

How To Guide for Kentucky Cannabis Business Advertising

This quick reference guide provides a summary of the rules and restrictions for advertising and maintaining a website as a licensed medical cannabis business in Kentucky as established in 915 KAR 1:090.

Advertising activities

Licensed medical cannabis businesses may engage in advertising activities but must follow the requirements provided by the Cabinet in 915 KAR 1:090. Below is an overview of the approved and prohibited advertising activities for licensed medical cannabis businesses.

Allowable activities and informational media overview:



Business directories



Informational websites



Sponsoring health or not-for-profit charity or advocacy events



Trade or medical publications



Social media pages



B2B promotion

Approved activities

- ▶ Providing listings in business directories
- ▶ Providing listings in trade or medical publications
- ▶ Sponsoring health, not-for-profit charity, advocacy events
- ▶ Maintaining an informational website and social media
- ▶ Directly promoting to other cannabis businesses
- ▶ **Dispensaries** can place appropriate signage on property to identify the business

Prohibited activities

- ▶ Advertising medical cannabis sales in print, broadcast, or online media
- ▶ In-person, paid solicitation of customers
- ▶ Deceptive, false, or misleading assertions, claims, or statements
- ▶ **Cultivators, processors, and producers** may not display any signage, logos, products, or other identifying characteristics indicating that medical cannabis is being grown, processed, produced or stored on facility property

Website requirements and activities

Licensed medical cannabis businesses can maintain an online website for the business that may include:

- ✓ A description of the business and services offered
- ✓ Listings of medicinal cannabis products cultivated, processed, produced, or sold
- ✓ Product pricing and inducements allowed by 915 KAR 1:070 Section 5(5)
- ✓ Educational materials and product information
- ✓ Certificates of analysis provided by safety compliance facilities
- ✓ Contact information for cannabis business and a list of dispensaries where its products are sold

All licensed medical cannabis businesses must adhere to the following requirements and restrictions:

Website and Social Media requirements:

- ▶ Statements prominently displayed on the website with the disclaimers below:
 - ↳ “Medicinal cannabis is for use by cardholders only”
 - ↳ “Keep out of reach of children”
- ▶ Utilizing appropriate measures to ensure individuals accessing the website are 18 years or older
- ▶ A list of web sites and social media accounts maintained by cannabis business, including links to respective pages, provided to the Cabinet
- ▶ Notification to the Cabinet provided within two business days of the activation or deactivation of any web site or social media account

Website and Social Media restrictions:

- ▶ No false, deceptive, or misleading statements
- ▶ No content that may target or appeal to individuals under the age or 18, including cartoons, toys, products or similar images and items typically associated with minors
- ▶ No encouraging transportation of medical cannabis products across state lines or other illegal activities
- ▶ No displaying consumption of medicinal cannabis products in a manner that does not provide educational benefit

Removal of objectionable and non-conforming advertising

Cannabis businesses shall remove any content that the Cabinet determines is in violation of this regulation. The Cabinet will provide written notification of a violation and a reasonable time period for removal.