

A SHORT GUIDE TO COLORADO CANNABIS MARKETING AND ADVERTISING REGULATIONS

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National Cannabis Industry Association

MARKETING AND ADVERTISING COMMITTEE

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ADVOCACY.

EDUCATION.

COMMUNITY.

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INTRODUCTION

This is meant to be a summarized version of the full legal text, which can be found on the Colorado Department of Revenue's website. Rules with an (M) indicate that these apply to medical businesses and rules with an (R) apply to retail businesses. These regulations reference the 1000 and 1100 series of text for both the medical and retail rules.

MARKETING AND ADVERTISING

Definition

Advertising includes marketing, but does not include packaging and labeling. Advertising proposes a commercial transaction or otherwise constitutes commercial speech.



MARKETING AND ADVERTISING

CAN

SIGNAGE

Advertise that products have been tested by a testing facility



EVENT SPONSORSHIP

Sponsor a charitable, sports, or similar event



SAFETY CLAIMS

Advertise that products have been tested by a testing facility



PACKAGING AND LABELING

Utilize a “marketing layer” to align with partner brands

Insert marketing and educational collateral within opaque exit bags

Solicit feedback on the patients’ experience

Include codes to unlock loyalty rewards



CAN'T

SIGNAGE

Advertise in a manner that is visible to members of the public from any street, sidewalk, park, or other public space.

This includes billboards, signs mounted on a vehicle, and fliers directly handed to people or left upon a motor vehicle or posted on any public property. Private property postings require consent from the property owner.

EVENT SPONSORSHIP

Engage in advertising at or in connection with an event unless the cannabis establishment can provide proof that at least 70% of the audience at the event and/or viewing is 18+ (M) or 21+ (R)

SAFETY CLAIMS

Assert that it's products are safe because they are regulated
Assert that it's products are safe because they are tested

PACKAGING AND LABELING

Make health claims

Use the word “candy” or “candies”

Cannot transport cannabis products without compliant labeling & packaging

Certify your products are “organic” or “contaminant free”

ADVERTISING: TELEVISION, RADIO, PRINT MEDIA, INTERNET

Target out of state persons

POP UP ADVERTISING

Utilize unsolicited pop up advertising on the internet



PENALTIES

License Violations Affecting Public Safety (most severe)

Medical cannabis sales to non-patients (M)

Advertising violations directly targeting minors (R)

Packaging and labeling violations that directly impact consumer safety

Range of penalties for this category may include license suspension, a fine per individual violation, a fine in lieu of suspension of up to \$100,000, and/or license revocation.

License Violations (less severe than license violations affecting public safety)

Range of penalties for this category may include license suspension, a fine per individual violation, a Range of penalties for this category may include a verbal or written warning, license suspension, a fine per individual violation, and/or a fine in lieu of suspension of up to \$10,000.

BACKGROUND INFORMATION

The purpose of this document is to summarize the regulations related to marketing, advertising, packaging, and labeling for Colorado's licensed cannabis businesses.

This document was written by the Best Practices Subcommittee of the NCIA Marketing and Advertising Committee for industry professionals whose job requires them



to understand the state code. This is meant to be a summarized version of the full legal text, [which can be found on the Colorado Department of Revenue's website](#).

Marketing and advertising violations can have serious penalties for businesses.

This document is for informational purposes only and not for the purpose of providing legal advice. You should contact your attorney to obtain advice with respect to your business.

*The opinions and views expressed in this white paper are the committee's own and do not reflect the view of National Cannabis Industry Association.

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