641—154.22(124E) Advertising and marketing.

154.22(1) *Permitted marketing and advertising activities.* A manufacturer or dispensary must include medical cannabidiol pricing and hours of operation on its website and may do the following:

a. Display the manufacturer or dispensary's business name and logo on medical cannabidiol labels, signs, website, and informational material provided to patients. The name or logo shall not include:

(1) Images of cannabis or cannabis-use paraphernalia;

(2) Colloquial references to cannabis;

(3) Names of cannabis plant strains or varieties;

(4) Unsubstantiated medical claims; or

(5) Medical symbols that bear a reasonable resemblance to established medical associations.

b. Display signs on the manufacturing facility or dispensary; and

c. Maintain a business website that contains the following information:

(1) The manufacturer or dispensary's name and contact information;

(2) The medical cannabidiol forms and quantities manufactured or available in Iowa; and

(3) Other information as approved by the department.

154.22(2) *Prohibited conduct, statements and illustration.*

a. An advertisement for medical cannabidiol shall not contain:

(1) Colloquial references to cannabis;

(2) Names of cannabis plant strains or varieties;

(3) Any statement that is false or misleading;

(4) Any statement that disparages a competitor's products;

(5) Any statement, design, or representation, picture or illustration that is obscene or indecent;

(6) Any statement, design, representation, picture or illustration that reasonably appeals to or targets children. Appealing to children means:

1. When taken literally or as a plan language reading, there is a resemblance to food or product used by children;

2. Contains child-appealing visuals/graphics, such as intense colors, bubble letters, or other interesting fonts or lettering;

3. Unconventional or interesting product names;

4. Unconventional or unexpected flavor, color, or shape of the product;

5. Games or activities present on the package; or

6. Presence of branded characters, spokespersons, licensed characters, cartoons, or celebrities;

(7) Any statement, design, representation, picture or illustration that encourages or represents the use of medical cannabidiol for a condition other than a qualifying debilitating medical condition;

(8) Any statement, design, representation, picture or illustration that encourages or represents the recreational use of medical cannabidiol or marijuana, tobacco or nicotine products, or alcohol;

(9) Any statement, design, representation, picture or illustration related to the safety or efficacy of medical cannabidiol, unless supported by substantial evidence, substantial clinical data, direct patient testimonials, or combination thereof;

(10) Any statement, design, representation, picture or illustration portraying anyone reasonably appearing to be under the age of 18, objects suggestive of the presence of anyone under the age of 18, or containing the use of a figure, symbol or language that is customarily associated with anyone under the age of 18, except that an advertisement may address medical cannabidiol products as they relate to minor patients;

(11) Any offer of a prize, award or inducement to a qualifying patient, primary caregiver, or health care practitioner related to the purchase of medical cannabidiol or a certification for the use of medical cannabidiol, except that non-product-specific price discounts are allowed;

(12) Any statement or assertion that medical cannabidiol products are safe because they are regulated under this chapter or have been tested by an approved laboratory;

(13) Any reference to a prohibited form of medical cannabidiol;

(14) Any statement that claims that medical cannabidiol products are endorsed or supported by any government agency; or

(15) Any statement that indicates or implies that the product or entity in the advertisement has been approved or endorsed by the department, the state of Iowa or any person or entity associated with the state of Iowa.

b. A manufacturer or dispensary shall not engage in any of the following activities:

(1) Host, promote, refer, or otherwise advertise a third-party patient certification service;

(2) Engage in any advertising, marketing, or branded educational activities within 1,000 feet of a school;

(3) Host, promote, sponsor, or otherwise participate in a cannabis consumption lounge or other such encouragement of public consumption of cannabis or medical cannabidiol; or

(4) Advertise, or make reference to, non-approved forms of medical cannabidiol in any of its advertisements, including but not limited to:

1. Referring to an approved form of medical cannabidiol as a prohibited form of medical cannabidiol.

2. Advertising non-approved forms of medical cannabidiol. Consumable hemp products regulated under Iowa Code chapter 204 and 641—Chapter 156 are exempt from this provision.

154.22(3) *Review of advertisements by the department.* Any advertisement for medical cannabidiol shall be submitted to the department, on a form or in a format prescribed by the department, at the same time as, or prior to, the dissemination of the advertisement.

a. The department may:

(1) Require a specific disclosure be made in the advertisement in a clear and conspicuous manner if the department determines that the advertisement would be false or misleading without such a disclosure; or

(2) Require changes that are necessary to protect the public health, safety and welfare; or

(3) Require statements for inclusion in the advertisement to address the specific efficacy of medical cannabidiol as it relates to specific disease states or approved debilitating medical conditions, disease symptoms, and population groups.

b. The department reserves the right to require that a licensee amend or remove a public advertisement.

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