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LD 40

Good morning, members of the Veterans and Legal Affairs Committee. I'm Chris Busby, editor and publisher of The Bollard, and I'm writing in support of LD 40, specifically its removal of the rule pertaining to "Specific limitations on signs, advertising and marketing to minimize the appeal of adult-use cannabis ... to persons under 21." This rule is pointless, highly subjective and overly vague, and its uneven, unprofessional and unpredictable enforcement by the Office of Cannabis Policy is causing serious problems.

The OCP recently charged one of the local adult-use cannabis businesses that advertised in our magazine with three violations totaling \$3,000 in fines for promoting a "back to school" event and a discount for "college students with valid ID" in our September 2023 issue, on grounds that this ad copy constituted marketing to minors. Although most young people dread "back to school" time and very few minors read our monthly newsmagazine (or any print media), the OCP is claiming otherwise and further asserting that ANY cannabis ads in our free and widely distributed publication are illegal because minors can potentially see one. We've been publishing ads for cannabis businesses for nearly five years now with no problems or response from the OCP, and this client took the "reasonable step" (in accordance with the law) of getting demographic information from us detailing why few minors read our publication. So this has been a real shock to us all, as well as a serious financial burden, as it effectively PROHIBITS ANY CANNABIS ADVERTISING IN ALL FREE PRINT MEDIA IN MAINE.

The OCP refuses to answer basic questions about their interpretation of the rules or engage in constructive dialogue about this. Their shockingly negligent actions are detailed in our March 2024 cover story, "Dear Vern," which is on stands now (and available online via patreon.com/thebollard). The OCP's unprofessional approach to enforcement and the resulting confusion about its enforcement policies have already cost us thousands of dollars in lost ad revenue, as legal cannabis businesses now fear advertising in any local print media, lest they get hit with huge fines based on the OCP's illogical and subjective interpretation of this rule. I have no doubt that other local print media businesses in Maine are also losing much-needed ad revenue due to this nonsense.

I say this rule is pointless because local cannabis companies have no motive to spend money marketing to customers who are prohibited by law from patronizing their business. Minors with documented medical need can already access cannabis-based medicines. The law prohibiting the sale of adult-use cannabis to Mainers under 21 is sufficient to meet your goal of preventing that activity.

It appears this rule is intended to lessen the general appeal of cannabis products to kids, like the Joe Camel controversy in the tobacco industry (thus the specific prohibition on the use of "cartoons"). However, as you know, our culture is awash in positive references to cannabis, and the influence of popular culture, peers and parents (as well as a teen's own natural curiosity and desire to experience relief from stress or sadness) is exponentially stronger than that of any single design element a minor may encounter in an advertisement (i.e., an image of a "toy," or the relative cartoonishness of an illustration). As noted, cannabis businesses have no reason to market to kids, so we're left with this opaque process of splitting microscopic hairs over arcane questions like the relative appeal of "school" to underage students, and so on. Meanwhile, the entire industry's marketing decisions have been paralyzed by the inherent unpredictability of the OCP's interpretation and enforcement processes.

Our ad client's case is ongoing, with settlement discussions underway between their attorney and the AG's office. How much more staff time and public money will Maine devote to the enforcement of a rule akin to counting the number of angels on the head of a pin? It's a ridiculous exercise with serious consequences for what

remains of the media in Maine, and many more such time- and money-consuming battles over syntax and design styles are surely to come.

In closing, I'll note that if the OCP took a constructive approach to encourage compliance with this rule, that would also assuage our concerns and fix this problem in the law. But the OCP has proven itself incapable or unwilling to engage with cannabis and media companies to clarify its interpretations and allow dialogue about how best to meet the goal of preventing cannabis marketing to minors. As this latest problem with our advertiser illustrates, the OCP has instead relied on huge fines for highly questionable "violations" and refused to communicate with my publication (the actual source of the "problem" they've identified). Absent a complete overhaul of OCP leadership and staff, I urge your committee to support passage of LD 40 with its attendant removal of this absurd, costly and destructive rule.

Thank you for your time and attention,
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