



Dispensary Advertising, Marketing, and Signage Checklist

A. Minimum Submission Requirements

- Includes all required materials submitted for review:
 - A brief description of the format, medium and length of the distribution;
 - Verification that an actual patient is not being used on the advertisement;
 - Verification that an official translation of a foreign language advertisement is accurate; check for attestation form.
 - Annotated references to support statements related to effectiveness of treatment; and
 - A final copy of the advertisement, including a video where applicable, in a format acceptable to the board.

B. Basic Non-Compliance

- An advertisement that renders medical marijuana or medical marijuana products attractive to children.
- Encourages, promotes, or otherwise creates any impression that marijuana is legal or acceptable to use in a manner except as specifically authorized under Chapter 3796. of the Revised Code, or the rules promulgated in accordance with Chapter 3796. of the Revised Code, or that recreational marijuana use has any potential health or therapeutic benefits, or that recreational marijuana use or possession is somehow legal.

C. Website Non-Compliance

- The website does not include an age affirmation of at least eighteen years of age by the user before access to the website is granted.
- Allows for direct engagement between consumers or user-generated content or reviews;
- Provides a medium for website users to transmit website content to individuals under the age of eighteen
- Displays or otherwise posts content that has not been submitted to the state board of pharmacy pursuant to paragraph (C) of 3796: 6-3-24
- Facilitate sales transactions to any patient, caregiver, or medical marijuana entity

D. Miscellaneous Non-Compliance

- Include any image bearing a resemblance to a cartoon character, fictional character whose target audience is children or youth, or pop culture icon;
- Market, distribute, offer, sell, license or cause to be marketed, distributed, offered sold or licensed, any apparel or other merchandise related to the sale of marijuana, to an individual under eighteen years of age.
- Contains any statement, design, representation, picture or illustration that is:
 - Advertising that is False or misleading;
 - A departure from the medical marijuana registered name, including, marijuana leaves, slang terms, and similar references;
 - Includes language or images that are disparaging to a competitor's products;
 - Obscene or indecent
 - Related to the safety or efficacy of marijuana, unless supported by substantial evidence or substantial clinical data.
- Suggests or otherwise indicates that the product or entity in the advertisement has been approved or endorsed by the department of commerce, the state board of pharmacy, the state of Ohio or any person or entity associated with the state of Ohio;
- Encourages the use of medical marijuana for a condition other than a qualifying medical condition.



- A dispensary shall not:
 - Sell or otherwise distribute clothing, apparel, or wearable accessories, unless such sale or distribution is to an employee for purposes of identification while working for the licensed entity;
 - No dispensary shall license or otherwise expressly authorize any third party to use or advertise in a manner prohibited by this division.
 - This rule, as it pertains to advertisements, does not apply to a noncommercial message.

- E. Location Non-Compliance – (Check Actual Location Usage in Dispensary Inspections)
 - No Location advertisement of medical marijuana or medical marijuana products, including paraphernalia, in any form or through any medium is the following:
 - Within five hundred feet of the perimeter of a prohibited facility,
 - A community addiction services provider as defined under section 5119.01 of the Revised Code
 - A game arcade admission to which is not restricted to persons aged twenty-one years or older
 - Any other location where the placement of the advertisement targets or is attractive to children
 - On a billboard
 - On a radio or television broadcast (that includes broadcast, cable, on-demand, and internet programming)
 - On any handheld or other portable sign;
 - With respect to public places, on a handbill, leaflet, or flyer directly handed, deposited, fastened, thrown, scattered, cast, or otherwise distributed to any person;
 - Left upon any private property without the consent of the property owners;
 - On or in a public transit vehicle or public transit shelter; or
 - On or in a publicly-owned or operated property.
 - A dispensary shall not:
 - Display external signage larger than sixteen inches in height by eighteen inches in width that is not attached to the entity's permanent structure;
 - Illuminate a sign advertising medical marijuana at any time; (spot lighting is OK)
 - Advertise medical marijuana brand names or use graphics related to medical marijuana on the exterior of the building in which the dispensary is operating; and
 - Display medical marijuana or paraphernalia that is visible from the exterior of the dispensary.

This checklist is based from the [OAC Rule 3796:6-3-24\(Advertising, Marketing and Signage\)](#).