

**Sec. 21a-408-68. Marketing: prohibited conduct, statements and illustration; commissioner review of advertisements**

(a) (1) (A) A producer, production facility employee, producer backer; (B) a dispensary facility employee, dispensary facility backer; (C) a physician; or (D) an APRN, in any combination, shall not cooperate, directly or indirectly, in any advertising if such advertising has the purpose or effect of steering or influencing patient or caregiver choice with regard to the selection of a physician, APRN, dispensary or marijuana product. (2) Notwithstanding the provisions of subdivision (1) of this subsection, a producer, dispensary facility, physician or APRN may make advertisements of another party available to patients or primary caregivers so long as such producer, dispensary facility, physician or APRN does so on the same terms for all such other businesses in the same category.

(b) An advertisement for marijuana or any marijuana product shall not contain:

(1) Any statement that is false or misleading in any material particular or is otherwise in violation of the Connecticut Unfair Trade Practices Act, sections 42-110a to 42-110q, inclusive, of the Connecticut General Statutes;

(2) Any statement that falsely disparages a competitor's products;

(3) Any statement, design, or representation, picture or illustration that is obscene or indecent;

(4) Any statement, design, representation, picture or illustration that encourages or represents the use of marijuana for a condition other than a debilitating medical condition;

(5) Any statement, design, representation, picture or illustration that encourages or represents the recreational use of marijuana;

(6) Any statement, design, representation, picture or illustration related to the safety or efficacy of marijuana, unless supported by substantial evidence or substantial clinical data;

(7) Any statement, design, representation, picture or illustration portraying anyone under the age of eighteen, objects suggestive of the presence of anyone under the age of eighteen, or containing the use of a figure, symbol or language that is customarily associated with anyone under the age of eighteen, except that an advertisement may address medical marijuana products as they relate to minor patients;

(8) Any offer of a prize, award or inducement to a qualifying patient, primary caregiver, physician or APRN related to the purchase of marijuana or a certification for the use of marijuana, except that non-product specific price discounts are allowed; or

(9) Any statement that indicates or implies that the product or entity in the advertisement has been approved or endorsed by the commissioner, department, the state of Connecticut or any person or entity associated with the state of Connecticut.

(c) Any advertisement for marijuana or a marijuana product shall be submitted to the commissioner, on a form or in a format prescribed by the commissioner, at the same time as, or prior to, the dissemination of the advertisement.

(d) The commissioner may:

(1) Require a specific disclosure be made in the advertisement in a clear and conspicuous manner if the commissioner determines that the advertisement would be false or misleading without such a disclosure; or

(2) Make recommendations with respect to changes that are:

(A) Necessary to protect the public health, safety and welfare; or

*Regulations of Connecticut State Agencies*

---

---

(B) Consistent with dispensing information for the product under review.

(3) If appropriate and if information exists, recommend statements for inclusion in the advertisement to address the specific efficacy of the drug as it relates to specific disease states, disease symptoms and population groups.

(Effective September 6, 2013; Amended August 28, 2018)