

HOUSE BILL NO. 351

INTRODUCED BY K. SEEKINS-CROWE, B. MITCHELL, A. REGIER, J. ELLSWORTH, B. BEARD, T. SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO MARIJUANA ADVERTISING; PROHIBITING A MARIJUANA LICENSEE FROM ADVERTISING A BRAND ASSOCIATED WITH A LICENSE THROUGH CERTAIN MEDIUMS; CLARIFYING PROVISIONS FOR ELECTRONIC ADVERTISING FOR A MARIJUANA LICENSEE; CLARIFYING PROVISIONS FOR SPONSORSHIPS FOR A MARIJUANA LICENSEE; AND AMENDING SECTION 16-12-211, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-12-211, MCA, is amended to read:

"16-12-211. Limitations on advertising -- rulemaking. (1) Except as provided in subsection ~~(3)~~ (4), persons with licenses may not advertise marijuana or marijuana products, or a brand associated with a license or location of a license.

(2) Persons with licenses are specifically prohibited from advertising a brand associated with a license or location of a license on outdoor signage, through radio, television, or printed media, or through direct mail marketing.

~~(2)~~(3) A listing in a directory of businesses authorized under this chapter is not advertising for the purposes of this section.

~~(3)~~(4) (a) A licensee may engage in electronic advertising such as maintaining a website and advertising on web applications, provided that no electronic advertisement produced by the licensee contains a statement or illustration that:

- (i) is false or misleading;
- (ii) promotes overconsumption of marijuana or marijuana products;
- (iii) depicts the actual consumption of marijuana or marijuana products;
- (iv) depicts a person under 21 years of age consuming marijuana;
- (v) makes any health, therapeutic, or medicinal claims about marijuana or marijuana products; or

