

§702. Signs, advertising and marketing

1. Prohibitions. Signs, advertising and marketing used by or on behalf of a licensee:

A. May not be misleading, deceptive or false; [PL 2017, c. 409, Pt. A, §6 (NEW).]

B. May not involve advertising or marketing that has a high likelihood of reaching persons under 21 years of age or that is specifically designed to appeal particularly to persons under 21 years of age; [PL 2017, c. 409, Pt. A, §6 (NEW).]

C. May not be placed or otherwise used within 1,000 feet of the property line of a preexisting public or private school, except that, if a municipality by ordinance or other regulation, or, in the case of a town, plantation or township located in the unorganized and deorganized areas, the Maine Land Use Planning Commission, chooses to prohibit the placement or use of signs or advertising by or on behalf of a cannabis establishment at distances greater than or less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that greater or lesser distance applies. As used in this paragraph, "school" has the same meaning as in section 402, subsection 2, paragraph A; and [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

D. May not violate any other requirement or restriction on signs, advertising and marketing imposed by the department by rule pursuant to subsection 2. [PL 2017, c. 409, Pt. A, §6 (NEW).] [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

2. Rules on signs, advertising and marketing. The department shall adopt rules regarding the placement and use of signs, advertising and marketing by or on behalf of a licensee, which may include, but are not limited to:

A. A prohibition on health or physical benefit claims in advertising or marketing, including, but not limited to, health or physical benefit claims on the label or packaging of adult use cannabis or an adult use cannabis product; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. A prohibition on unsolicited advertising or marketing on the Internet, including, but not limited to, banner advertisements on mass-market websites; [PL 2017, c. 409, Pt. A, §6 (NEW).]

C. A prohibition on opt-in advertising or marketing that does not permit an easy and permanent opt-out feature; and [PL 2017, c. 409, Pt. A, §6 (NEW).]

D. A prohibition on advertising or marketing directed toward location-based devices, including, but not limited to, cellular telephones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and includes a permanent and easy opt-out feature. [PL 2017, c. 409, Pt. A, §6 (NEW).]

[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2021, c. 669, §5 (REV).

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