



**STATE OF  
OHIO**  
BOARD OF PHARMACY

## Ohio Medical Marijuana Control Program Advertising / Marketing Materials FAQ

**UPDATED 11/14/18**



No.	Question	Answer
<b>1</b>	Can a dispensary make use of the Medical Marijuana Control Program or Board of Pharmacy seals in their marketing material?	No. Advertising and marketing materials may not suggest or otherwise indicate 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.
<b>2</b>	How do dispensaries submit an attestation for an advertisement translated into a foreign language?	A Designated Representative and the translator who undertook the work must complete the translation attestation confirming translation accuracy, then the DR must email <a href="mailto:mmcp@pharmacy.ohio.gov">mmcp@pharmacy.ohio.gov</a> , referencing the advertising document ID number and attaching the signed translation attestation form.
<b>3</b>	Does the prohibition of illuminated signs also prohibit the use of a spotlight on an approved sign located at the dispensary and identifying its location?	No, the use of a spotlight on an approved sign located at the dispensary and identifying its location will be allowed. The Board, however, reserves the right to restrict the inappropriate illumination of such signs. Illuminated signs, including but not limited to neon signs, are strictly prohibited.
<b>4</b>	What can a dispensary do if a third party is writing reviews on social media about the dispensary?	The dispensary can ask for the third party to take down the review but the third party is not obligated to do so.
<b>5</b>	Are videos allowed?	Yes. Video files up to 30 MB will be accepted. Please note, radio, television broadcast, or internet programming is prohibited.
<b>6</b>	Can an image or likeness of an actual patient be used in advertising / marketing materials?	No.
<b>7</b>	What must a dispensary do if a health claim is included in the advertising / marketing materials?	While definitive health claims are not permitted unless substantiated with significant supporting clinical data, permissive language may be used as well as stating the qualifying conditions that may be treated with a physician's recommendation (e.g. Your doctor can recommend medical marijuana for the treatment of PTSD).
<b>8</b>	What constitutes as a portable sign and can they be used?	Portable signs cannot be used. Examples include, but are not limited to, of portable signs are any hand-held signs, or any sign not attached to the entity's permanent structure, such as bumper stickers.



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<b>9</b>	Who can request a user account for the advertising / marketing materials submission web portal?	Please be aware that advertising and marketing materials must be submitted by someone with authority to sign on behalf of a dispensary licensee or provisional dispensary licensee. If the individual requesting the user account for the web portal has not yet submitted an application for an employee license, the Board is requiring confirmation, from a known PAKE, that the individual identified in the request is has authority to sign on behalf of the dispensary and will be submitting an application to be licensed as a medical marijuana dispensary employee in the future. At the time that a Certificate of Operation is issued and after, all accounts must be held by a licensed medical marijuana dispensary employee.
<b>10</b>	Does an entity with a license from Ohio Department of Commerce and the State Ohio Board of Pharmacy need to submit their advertising material to both agencies for approval?	No. The approval of advertising material by the Ohio Department of Commerce will also be acknowledged by the State of Ohio Board of Pharmacy and no duplicate submission is necessary. The approval of advertising material by the State of Ohio Board of Pharmacy will also be acknowledged by Ohio Department of Commerce. Please be mindful Ohio Department of Commerce and the State of Ohio Board of Pharmacy will be collaboratively reviewing all advertising materials submissions.
<b>11</b>	Is product packaging and labeling considered advertising, therefore requiring approval by Ohio Department of Commerce and / or the State of Ohio Board of Pharmacy?	Yes. See A of OAC for 3796:6-3-24 and A of OAC 3796:5-7-01 for the definition of advertisement.
<b>12</b>	Can marijuana leaves or plant product be included in an advertising submission?	No. Recognizable marijuana leaves are prohibited per OAC 3796:6-3-24.
<b>13</b>	Can a dispensary include multiple advertising materials in a single submission?	Yes. Include material for a single submission in one PDF file and include a cover page to outline each item within the submission.
<b>14</b>	Will a "mock-up" of a website be approved?	Yes, but content added to the website will need to be approved before uploading it onto the website.
<b>15</b>	Can patients pre-order product via their website?	No. Pursuant to 3796:6-3-24 (G)(4) a dispensary may not: Facilitate sales transactions to any patient, caregiver, or medical marijuana entity. Consultation meetings, however, may be scheduled online.
<b>16</b>	Will advertising / marketing materials that represent the DBA instead of the registered name of the licensee be approved?	Yes, if the DBA is submitted and approved through the portal prior to the advertising submission.



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<b>17</b>	Can licensees include their logo on exit bags if the logo is approved by the through the Advertising / Marketing Materials Submission Portal?	No. Pursuant to 3796:6-3-01(H), A dispensary shall place all products sold to the qualifying patient or caregiver in an opaque package that shall not indicate the contents of the package, the originating facility or in any other way cause another person to believe that the package may contain marijuana; and 3796-3-08(K), a dispensary must include the name of the dispensary on the packaging of any medical marijuana or medical marijuana product it sells. Each package sold must be placed in an unmarked, opaque bag before leaving the dispensary.
<b>18</b>	Is there a cost associated with submitting advertising / marketing materials?	Yes. The fee is \$100.00 with a \$2.00 processing fee per submission.
<b>19</b>	Are "news streams" permitted on websites?	Yes.