
68th Legislature 2023 HB 351.1

1	HOUSE BILL NO. 351		
2	INTRODUCED BY K. SEEKINS-CROWE, B. MITCHELL, A. REGIER, J. ELLSWORTH, B. BEARD, T. SMITI		
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4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO MARIJUANA ADVERTISING;		
5	PROHIBITING A MARIJUANA LICENSEE FROM ADVERTISING A BRAND ASSOCIATED WITH A LICENSE		
6	THROUGH CERTAIN MEDIUMS; CLARIFYING PROVISIONS FOR ELECTRONIC ADVERTISING FOR A		
7	MARIJUANA LICENSEE; CLARIFYING PROVISIONS FOR SPONSORSHIPS FOR A MARIJUANA		
8	LICENSEE; AND AMENDING SECTION 16-12-211, MCA."		
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10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:		
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12	Section 1. Section 16-12-211, MCA, is amended to read:		
13	"16-12·	211. Limitations on advertising rulemaking. (1) Except as provided in subsection-(3) (4),	
14	persons with licenses may not advertise marijuana or marijuana products, or a brand associated with a license		
15	or location of a license.		
16	<u>(2)</u>	Persons with licenses are specifically prohibited from advertising a brand associated with a	
17	license or location of a license on outdoor signage, through radio, television, or printed media, or through direct		
18	mail marketing.		
19	(2) (3)	A listing in a directory of businesses authorized under this chapter is not advertising for the	
20	purposes of this section.		
21	(3) (4)	(a) A licensee may engage in electronic advertising such as maintaining a website and	
22	advertising on web applications, provided that no electronic advertisement produced by the licensee contains		
23	statement or illustration that:		
24	(i)	is false or misleading;	
25	(ii)	promotes overconsumption of marijuana or marijuana products;	
26	(iii)	depicts the actual consumption of marijuana or marijuana products;	
27	(iv)	depicts a person under 21 years of age consuming marijuana;	
28	(v)	makes any health, therapeutic, or medicinal claims about marijuana or marijuana products; er	



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1	<u>(vi)</u>	promotes marijuana or marijuana products under the guise of education; or	
2	(vi) (vii)	is designed in a way that is likely to appeal to minors and includes cartoons, animals, children,	
3	or any other like	eness to images, characters, or phrases that are designed in any manner to be appealing or to	
4	encourage consumption of marijuana by persons under 21 years of age.		
5	(b)	A licensee may not advertise marijuana or marijuana products using pop-up advertisements	
6	that display in a new internet browser window.		
7	(c)	A licensee may not direct advertising of marijuana or marijuana products toward mobile devices	
8	in the form of push notifications unless users affirmatively opt in to receiving push notifications related to		
9	marijuana or marijuana products.		
10	<u>(5)</u>	A licensee may sponsor or otherwise endorse an event, provided the licensee does not	
11	advertise the lie	censee's brand associated with the license on any printed medium.	
12	(4) (6)	The department shall adopt rules to clearly identify the activities that constitute advertising that	
13	are prohibited under this section."		
14		- END -	

