

CANNABIS ADVERTISING AND MARKETING REGULATIONS

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CANNABIS ADVERTISING AND MARKETING REGULATIONS

Citation

1. This Regulation may be cited as the Advertising and Marketing Regulations.

Interpretation

2. In this Regulation –

“**Act**” means the Cannabis & Industrial Hemp Act, No. [] of 2025;

“**branded merchandise**” means non-consumable products utilized by a holder of a cannabis licence for advertising and marketing purposes and includes clothing, bags, pens, keychains, mugs, water bottles, lanyards, stickers, pins, and posters. It does not include items containing cannabis or any items that are considered food;

“**cannabis accessory**” has the same meaning as in the Cannabis & Industrial Hemp Act, No. [] of 2025;

“**cannabis licence**” means a holder all cannabis licences and a holder of a Certificate of Recognition as a Central Trading entity;

“**cannabis product**” has the same meaning as in the Cannabis & Industrial Hemp Act, No. [] of 2025;

“**cannabis**” has the same meaning as in the Cannabis & Industrial Hemp Act, No. [] of 2025;

“**Regulated Substance Authority**” (RSA) means the Regulated Substances Authority established under the Regulated Substances Act, No. [26] of 2023;

“**trade sample**” means a limited amount of cannabis or cannabis products that has been designated by a cannabis licence holder for the purposes of business-to-business marketing and not for remuneration or anything of value in return.

Application

3. These Regulations apply to the advertising, marketing of cannabis as prescribed under the Act.

Non-application

4. These Regulations do not apply to industrial hemp or holders of industrial hemp licences.

General requirements and restrictions for promotions

5. –(1) Pursuant to the provisions of the Act, a person shall not –
- (a) give away any amount of cannabis or cannabis products, or any cannabis accessory, as part of a business promotion.
 - (b) hold a raffle or giveaway as part of a business promotion.
 - (c) advertise free cannabis products or cannabis accessories. This includes promotions such as –
 - (i) buy one product, get one product free;
 - (ii) free product with any donation, and;
 - (iii) contests, sweepstakes, or raffles.

False advertising and marketing

6. –(1) It is prohibited to promote, market, advertise or sell cannabis products if there is reasonable grounds to believe that the promotion could create an impression that health or cosmetic benefits may be derived from the cannabis, the cannabis accessory or the service or use of the cannabis or the cannabis accessory.
- (2) Notwithstanding subsection (1) a company or brand name that is associated with a health or cosmetic product is not prohibited from appearing on cannabis products or in

marketing and advertisements for cannabis products provided the cannabis products do not convey a false impression that the product is provides health or cosmetic benefits.

(3) It is prohibited to promote edible cannabis or a cannabis accessory that contains edible cannabis if there is reasonable grounds to believe that the promotion could create an impression that the edible cannabis or cannabis accessory is intended to meet the particular dietary or nutritional requirements of an individual –

(a) who has a physical or physiological condition as a result of a disease, disorder or injury, or

(b) for whom a particular effect, including weight loss, is to be obtained by a controlled intake of food; or

(c) as an energy drink.

Alcoholic beverages

7. –(1) It is prohibited to promote, market, advertise or sell cannabis products if there is reasonable grounds to believe that the promotion could associate the cannabis, the cannabis accessory or the service with an alcoholic beverage.

(2) Notwithstanding subsection (1) a company or brand name that is associated with an alcoholic beverage is not prohibited from appearing on cannabis products or in marketing and advertisements for cannabis products provided the cannabis products do not convey a false impression that the product is an alcoholic beverage.

(3) A holder of a cannabis licence shall not promote, advertise, sell, market or transport cannabis products that are labeled as beer, wine, rum, liquor, spirits or any other term used to describe a type of alcohol or alcoholic beverage, which may convey a false impression that the product is an alcoholic beverage.

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- (4) Notwithstanding subsections 1,2,3 the holder of a cannabis license may promote, advertise, sell, market or transport a cannabis product that is labeled as beer, wine, rum, liquor spirit, or any other term used to describe a type of alcohol or alcoholic beverage if the license holder has been authorized by the RSA to produce a registered product which is a beer, wine, rum, liquor spirit, or any alcoholic beverage, consistent with the cannabis and industrial hemp bill.

Tobacco products

8. –(1) It is prohibited to promote, market, advertise or sell cannabis products if there is reasonable grounds to believe that the promotion could associate the cannabis, the cannabis accessory or the service with a tobacco product.
- (2) Notwithstanding subsection (1) a company or brand name that is associated with an tobacco product is not prohibited from appearing on cannabis products or in marketing and advertisements for cannabis products provided the cannabis products do not convey a false impression that the product is tobacco product.
- (3) A holder of a cannabis licence shall not promote, advertise, sell or market cannabis products that are labeled as a tobacco product or any other term used to describe a type of tobacco product, which may convey a false impression that the product is tobacco.

Trade samples

9. –(1) A holder of a cannabis licence shall register cannabis or cannabis products as trade samples within the seed-to-sale tracking system established by the RSA.
- (2) The transfer of a trade sample to another cannabis licence holder must be recorded in the seed-to-sale tracking system established by the RSA.

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- (3) Once cannabis or cannabis product has been labeled and registered as a trade sample it cannot be changed.
- (4) Cannabis seeds and plants shall not be designated as trade samples.
- (5) Cannabis or cannabis products that have been designated as a trade sample may be provided to another cannabis licence holder for the purpose of providing the recipient licensee with product information to aid in making purchasing decisions about a new or existing cannabis or cannabis product
- (6) All trade samples must be labeled –
 - (a) as prescribed in the Packaging and Labeling Regulations.
 - (b) with the following: "TRADE SAMPLE. NOT FOR RESALE OR DONATION."
- (7) Trade samples may not be provided –
 - (a) for any form of payment;
 - (b) to employees as compensation;
 - (c) to a person who does not possess a cannabis licence;
 - (d) without adhering to any applicable sales and excise tax;

Branded merchandise

10. Branded merchandise shall –

- (a) not be designed in a manner that entices young persons as prescribed in the Act.
- (b) identify the licensee responsible for branding the merchandise by displaying the licensee's licence number in a manner that permanently affixes the licence number to the merchandise, so that it is legible and clearly visible from the outside of the merchandise

Retention of documentation and information

11. A holder of a cannabis licence shall retain a record of all cannabis and cannabis products that are designated as a trade sample for at least one year

Offences

12. Offences provided under these regulations shall be class B offences and breaches thereof shall extend to the liability for Class B offences.