

**Effective 7/1/2023**

**4-41a-1104 Advertising.**

- (1) Except as provided in this section, a person may not advertise in any medium regarding a medical cannabis pharmacy or the dispensing of medical cannabis within the state.
- (2) A medical cannabis pharmacy may:
  - (a) advertise an employment opportunity at the medical cannabis pharmacy;
  - (b) notwithstanding any municipal or county ordinance prohibiting signage, use signage on the outside of the medical cannabis pharmacy that:
    - (i) includes only:
      - (A) in accordance with Subsection 4-41a-109(4), the medical cannabis pharmacy's name, logo, and hours of operation; and
      - (B) a green cross; and
    - (ii) complies with local ordinances regulating signage;
  - (c) advertise in any medium:
    - (i) the pharmacy's name and logo;
    - (ii) the location and hours of operation of the medical cannabis pharmacy;
    - (iii) a service available at the medical cannabis pharmacy;
    - (iv) personnel affiliated with the medical cannabis pharmacy;
    - (v) whether the medical cannabis pharmacy is licensed as a home delivery medical cannabis pharmacy;
    - (vi) best practices that the medical cannabis pharmacy upholds; and
    - (vii) educational material related to the medical use of cannabis, as defined by the department;
  - (d) hold an educational event for the public or medical providers in accordance with Subsection (3) and the rules described in Subsection (4);
  - (e) maintain on the medical cannabis pharmacy's website non-promotional information regarding the medical cannabis pharmacy's inventory; or
  - (f) engage in targeted marketing, as determined by the department through rule, for advertising a particular medical cannabis product, medical cannabis device, or medical cannabis brand.
- (3) A medical cannabis pharmacy may not include in an educational event described in Subsection (2)(d):
  - (a) any topic that conflicts with this chapter or Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis;
  - (b) any gift items or merchandise other than educational materials, as those terms are defined by the department;
  - (c) any marketing for a specific product from the medical cannabis pharmacy or any other statement, claim, or information that would violate the federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301, et seq.; or
  - (d) a presenter other than the following:
    - (i) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
    - (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act;
    - (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
    - (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act;
    - (v) a medical practitioner, similar to a practitioner described in Subsections (3)(d)(i) through (iv), who is licensed in another state or country;
    - (vi) a state employee; or

- (vii) if the presentation relates to a cannabis topic other than medical treatment or medical conditions, an individual whom the department approves based on the individual's background and credentials in the presented topic.
- (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to define:
  - (a) the educational material described in Subsection (2)(c)(vii); and
  - (b) the elements of and restrictions on the educational event described in Subsection (3), including:
    - (i) a minimum age of 21 years old for attendees; and
    - (ii) an exception to the minimum age for a medical cannabis patient cardholder who is at least 18 years old.

Renumbered and Amended by Chapter 273, 2023 General Session

Renumbered and Amended by Chapter 307, 2023 General Session

Amended by Chapter 307, 2023 General Session, (Coordination Clause)

Amended by Chapter 317, 2023 General Session