

# Proposed Regulations Project

## Tab 8 (Advertising Requirements)

Submitted by: Schulte

### Description:

This proposed project seeks to bring advertising notice requirements in line with similar requirements for other regulated products.

### Narrative:

In current regulations the same text required for product labelling is also specified for advertising. Other regulated industries (alcohol and tobacco) have different requirements for packaging and labelling of products and for advertising disclaimers.

Advertising requirements are typically general in nature and intended to inform consumers of general cautions.

Product labelling tends to be more specific and intended to inform a consumer who has actually purchased a product.

### Proposed change:

Note:

Words in **boldface and underlined** indicate language to be added

Words [CAPITALIZED AND BRACKETED] indicate language being deleted

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### **3 AAC 306.360. Restriction on advertising of marijuana and marijuana products.**

(a) A retail marijuana store may have not more than three signs, visible to the general public from the public right-of-way, that identify the retail marijuana store by its business name. A sign may be placed in the retail marijuana store's window or attached to the outside of the licensed premises. The size of each sign may not exceed 4,800 square inches.

(b) An advertisement for marijuana or a marijuana product may not contain a statement or illustration that

- (1) is false or misleading;
- (2) promotes excessive consumption;
- (3) represents that the use of marijuana has curative or therapeutic effects;
- (4) depicts a person under 21 years of age consuming marijuana; or

(5) includes an object or character, including a toy, a cartoon character, or any other depiction designed to appeal to a person under 21 years of age, that promotes consumption of marijuana.

(c) A retail marijuana store may not place an advertisement for marijuana or a marijuana product, except as provided in (a) of this section,

(1) within 1,000 feet of the perimeter of any child-centered facility, including a school, a child care facility or other facility providing services to children, a playground or recreation center, a public park, a library, or a game arcade that is open to persons under 21 years of age;

(2) on or in a public transit vehicle or public transit shelter;

(3) on or in a publicly owned or operated property;

(4) within 1,000 feet of a substance abuse or treatment facility; or

(5) on a campus for post-secondary education.

(d) A retail marijuana store may not use giveaway coupons as promotional materials, or conduct promotional activities such as games or competitions to encourage sale of marijuana or marijuana products.

(e) All advertising for marijuana or any marijuana product must contain each of the following warnings:

(1) "**For adult use only, 21 and older**" [MARIJUANA HAS INTOXICATING EFFECTS AND MAY BE HABIT FORMING AND ADDICTIVE.];

(2) "**Do not operate a vehicle or machinery after consuming marijuana**" [MARIJUANA IMPAIRS CONCENTRATION, COORDINATION, AND JUDGMENT. DO NOT OPERATE A VEHICLE OR MACHINERY UNDER ITS INFLUENCE.];

(3) "THERE ARE HEALTH RISKS ASSOCIATED WITH CONSUMPTION OF MARIJUANA.";

(4) "FOR USE ONLY BY ADULTS TWENTY-ONE AND OLDER. KEEP OUT OF THE REACH OF CHILDREN.";

(5) "MARIJUANA SHOULD NOT BE USED BY WOMEN WHO ARE PREGNANT OR BREAST FEEDING.".]

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