

Title 15: Mississippi State Department of Health

Part 22: Medical Marijuana

Subpart 3: Advertising and Marketing

Chapter 1 REGULATIONS FOR ADVERTISING AND MARKETING

Subchapter 1 General Provisions

Rule 3.1.1 Legal Authority: This regulation has been promulgated under the authority of and pursuant to Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2).

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

Rule 3.1.2 Definitions. In addition to the general definitions and terms in 15 Miss. Admin. Code Pt. 22, R. 2.1.3 the following terms shall have the meaning hereinafter respectively ascribed to them as they relate to the Medical Marijuana Program:

1. **Advertising** – The terms “advertising” and “advertisement” shall mean all representations disseminated in any manner or by any means, other than labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of medical marijuana. Advertising does not include labeling as required by the regulations of the Medical Marijuana Program.
2. **Brand** – The term “brand” shall mean a name, term, design or symbol or any other feature that that identifies one seller’s goods or services as distinct from those of other sellers. For the purposes of these regulations, a company logo is considered a brand.
3. **Branding** – The term “branding” shall mean the process of giving a meaning to a specific organization or company by creating or shaping a brand in the mind of the consumer.
4. **Marketing** – The term “marketing” shall mean the activity, set of institutions, and processes for creating, communicating, delivering, and exchanging offerings that have value for customers, clients, partners, and society at large. The term also includes all representations disseminated in any manner or by any means, other than labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of medical marijuana.
5. **Media** – The term “media” shall mean the communication channels through which we disseminate news, movies, education, promotional messages, and other data. It includes, but is not limited to, physical and online newspapers and magazines, television, radio, billboards, telephone, internet, fax, and billboards.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

Subchapter 2 Prohibition Against Advertising and Marketing

- Rule 2.2.1 Licensed Entities participating in the Medical Marijuana Program, or entities acting on their behalf, are prohibited from advertising and marketing in any media, including but not limited to:
- a. Broadcast or electronic media:
 - i. Radio
 - ii. Television
 - b. Print media:
 - i. Newspaper
 - c. Other forms:
 - i. Mass text/messaging communications
 - ii. Mass email communications
 - iii. Medical marijuana or medical marijuana products shall not be displayed in windows or public view.
 - iv. Advertise in any manner that can be viewable or otherwise perceived as a public space, including, but not limited to, adopt a highway signs, electronic interstate signs.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

Subchapter 3 Branding Requirements

Rule 3.3.1 Licensed Entities are permitted to participate in branding activities.

Rule 3.3.2 Permissible branding activities include:

- a. Establishment of a website that provides general information on the licensed entity's contact information, retail dispensing locations, and a list of products available. The website of the licensed entity may also contain general information reasonably expected to be necessary to serving qualified patients of the Medical Marijuana Program.

Rule 3.3.3 All brandings must include the licensed entity's license number.

Rule 3.3.4 Branding must not target minors, pregnant women, breastfeeding women, or promote non-medical use of marijuana.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

Subchapter 4 Use of Inducements

Rule 3.4.1 Licensed Entities are prohibited from using inducements to persuade or influence the use of medical marijuana. Examples of inducements include, but are not limited to:

- a. The use of discount cards;
- b. The use of coupons;
- c. The use of “punch cards” to offer discounts/free products;
- d. Promotion of sales/discounts on medical marijuana of any type;
- e. The use of “buy one, get one” discount approaches;
- f. The use of any type of “daily deal”, “weekly deal”, “monthly deal”, etc.;
- g. Product give-aways of any type; and,
- h. Product sampling of any type.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*

Subchapter 5 Education Regarding the Risks and Benefits of Use of Medical Marijuana

Rule 3.5.1 Education on the risks and benefits of the use of medical marijuana during a one-on-one session with a qualified patient, caregiver, parent, or legal guardian is permissible. This education is not considered advertising or marketing.

SOURCE: *Mississippi Constitution Initiative Measure #65 Sections 5(1) and (2)*