not allow cannabis advertising in a public place. For instance, Florida restricts advertising to places that are not visible to members of the public from any street, sidewalk, park, or other public place. Seven states (AK, CA, DC, FL, MO, RI, VA) prohibit advertising at locations such as secondary school campuses, highways, doors, shopping malls, arcades, and sporting events. For example, Washington prohibits outdoor advertising on signs and placards in arenas, stadiums, shopping malls, fairs that receive state allocations, farmers markets, and video game arcades.

Buffer Zones: 16 states have advertising buffer zones around schools, child-centered locations, and other vulnerable locations. The distance of the exclusionary zone varies considerably. New Jersey has the smallest buffer zone which is within 200 feet of a grade school (K–12). Connecticut has the largest exclusionary zone at 1,500 feet. The most common distance is 1,000 feet and is used by **nine states** (AK, AR, CA, IL, ME, NV, RI, VA, WA). There are also **five states** (AL, CO, CT, NY, OH) that have a 500 ft buffer zone and **one state** (NM) has a 300 ft buffer zone. States restrict the proximity of cannabis advertising to a variety of child focused locations. **Ten states** (AK, CT, CA, CO, IL, ME, NY, NV, VA, WA) broadly restrict the proximity of outdoor cannabis advertising to "child-centered facilities." For example, Illinois restricts advertising in relation to schools, playgrounds, recreation centers, childcare facilities, public parks, libraries, arcades that are not restricted to adults. **Two states** (AL and OH) have more vague restrictions, preventing advertising that is a certain distance away from a prohibited facility or place that targets or is attractive to minors. In addition, **two states** (AK and VA) restrict advertising in proximity to substance abuse treatment centers.

Audience Composition: There are **nine states** that prohibit advertising if a certain percent of the audience is reasonably expected to be under 18 or 21 (depending on the state), based on current audience composition data. **Four states** (CT, MA, OR, WA) directly apply their audience composition restriction to outdoor advertising. For instance, Massachusetts states that advertising by billboard or other outdoor Advertising is prohibited unless at least 85 percent of the audience is reasonably expected to be 21 years of age or older as determined by reliable and current audience composition data. **Five states** (MN, NV, NJ, VA, VT) provide a broader restriction, prohibiting cannabis establishments from advertising their products via any medium unless the required audience composition exists. In Virginia, the law states that a cannabis dispensing facility cannot advertise through any means unless at least 85 percent of the audience is reasonably expected to be 18 years of age or older, as determined by reliable, up-to-date audience composition data. The percentage of the audience varies considerably between jurisdictions. The strictest state, Connecticut, prohibits cannabis advertising unless at least 90 percent of the audience is 21 or

older. Other audience composition percentages include 85 percent (MA, VA, VT), 71.6 percent (NJ), and 70 percent (MN, NV, OR, WV).

<u>Size/Quantity/Other Features Total:</u> 12 jurisdictions (AK, AL, AR, DC, HI, MA, MN, NH, OH, OK, MA, WA) restrict physical features of cannabis advertising signs. Seven states (AK, AL, AR, HI, OH, OK, WA) restrict the size of advertising signs. Alaska restricts signs for a cannabis establishment to 4,800 square inches. Ohio limits the display of signs larger than 16 inches in height by 18 inches in width. Four jurisdictions (AL, DC, MA, NH) place restrictions on the use of illuminated signs. The District of Columbia prohibits illuminated signs both onsite and offsite. Massachusetts prohibits the use of illuminated signs, except for the period of 30 minutes before sundown until closing. Three states (HI, MN, WA) limit the quantity of signs that a retailer may display outside of the licensed premises to two signs.

<u>Content Requirements/Restrictions:</u> 32 of 39 jurisdictions have some form of content restriction, whether it be restrictions related to targeting children, making therapeutic claims, or product warnings. These content restrictions apply to all forms of cannabis advertising including outdoor cannabis advertising.

Content Targeting Children: 29 states have an explicit prohibition against advertising content that targets children; **10 states** (AZ, DE, HI, KY, LA, MS, ND, OR, PA, UT) do not mention children, youth, adolescents, or minors anywhere in their regulations. The degree of detail in this prohibition varies considerably, whether it be the use of a cartoon character, a mascot, a toy, a celebrity, or any other depiction that is commonly used to market products to minors. Michigan simply prohibits advertising that targets individuals under the age of 21. New Jersey takes a more detailed approach by prohibiting a depiction of a person under 21 years of age consuming cannabis items; the inclusion of objects, "such as toys, characters, or cartoon characters suggesting the presence of a person under 21 years of age, or any other depiction designed in any manner to be especially appealing to a person under 21 years of age."

<u>Therapeutic Claims:</u> 19 states (AK, AL, CT, HI, IL, MA, ME, MI, MN, MO, NJ, NM, NY, OH, OK, RI, VA, VT, WA) regulate the use of therapeutic or curative claims. **Nine states** prohibit the use of therapeutic or curative claims in cannabis advertising (AK, IL, ME, NY, OH, OK, RI, VT, WA). For example, Connecticut prohibits the use of "drug store", "pharmacy", "apothecary", "drug", "drugs" or "medicine shop" in any advertisement. Maine, on the other hand, broadly prohibits cannabis retailers from making any claims related to health or physical benefits of cannabis consumption. **ten states** (AL, CT, HI, MA, MI, MN, MO, NJ, NM, VA) require that claims be supported by substantial

scientific and/or clinical evidence. Michigan defines the level of required substantiation by referencing FDA standards. New Jersey requires that the claims be supported by at least two scientific studies. There are also **four states** (AR, CT, MA, ND) that prohibit the use of any symbol that is commonly associated with the practice of medicine or the practice of pharmacy.

<u>Product Warnings:</u> 14 states (AK, AR, CT, MA, MD, MI, MN, NV, NJ, NM, VA, VT, WA, WV) require some form of product warning in outdoor cannabis advertisements. There are a broad range of required warnings including

warnings related to the: possible impairment from the consumption of cannabis, intoxicating or addictive effects of cannabis, health risks associated with consumption of cannabis, use by pregnant or breast-feeding women, age requirement of at least 21 years of age, and keeping cannabis and cannabis products away from minors. For example, Nevada requires that cannabis retailers ensure that all advertising contains such warnings as may be prescribed by the Board, which must include, without limitation, the following words: (1) "keep out of reach of children"; and (2) "for use only by adults 21 years of age and older."



Validity of Statements: Every state has a provision explicitly prohibiting false and/or misleading statements.

Images of Consumption of Cannabis/cannabis Plant: 15 states (AL, CT, IL, MA, MD, ND, NH, NV, NJ, NM, OH, RI, VA, WA, WV) prohibit the use of any image, or any other visual representation, of the cannabis plant or the consumption of cannabis. For instance, in Rhode Island, cannabis businesses cannot display images or representations of marijuana plants, marijuana or marijuana products, or display the consumption, use or transfer of marijuana or marijuana products.



This document was developed by Mathew R. Swinburne, J.D., Senior Adviser for the Network for Public Health Law-Eastern Region, and Hallie Bereday & Emily Schwartz, J.D. (Class of 2024) at the University of Maryland Francis King Carey School of Law. The Network promotes public health and health equity through non-partisan educational resources and technical assistance. These materials provided are provided solely for educational purposes and do not constitute legal advice. The Network's provision of these materials does not create an attorney-client relationship with you or any other person and is subject to the <u>Network's Disclaimer</u>.

September 2024

SUPPORTERS

Support for the Network is provided by the Robert Wood Johnson Foundation (RWJF). The views expressed in this post do not represent the views of (and should not be attributed to) RWJF.

Robert Wood Johnson Foundation

¹ See World Health Organization, Adolescent Health, (defining adolescence as the phase of life between childhood and adulthood, from the ages 10-19) *available at* <u>https://www.who.int/health-topics/adolescent-health#tab=tab_1</u>.

² CDC, *Marijuana and Public Health: Teens*, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention (Sept. 2021).

³ Elizabeth J. D'Amico et al., *Gateway to Curiosity: Medical Marijuana Ads and Intention to Use During Middle School*, 29 PSYCH. ADD. BEHAV. 613 (2015); Elizabeth J. D'Amico et al., *Planting the Seed for Marijuana Use: Changes in Exposure to Medical Marijuana Advertising and Subsequent Adolescent Marijuana Use, Cognitions, and Consequences Over Seven Years*, 188 DRUG & ALCOHOL DEPEN. 385 (2018).

⁴ *Id*.

⁵ Cannabis and Teens, CTR. FOR DISEASE CONTROL & PREVENTION available at <u>https://www.cdc.gov/cannabis/health-</u>

effects/cannabis-and-teens; Sanjay B. Maggirwar et al., The Link Between Cannabis Use, Immune System, and Viral Infections, 13 VIRUSES 1099 (2021); Venkat N. Subramaniam, The Cardiovascular Effects of Marijuana: Are the Potential Adverse Effects Worth the High?, 116 Mo. MED 146 (2019); Ryan S. Sultan et al., Nondisordered Cannabis Use Among US Adolescents, 6 JAMA NETWORK OPEN 1 (2023); Will Lawn, The CannTeen Study: Cannabis Use Disorder, Depression, Anxiety, and Psychotic-like Symptoms in Adolescent and Adult Cannabis Users and Age-matched Controls, 36 J. PSYCHOPHARMACOL 1350 (2022).

⁶ Elizabeth J. D'Amico et al., Understanding Rates of Marijuana Use and Consequences Among Adolescents in a Changing Legal Landscape, CURRENT ADD. REPS. 343 (2017).

⁷ Pamela J. Trangenstein et al., Cannabis Marketing and Problematic Cannabis Use Among Adolescents, 82 J. Stud. Alcohol & Drugs 288 (2021).

⁸ How Marijuana Ads Affect Youth: Q&A with Elizabeth D'Amico, RAND (Aug. 21, 2018) available at

 $\underline{https://www.rand.org/pubs/commentary/2018/08/how-marijuana-ads-affect-youth-qa-with-elizabeth-damico.html}.$

⁹ 15 Miss. Code R. § 22-3-1.2.1.