

Compliance Tip

December 18, 2025

Medical Cannabis Organization Advertising and Marketing

Applicable Rule(s): § 64-109-23, § 64-112-7

Definitions:

“Advertising” means the publication, dissemination, solicitation, or circulation of materials that are visual, oral, written, or electronic to induce directly or indirectly an individual to patronize a particular dispensary or to purchase particular medical cannabis.

“Medical cannabis organization” means a dispensary or a grower/processor.

Advertising rules and regulations are set forth in West Virginia Code of State Rules § 64-109-23. Further, the Office of Medical Cannabis released a Technical Advisory which took effect on March 14, 2023, providing guidance on advertising to medical cannabis organizations.

View TA #23032401 here: [TA #23032401](#)

Information related to medical cannabis organization advertising and marketing:

- ❖ Promotional, advertising, and marketing materials must be approved by the Office of Medical Cannabis prior to their use.
 - Medical cannabis organizations should submit all advertising materials to the medcanwvadvertising@wv.gov email a **minimum of two weeks** prior to the use date.
- ❖ Approved materials will receive an approval number to display on the advertising materials.
- ❖ A medical cannabis organization must include the following statements in all types of advertising (print, billboard, television, radio, internet) in a font legible to the audience:
 - “Do not operate a vehicle or heavy machinery under the influence of this drug”
 - “Keep out of reach of children”
- ❖ All advertising and marketing of medical cannabis through a medical cannabis organization must be consistent with the federal regulations governing prescription drug advertising and marketing in 21 C.F.R. § 202.1 (Prescription-drug advertisements).
- ❖ A medical cannabis dispensary cannot advertise medical cannabis as the following:
 - A promotional item
 - As part of a giveaway
 - As part of a coupon program

Advertising Restrictions in Effect:

Medical cannabis organizations should ensure medical cannabis advertising **does not**:

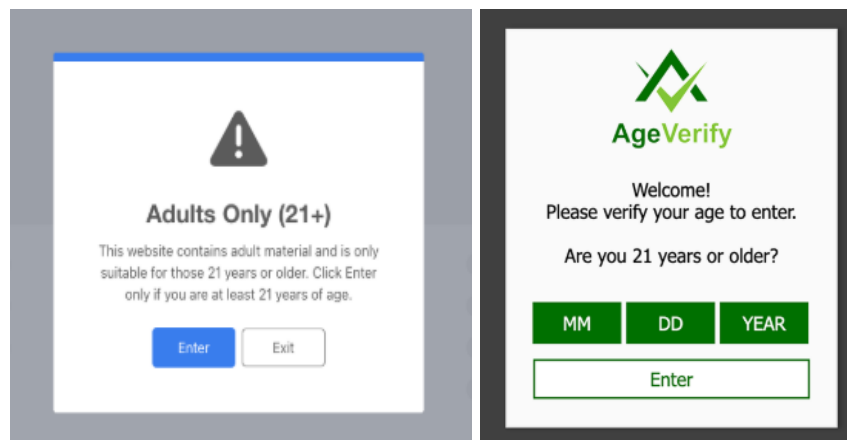
- Contain statements that are deceptive, false, or misleading.
 - This includes any informational material, sign, or document intended to be provided to a consumer.
- Contain content that can reasonably be considered to target individuals under the age of 21.
 - This includes the following:
 - Images of minors; cartoons; toys; or similar images, items, or food/drinks typically marketed towards minors.
 - References to products commonly associated with minors or marketed by minors.
- Encourage the transportation of medical cannabis across state lines.
- Encourage illegal activity.
- Display consumption of medical cannabis.

Advertising through handbills that are passed out in public areas such as parking lots and publicly owned property is prohibited.

Age Restriction Guidance for Medical Cannabis Organizations

- ❖ Web page advertising for medical cannabis organizations must utilize measures to ensure individuals visiting the web page are over 21 years of age.

Examples:



- ❖ For television, radio, billboards, print media, and internet advertising, reliable evidence that **no more than 30 percent of the audience is expected to be under the age of 21** for the program, publication, or internet website that the advertisement is to air or appear on must be presented by the medical cannabis organization.

- ❖ **Marketing on location-based devices are allowed ONLY if:**
 - The application is installed on a device by the owner of the device who is 21 years of age or older.
 - The application includes a permanent and easy opt-out feature.

In-Person Event Advertisement & Promotional Items

- ❖ Events must not include any decorations, props, or promotional items which may be attractive to minors. This includes, but is not limited to balloons, ice cream, toys, or persons dressed in costumes/characters.

Medical Cannabis Organization Compliance Considerations

Medical cannabis organizations should consider the following when advertising:

1. Ensure that all advertisement and promotional materials do not contain statements that are or could be interpreted as deceptive, false, or misleading.
 - Definitive language includes, but is not limited to language like “cures”, “treats”, “safe” “works for..”, “prevents”, “heals”, etc.
 - Instead, consider using less definitive language such as “potential”, “potentially”, “may”, “are thought to”, “might”, “could”, etc.
2. Verify advertisements, promotional material, and/or in-person event advertising items align with all respective rules and regulations set in place when submitting them for approval to avoid rejection for corrections or denial for non-compliance.
3. All online webpages should include an age verification or additional measures to ensure individuals visiting the webpage are over 21 years of age.
4. All approved advertisements must include the approval number given by the Office of Medical Cannabis when advertisements are in use.

Disclaimer: Licensees are responsible for ensuring they are compliant with applicable statutes and rules. Compliance tips and guidance documents are not intended to be all-inclusive and may not include all relevant statutes or rules. The Office of Medical Cannabis is not able to provide you legal advice. If you have legal questions, consult with an attorney.