

3 AAC 306.360 is repealed:

3 AAC 306.360. Restriction on advertising of marijuana and marijuana products

Repealed. (Eff. 2/21/2016, Register 217; Repealed __/__/____, Register____)

3 AAC 306 is amended by adding a new subsection to read:

3 AAC 306.760. Signs, merchandise, advertisements, and promotions.

(a) Business cards and merchandise, including t-shirts, hats, and stickers, that are distributed by a licensed marijuana facility and contain only the business name and logo, licensee name, and location and contact information, are not advertising or promotions.

(b) A licensed marijuana facility may have not more than three signs that are visible to the general public from the public right-of-way. Two of the three signs may only be placed in the marijuana facility's window or attached to the outside of the licensed premises. The size of each sign may not exceed 4,800 square inches. A sign meeting these requirements is not advertising or promotions.

(c) An advertisement for a licensed marijuana facility and for marijuana or a marijuana product must include the business name and license number.

(d) An advertisement for a licensed marijuana facility is exempt from providing the warning statements in (g) below if

(i) the advertisement contains only the business name, logo, business type, contact information, location, and hours of operation;

(ii) the advertisement does not contain any written information about marijuana or a marijuana product or any photographic or illustrative depictions of marijuana or a marijuana product, other than depictions contained within the established business name font and logo.

(e) A logo or an advertisement for a licensed marijuana facility and for marijuana or a marijuana product may not contain a statement or illustration that

- (1) is false or misleading;
- (2) promotes excessive consumption;
- (3) represents that the use of marijuana has curative or therapeutic effects;
- (4) depicts a person under 21 years of age consuming marijuana; or
- (5) includes any object or character, including a toy, a cartoon character, or any other depiction that appeals to a person under 21 years of age.

(f) An advertisement for a licensed marijuana facility and for marijuana or a marijuana product may not be placed

- (1) within 1,000 feet of the perimeter of any child-centered facility, including a school, a child care facility or other facility providing services to children, a playground or recreation center, a public park, a library, or a game arcade that is open to persons under 21 years of age, except when included in an established publication intended for general readership;
- (2) on or in a public transit vehicle or public transit shelter;
- (3) on or in a publicly owned or operated property;
- (4) within 1,000 feet of a substance abuse or treatment facility; or
- (5) on a campus for postsecondary education.

(g) An advertisement for marijuana or any marijuana product must contain each of the following warnings, which must be plainly visible and at least half the font size of an advertisement on a sign, and no smaller than size 9 font when the advertisement is in printed form. Warnings in audio advertisements must be intelligible and played at the same speed as the advertisement.

(1) “Marijuana has intoxicating effect and may be habit forming and addictive”;

(2) “Marijuana impairs concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence.”;

(3) “There are health risks associated with consumption of marijuana.”;

(4) “For use only by adults twenty-one and older. Keep out of the reach of children.”;

(5) “Marijuana should not be used by women who are pregnant or breast feeding.”

(h) A licensed marijuana facility that advertises via web page must utilize appropriate measures to ensure that individuals visiting the web page are 21 years of age or older.

(i) A licensed marijuana facility may not engage in advertising via marketing directed towards location-based devices, including but not limited to cellular phones, 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.

(j) As long as no more than 30 percent of the event’s participants and audience is reasonably expected to be under 21 years of age, a licensed marijuana facility may sponsor

(1) an industry trade show;

(2) a charitable event;

(3) a sports event or competition;

(4) a concert;

(5) any other event approved in advance by the board.

(k) A licensed marijuana facility may not encourage the sale of marijuana or a marijuana product

(1) by using giveaway coupons for marijuana or a marijuana product as promotional materials;

(2) by conducting games or competitions related to the consumption of marijuana or a marijuana product;

(3) by providing promotional materials or activities of a manner or type that would be especially appealing to children; or

(4) by holding promotional activities outside of the licensed premises. (Eff.

___/___/___, Register___)

Authority:	AS 17.38.010	AS 17.38.150	AS 17.38.200
	AS 17.38.070	AS 17.38.190	AS 17.38.900
	AS 17.38.121		