1. Working group name:

*Retail Establishments*

1. Individual sponsor(s):

*Riana Durrett, Executive Director, Nevada Dispensary Association*

*Andrew Jolley, Dispensary Owner, The Source*

*With input from members of the Consumer Safety, Education, and Health Working Group*

1. Describe the recommendation:

*The Retail Establishments working group recommends that the Department of Taxation impose the following restrictions on advertising by marijuana establishments. These restrictions are based on evidence of regulations and marketing needed to prevent youth initiation and use, and protect vulnerable populations. The key public health rationale for restricting the advertising and marketing is to limit interest in recreational marijuana among minors and prevent the increase in abuse and addiction among adults that is likely to accompany greater availability. Nevada should consider some of the same types of marketing and advertising limits that have been effectively placed on tobacco products to prevent youth initiation and use, including prohibitions on ads that target children, prohibitions on outdoor advertising and billboard advertising, and strict regulation of radio, TV, and print media based on accurate information on the age distribution of audience or readership.*

*All advertisements relating to marijuana establishments, marijuana, hemp, or CBD or marijuana paraphernalia must be approved by the Department of Taxation. This should apply to marijuana establishments and ancillary businesses. Once the Department has approved an advertisement, the advertisement may be used as often and within any medium recreational marijuana is allowed.*

*(1)****General.****All recreational marijuana advertising and labels of usable marijuana, marijuana concentrates, and marijuana-infused products sold in the state of Nevada must not contain any statement, or illustration that:*

*(a) Is false or misleading;*

*(b) Promotes over consumption;*

*(c) Depicts actual use or consumption of marijuana, CBD, or hemp, or actual marijuana, CBD, or hemp, or paraphernalia.*

*(d) Depicts a child or other person under legal age to consuming marijuana, or includes:*

*(i) Objects, such as toys, characters, or cartoon characters suggesting the presence of a child, or any other depiction designed in any manner to be especially appealing to children or other persons under legal age to consume marijuana; or*

*(ii) Is designed in any manner that would be especially appealing to children or other persons under twenty-one years of age.*

*(e) Advertises a brand sponsorship*

*(f) In publications with significant youth readership or in radio or television media with a limited youth or underage audience or viewership*

*(2)* ***Location****. No licensed marijuana producer, processor, or retailer shall place or maintain, or cause to be placed or maintained, an advertisement of marijuana, marijuana concentrates, usable marijuana, or a marijuana-infused product in any form or through any medium whatsoever:*

*(a) Within one thousand feet of the perimeter of a school grounds, playground, public park, library, transit centers, arcades, and post-secondary education facilities, or unless the advertisement existed before the above-mentioned facilities opened;*

*(b) On or in a public transit vehicle or public transit shelter;*

*(c) On a private cab, or limousine company vehicle;*

*(d) At sports and entertainment events that are not restricted to persons 21 or older;*

*(e) Need to discuss internet advertising here as many ads are targeted to the end user*

*(3)* ***Free Products.*** *Retail licensees may not advertise "free" or "donated" product, without a purchase.*

*(4)* ***Messaging.*** *All advertising must contain warning messages required by the Department:*

*(a) Keep out of the reach of children*

*(b) For use only by adults 21 years of age and older*

1. Which guiding principle(s) does this recommendation support?

*This recommendation promotes guiding principles:*

*1 – Promote the health, safety, and wellbeing of Nevada’s communities*

*2 – Be responsive to the needs and issues of consumers, non-consumers, local governments, and the industry*

1. What provision(s) of Question 2 does this recommendation apply to?

*This recommendation applies to Section 5 of Question Two, which requires the Department of Taxation to promulgate reasonable restrictions on signage, marketing, display, and advertising.*

1. What issue(s) does the recommendation resolve?

*This recommendation resolves issues around advertising, especially focusing on prohibition of advertising that would appeal to minors.*

1. Was there dissent in the group regarding this recommendation? If yes, please provide a summary of the dissenting opinion regarding the recommendation.

*To be determined*

1. What action(s) will be necessary to adopt the recommendation? Will statute, policy, regulations, etc. need to be addressed?

*The Department will need to promulgate regulations pertaining to the retail marijuana program, as mandated by IP1.*

1. Additional information (cost of implementation, priority according to the recommendations,

etc).

 *Not known.*