



## MEMORANDUM

TO: Peter Mlynarik, Chair, and  
Members of the Board

DATE: July 12, 2017

FROM: Erika McConnell, Director  
Marijuana Control Board

RE: Regulations Project – Promotional  
Activities and Advertisement

**Summary:** This regulation proposes the following:

- Advertising regulations are moved from applying to just retail stores (in Article 3 of the regulations) to applying to all licensees (in Article 7).
- The regulations are divided to separately address restrictions on advertising marijuana and marijuana products from restrictions on advertising a marijuana business.
- The restrictions on advertising marijuana and marijuana products are similar to current regulations but reduce the warnings from five to two. The warnings are required to be plainly visible, in at least half the font size of the advertisement if on a sign, in a font size no smaller than size 9 if in print, and played at the same speed as the advertisement if in audio format.
- Promotional events must be held on the licensed premises (not outside in the parking lot), even if they are held or sponsored by others, and give-away items may not be tied to purchasing marijuana or a marijuana product.
- A marijuana business may have no more than three signs (whether or not the business name is on the sign) that are either in the business's window or attached to the outside of the licensed premises.
- An advertisement for a marijuana business is no longer required to include the warning statements.

**Recommendation:** Unless there is evidence to show that the current warning statements adopted by the Board are no longer true or accurate or are in some other way problematic, I recommend that the existing five warning statements be retained. Otherwise, I recommend this regulation be put out for public comment.

3 AAC 306.360 is repealed:

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

Repealed. (Eff. 2/21/2016, Register 217; repealed \_\_/\_\_/\_\_\_\_, Register\_\_\_\_)

3 AAC 306 is amended by adding a new subsection in Article 7 to read:

**3 AAC 306.7xx. Restriction on advertising of marijuana and marijuana products**

(a) An advertisement for marijuana or a marijuana product must include the business name and license number.

(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 any object or character, including a toy, a cartoon character, or any

other depiction that appeals to a person under 21 years of age.

(c) A licensed marijuana business may not place an advertisement for marijuana or a marijuana product

(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 postsecondary education.

(d) A licensed marijuana business may not encourage the sale of marijuana or marijuana products

- (1) by using giveaway coupons as promotional materials;
- (2) by conducting games or competitions;
- (3) by holding, sponsoring, or allowing events or activities held or sponsored by others, to be conducted outside of the licensed premises; or
- (4) by tying give-away items to the purchase of marijuana or marijuana products.

(e) All advertising for marijuana or any marijuana product must contain each of the following warnings, which must be plainly visible and at least half the font size of an advertisement on a sign, and no smaller than size 9 font when the advertisement is in printed form. Audio advertisements warnings must be understandable and played at the same speed as the advertisement.

- (1) "For adult use only."
- (2) "Do not operate a vehicle or machinery after consuming marijuana."

3 AAC 306 is amended by adding a new subsection in Article 7 to read:

**3 AAC 306.7xx. Restriction on advertising of a marijuana business**

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

(b) A licensed marijuana business may place advertisements that include its name, logo, business type, contact information, location, and hours of operation.

(c) A licensed marijuana business may not place a business advertisement, 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 postsecondary education.

(Eff. \_\_/\_\_/\_\_\_\_. Register\_\_\_\_)

Authority:	AS 17.38.010	AS 17.38.150	AS 17.38.200
	AS 17.38.070	AS 17.38.190	AS 17.38.900
	AS 17.38.121		