

## Cannabis Advertising

By: Duke Chen, Principal Analyst  
December 16, 2022 | 2022-R-0246

### Issue

Summarize the laws on cannabis advertising.

### Summary

Connecticut law prohibits anyone other than a cannabis establishment licensee from advertising any cannabis or related services in the state. It also generally prohibits the licensees from advertising in certain ways (e.g., targeting those under age 21, representing that cannabis has therapeutic effects, sponsoring certain events, and advertising near elementary or secondary schools). A “cannabis establishment” is a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer (i.e., licensed to sell both recreational cannabis and medical marijuana), food and beverage manufacturer, product manufacturer, product packager, delivery service, or transporter.

The law also requires the advertisements to include a warning about underage cannabis use and deems a violation as a Connecticut Unfair Trade Practices Act (CUTPA) violation. However, it exempts certain outdoor business signs posted at a cannabis establishment from the underage warning requirement and a requirement to ascertain that at least 90% of the advertisement’s audience is expected to be at least age 21.

### Prohibitions

The law prohibits cannabis establishments from advertising:

1. cannabis, cannabis paraphernalia, or cannabis-related goods or services (a) in a way that targets those under age 21 (e.g., by using toys, characters, or cartoon characters to suggest

that underage individuals are present), or (b) by using any image or other visual representation of the cannabis plant or part of it, including the leaf;

2. cannabis or cannabis products in a way that claims or implies that they have curative or therapeutic effects, or that any other medical claim is true, or with exceptions, allowing any employee to promote cannabis for wellness purposes; and
3. cannabis or cannabis products or paraphernalia in any physical form visible to the public within 500 feet of elementary or secondary school grounds, a recreation center or facility, a childcare center, a playground, a public park, or a library.

The establishments also cannot advertise:

1. on or in public or private vehicles or at bus stops, taxi stands, transportation waiting areas, train stations, airports, or other similar transportation venues;
2. on billboards within 1,500 feet of elementary or secondary school grounds, houses of worship, recreation centers or facilities, child care centers, playgrounds, public parks, or libraries, or on electronic or illuminated billboards between 6:00 a.m. and 11:00 p.m.;
3. by television, radio, internet, mobile applications, social media, other electronic communication, billboard or other outdoor signage, or print publication unless the establishment has reliable evidence that at least 90% of the advertisement's audience is reasonably expected to be age 21 or older; and
4. through location-based devices, including cellphones, unless the marketing is a mobile device application that the owner, who is age 21 or older, installed on the phone and includes a permanent and easy opt-out feature and warnings that cannabis use is restricted to those age 21 and older.

Finally, these establishments are prohibited from:

1. sponsoring charitable, sports, musical, artistic, cultural, social, or other similar events or advertising at or in connection with these events, without reliable evidence that not more than 10% of the audience is expected to be under age 21;
2. advertising in any way to encourage transporting cannabis across state lines or other illegal activity;
3. displaying or advertising the word "dispensary" or any other words, displays, or symbols indicating the store, shop, or business place is a dispensary unless it is a dispensary facility or hybrid retailer;
4. displaying or advertising the words "drug store," "pharmacy," "apothecary," "drug," "drugs," or "medicine shop," or any combination of these terms or other words, displays, or symbols indicating that the business is a pharmacy;

5. displaying cannabis, cannabis products, or any image or other visual representation of the cannabis plant or part of it, including the leaf, that are clearly visible to someone outside of the facility used to operate the cannabis establishment,
6. displaying signs or other printed material advertising any brand or any kind of cannabis or cannabis product, including any image or other visual representation of the cannabis plant or part of it, including the leaf, on the outside of the facility used to operate the cannabis establishment;
7. using radios or loudspeakers, in a vehicle or in or outside the facility used to operate the cannabis establishment, to advertise the sale of cannabis or cannabis products; and
8. operating any website advertising or depicting cannabis, cannabis products, or cannabis paraphernalia unless the website verifies the entrants or users are age 21 or older (CGS § 21a-421bb, as amended by [PA 22-103](#), § 8, and [PA 22-104](#), § 54).

## Warning

The law requires cannabis establishments' advertisements to have the following warning: "Do not use cannabis if you are under twenty-one years of age. Keep cannabis out of the reach of children." For print or visual mediums, the warning must be conspicuous, easily legible, and take up at least 10% of the advertisement space. For an audio medium, the warning must be at the same speed as the rest of the advertisement and be easily intelligible.

## Outdoor Signage Exemption

The law exempts certain outdoor business signs posted at a cannabis establishment from the law's requirements to (1) warn against underage use and (2) ascertain that at least 90% of the audience is expected to be at least age 21.

The exemption applies to any outdoor sign (e.g., monument, pylon, or wayfinding sign) that meets the following criteria:

1. contains only the cannabis establishment's name and logo;
2. has (a) no image or other visual representation of the cannabis plant or part of it, including the leaf, and (b) no more than three colors; and
3. is located on (a) the cannabis establishment's premises, whether leased or owned, or (b) a commercial property occupied by multiple tenants, including the cannabis establishment.

DC:co