
TECHNICAL ADVISORY GUIDANCE

INFORMATION REQUIRES IMMEDIATE ATTENTION

To: All West Virginia Medical Cannabis Permit Holders

From: West Virginia Department of Health and Human Resources, Bureau for Public Health, Office of Medical Cannabis

Effective Date: March 24, 2023

RE: Advertising by Medical Cannabis Organizations

The West Virginia Department of Health and Human Resources, Bureau for Public Health, Office of Medical Cannabis (OMC) is issuing a technical advisory to provide guidance on advertising by medical cannabis organizations.

- All advertising and marketing must be consistent with the federal regulations governing prescription drug advertising and marketing in 21 C.F.R. § 202.1 (Prescription-drug advertisements).
- Advertisements must be submitted to OMC a minimum of 2 weeks prior to use date. Advertisements must be sent via email to medcanwvadvertising@wv.gov.
 - Failure to follow this timeframe will result in automatic denial.
- Advertisements approved by OMC will be assigned an approval number which must be displayed, in legible font, during use of the advertisement.
 - Failure to display the approval number may result in penalties to the permit holder.
- All advertising (print, billboard, television, radio, internet) must include the following statements in a font size legible to the viewer (or verbal for radio):
 - “Do not operate a vehicle or machinery under the influence of this drug.”
 - “Keep out of the reach of children.”
- Medical cannabis advertising may not:
 - Contain statements that are deceptive, false, or misleading.
 - Encourage any illegal activity.
 - Display consumption of medical cannabis items.
 - Contain any content that can be considered to target individuals under the age of 21, including but not limited to:

- 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.
- Advertising is prohibited through handbills that are distributed in public areas such as parking lots and publicly.
- Advertising, via webpage, must utilize appropriate measures to ensure users are at least 21 years old.
- Marketing may not be directed towards location-based devices, unless the marketing is a mobile device application installed by the owner of the device who is at least 21 years old.
 - Advertisement must include a permanent and easy opt-out feature.
- A medical cannabis organization may not utilize television, radio, billboards, print media, or internet advertising unless the medical cannabis organization has reliable evidence that no more than 30% of the audience for the program, publication, or internet website in or on which the advertising is to air or appear is reasonably expected to be under the age of 21.
- In-person events must not include decorations, props, or promotional items which may be attractive to minors, including but not limited to balloons, ice cream, toys, or persons dressed in costumes/characters.