

# New York's Cannabis Market Sees New Advertising Rules

Shea O'Meara

April 18, 2023

New York's legal cannabis market is growing up. And it with? More regulations.

The Cannabis Control Board, a subset of the Office of Cannabis Management charged with overseeing marijuana regulations statewide, approved a set of labeling, packaging, and advertising regulations. These new rules are part of a trend of more sophisticated enforcement and regulation in the cannabis industry, particularly for products that may appeal to minors.

## What do the new advertising rules accomplish?

In short, the regulations are aimed at protecting public health and preventing advertising that may appeal to younger consumers. They were first issued in September, but took effect in late March. Key provisions on the public health side include:

- Prohibiting advertising that makes certain health claims, including that the products are “curative” or “therapeutic,” or that cannabis can prevent or treat specific illnesses or diseases; and
- Requiring certain health warnings, including that cannabis can be addictive, the potential negative health effects of smoking or vaping, and about certain state resources including its HOPEline.

The Board also took aim at marketing that may appeal to younger people. The legal age to consume cannabis in New York is 21, and regulators have signaled that products targeting children may be a priority for enforcement. Generally, the rules prohibit:

- Cannabis advertising within 500 feet of a school or childcare center; and
- Advertising that is “attractive to individuals under twenty-one” including the use of cartoons, games or toys, bubble-type font, bright or “neon” colors, and imitations of food, soda, drinks, cookies, cereal, and others.

Importantly, the regulations impose affirmative annual reporting and record keeping requirements, including regarding the types of products sold or distributed and documentation showing ongoing compliance. The full [guidelines are available here](#).

## What should we expect from regulators to come?

While New York legalized recreational marijuana back in 2021, it took nearly two years for state regulators to begin issuing business licenses. The first sanctioned shop opened early this year, after the OCB began its licensing process. Given that, it is likely the New York market will increase its legal

presence and enforcers will continue developing the state's regulatory scheme.