

Medical Marijuana Advertisements

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Issue

Provide an overview of Connecticut regulations governing medical marijuana advertisements.

Summary

Department of Consumer Protection (DCP) regulations limit the types of marketing and advertisements that may be done for medical marijuana. The regulations prohibit advertisements that would be false or misleading and requires that statements be balanced (e.g., listing side effects with the same level of detail as effectiveness). Additionally, they prohibit specific types of marijuana advertisements such as any offer of a prize, award, or inducement (e.g., buy one get one free).

Additionally, the regulations provide the DCP commissioner with certain authority over advertisements. It allows her to, among other things, approve the advertisements before they are disseminated, require specific disclosures, and make recommendations for changes to the advertisements.

For more information on medical marijuana advertisements, see DCP's advertising [guide](#) and [addendum](#). The guide and addendum provide answers to several frequently asked questions and examples on what is or is not allowed.

Marketing and Advertisements

Cooperation Between Producers, Dispensary Facilities, or Medical Professionals to Influence Patients

The regulations prohibit any combination of producers, production facility employees, producer backers, dispensary facility employees or backers, physicians, or advanced practice registered nurses (APRNs) from cooperating, either directly or indirectly, in advertising to steer or influence patients or caregivers to select a physician, APRN, dispensary, or marijuana product.

But the regulations allow producers, dispensary facilities, physicians, or APRNs to make advertisements of another party available to patients or primary caregivers as long as they do so on the same terms for all the businesses in the same category ([Conn. Agencies Regs., § 21a-408-68\(a\)](#)).

Prohibitions

Connecticut regulations prohibit advertisements for marijuana or any marijuana product from containing any statement:

1. that is false or misleading in any material particular or violates the Connecticut Unfair Trade Practices Act;
2. that falsely disparages a competitor's products; or
3. that indicates or implies that the advertised product or entity has been approved or endorsed by DCP, the DCP commissioner, the state, or any person or entity associated with the state.

Additionally, the regulations prohibit any statement, design, representation, picture, or illustration that:

1. is obscene or indecent;
2. encourages or represents the use of marijuana for a condition other than a debilitating medical condition (i.e., those that qualify for medical marijuana use in the state);
3. encourages or represents recreational marijuana use;
4. relates to the safety or efficacy of marijuana, unless supported by substantial evidence or substantial clinical data;
5. portrays anyone under age 18, contains objects that suggest the presence of anyone under age 18, or contains figures, symbols, or language customarily associated with anyone under

age 18, except that advertisements may address medical marijuana products as they relate to minor patients.

The regulations also prohibit any offer of a prize, award, or inducement to a qualifying patient, primary caregiver, physician, or APRN related to purchasing marijuana or a certification for using marijuana, except that non-product specific price discounts are allowed ([Conn. Agencies Regs., § 21a-408-68\(b\)](#)).

DCP Commissioner Approval

The regulations require an advertisement, before or at the same time it is disseminated, for marijuana or a marijuana product to be submitted to the commissioner on a form or in a format she prescribes ([Conn. Agencies Regs., § 21a-408-68\(c\)](#)).

The commissioner may:

1. require the advertisement to contain a specific disclosure in a clear and conspicuous manner if she determines the advertisement would be false or misleading without the disclosure;
2. make recommendations for changes that are (a) necessary to protect the public health, safety, or welfare or (b) consistent with dispensing information for the product under review; and
3. if appropriate and the information exists, recommend statements to be included in the advertisement to address the specific efficacy of the drug as it relates to specific disease states, disease symptoms, and population groups ([Conn. Agencies Regs. § 21a-408-68\(d\)](#)).

Truthful, Fair, and Balanced Statements

Connecticut regulations require all marijuana and marijuana product advertisements that make a statement relating to the side effects, consequences, contraindications, and effectiveness to present a true statement of such information. When applicable, advertisements broadcast through media such as radio, television, or other electronic media must include the information in the audio and visual parts of the presentation ([Conn. Agencies Regs., § 21a-408-69\(a\)](#)).

Under the regulations, false or misleading information in any part of the advertisement is not allowed even if it is corrected by a true statement in another distinct part of the advertisement ([Conn. Agencies Regs., § 21a-408-69\(b\)](#)).

Additionally, advertisements must present a fair balance between side effects, consequences, contraindications, and effectiveness. It is not considered a “true statement” if the information

relating to effectiveness is presented in greater scope, depth, or detail than the information relating to side effects, consequences, and contraindications. This takes into account all implementing factors such as typography, layout, contrast, headlines, paragraphing, white space, and any other techniques used for emphasis ([Conn. Agencies Regs., § 21a-408-69\(c\)](#)).

By regulation, an advertisement is false, lacking in fair balance, or otherwise misleading if it:

1. contains a representation or suggestion that a marijuana strain, brand, or product is better, more effective, useful in a broader range of conditions or patients, or safer than other drugs or treatments including other marijuana strains or products, unless the claim has been demonstrated by substantial evidence or substantial clinical experience;
2. contains favorable information or opinions about a marijuana product previously regarded as valid but that have been rendered invalid by contrary and more credible recent information;
3. uses a quote or paraphrase out of context or without citing conflicting information from the same source, to convey a false or misleading idea;
4. uses a study on individuals without a debilitating medical condition without disclosing that the subjects were not suffering from such condition;
5. uses data favorable to a marijuana product derived from patients treated with a different product or dosages different from those approved in Connecticut;
6. contains favorable information or conclusions from a study that is inadequate in design, scope, or conduct to furnish significant support for such information or conclusions; or
7. fails to adequately emphasize that two or more facing pages are part of the same advertisement when only one page contains information relating to side effects, consequences, and contraindications ([Conn. Agencies Regs., § 21a-408-69\(d\)](#)).

The regulations prohibit any advertisement from being disseminated if the submitter received information that has not been widely publicized in medical literature that the use of the marijuana product or strain may cause fatalities or serious damage to a patient ([Conn. Agencies Regs., § 21a-408-69\(e\)](#)).

Advertising at a Dispensary Facility

By regulation, a dispensary facility must:

1. restrict external signage to a single sign no larger than 16 inches in height by 18 inches in width, except as otherwise allowed by the regulations;
2. not illuminate a dispensary facility sign advertising a marijuana product at any time;

3. not advertise marijuana brand names or use graphics related to marijuana or paraphernalia on the outside of the facility or the building where it is located; and
4. not display marijuana or paraphernalia that is clearly visible from the outside of the facility ([Conn. Agencies Regs., § 21a-408-70\(a\)](#)).

Prohibition of Producers Advertising Price

The regulations prohibit a producer from advertising the price of its marijuana, except for making a price list available to a dispensary facility ([Conn. Agencies Regs., § 21a-408-70\(b\)](#)).

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