



**STATE OF OHIO**  
BOARD OF PHARMACY

## Ohio Medical Marijuana Control Program Advertising / Marketing Materials FAQ

**UPDATED 6/17/2021**



No.	Question	Answer
1	Can a dispensary make use of the Medical Marijuana Control Program or Board of Pharmacy seals in their marketing material?	No. Advertising and marketing materials may not suggest or otherwise indicate that the product or entity in the advertisement has been approved or endorsed by the Department of Commerce, the State Board of Pharmacy, the State of Ohio or any person or entity associated with the State of Ohio.
2	How do dispensaries submit an attestation for an advertisement translated into a foreign language?	A Designated Representative and the translator who undertook the work must complete the translation attestation confirming translation accuracy, then the DR must email <a href="mailto:mmcp@pharmacy.ohio.gov">mmcp@pharmacy.ohio.gov</a> , referencing the advertising document ID number and attaching the signed translation attestation form.
3	Does the prohibition of illuminated signs also prohibit the use of a spotlight on an approved sign located at the dispensary and identifying its location?	No, the use of a spotlight on an approved sign located at the dispensary and identifying its location will be allowed. The Board, however, reserves the right to restrict the inappropriate illumination of such signs. Illuminated signs, including but not limited to neon signs, are strictly prohibited.
4	What can a dispensary do if a third party is writing reviews on social media about the dispensary?	The dispensary can ask for the third party to take down the review but the third party is not obligated to do so.
5	Are videos allowed to be submitted for review?	Yes. Video files up to 30 MB will be accepted. Please note, radio, television broadcast, or internet programming is prohibited.
6	Can an image or likeness of an actual patient be used in advertising / marketing materials?	No.
7	What must a dispensary do if a health claim is included in the advertising / marketing materials?	While definitive health claims are not permitted unless substantiated with significant supporting clinical data, permissive language may be used as well as stating the qualifying conditions that may be treated with a physician's recommendation (e.g. Your doctor can recommend medical marijuana for the treatment of PTSD). For more information on health claims see the Advertising and Marketing Health Claims Guidelines.
8	What constitutes as a portable sign and can they be used?	Pursuant to OAC 3796:6-3-24 (E)(4), portable signs are not compliant advertising materials. Examples include, but are not limited to, any hand-held signs, or any sign not attached to the entity's permanent structure, such as stickers or sandwich board boards. Also, wearable accessories are not compliant. Examples include pins, buttons, hats, etc.
9	Who can request a user account for the advertising / marketing materials submission web portal?	Please be aware that advertising and marketing materials must be submitted by someone with authority to sign on behalf of a dispensary licensee or provisional dispensary licensee. If the individual requesting the user account for the web portal has not yet submitted an application for an employee license, the Board is requiring confirmation, from a known PAKE, that the individual identified in the request is has authority to sign on behalf of the dispensary and will be submitting an application to be licensed as a medical marijuana dispensary employee in the future. At the time that a Certificate of Operation is issued and after, all accounts must be held by a licensed medical marijuana dispensary employee.



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<b>10</b>	Does an entity with a license from Ohio Department of Commerce and the State Ohio Board of Pharmacy need to submit their advertising material to both agencies for approval?	The Ohio Department of Commerce and State of Ohio Board of Pharmacy do collaboratively review advertising submissions, but a compliant status by one agency does not automatically mean the other agency will acknowledge that compliant status. To ensure that the materials are compliant, it is good practice to share with the Board any materials the processor or cultivator is seeking to distribute at the dispensary
<b>11</b>	Is product packaging and labeling considered advertising, therefore requiring approval by Ohio Department of Commerce and / or the State of Ohio Board of Pharmacy?	Yes. See A of OAC for 3796:6-3-24 and A of OAC 3796:5-7-01 for the definition of advertisement.
<b>12</b>	What information is required on the label and how should I submit this information to the portal?	The label is required to include the information outlined in ORC 3796.20 (3) and OAC and 3796:6-3-09 (A). Please also include the required information outlined in 3796:6-3-09 (C) in the label submission.
<b>13</b>	Some of the required information on the labels will also be included on the label from the cultivator / processor. Will the dispensary still need to include this on their label submission?	Yes. Please submit labels that include all the required information per ORC 3796.20 (3) and OAC and 3796:6-3-09 (A) regardless if this information will be included the cultivator / processor. It would be acceptable and advantageous to break up the label into multiple labels. For example, a label that includes dispensary related information with warnings, one that includes cultivator related information, and one that includes processor related information.
<b>14</b>	Where does a dispensary submit the Patient and Caregiver Education materials and what information is required to be included?	Submit the Patient and Caregiver Education materials to the Advertising / Marketing Materials Submission Portal. The required information is outlined in OAC 3796:6-3-15 (C)
<b>15</b>	Can marijuana leaves or plant product be included in an advertising submission?	No. Recognizable marijuana leaves are prohibited per OAC 3796:6-3-24.
<b>16</b>	Can a dispensary include multiple advertising materials in a single submission?	Yes. Include material for a single submission in one PDF file and include a cover page to outline each item within the submission.
<b>17</b>	Will a "mock-up" of a website be approved?	Yes, but content added to the website will need to be approved before uploading it onto the website.
<b>18</b>	Can patients pre-order product via their website?	No. Pursuant to 3796:6-3-24 (G)(4) a dispensary may not: Facilitate sales transactions to any patient, caregiver, or medical marijuana entity. Consultation meetings, however, may be scheduled online.
<b>19</b>	How does a dispensary submit their DBA name to the MMCP and what is included?	Submit the DBA to the Advertising / Marketing Materials Submission Portal. If a dispensary will be doing business as the name indicated on their application, they will need to confirm this providing a statement to the Advertising / Marketing Materials Submission Portal. IE – Dispensary ABC located at 123 Dispensary Street, Columbus, OH, 43215 will be doing business as ABCD Dispensary.



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20	Will advertising / marketing materials that represent the DBA instead of the registered name of the licensee be approved?	Yes, if the DBA is submitted and approved through the portal prior to the advertising submission.
21	Can licensees include their logo on exit bags if the logo is approved by the through the Advertising / Marketing Materials Submission Portal?	No. Pursuant to 3796:6-3-01(H), A dispensary shall place all products sold to the qualifying patient or caregiver in an opaque package that shall not indicate the contents of the package, the originating facility or in any other way cause another person to believe that the package may contain marijuana; and 3796-3-08(K), a dispensary must include the name of the dispensary on the packaging of any medical marijuana or medical marijuana product it sells. Each package sold must be placed in an unmarked, opaque bag before leaving the dispensary.
22	Is there a cost associated with submitting advertising / marketing materials?	Yes. The fee is \$100.00 with a \$2.00 processing fee per submission.
23	Are "news streams" permitted on websites?	Yes.
24	Will the "strain" names be reviewed by the MMCP?	Yes. The strain name is the proprietary name licensees associate with their product. Because the name can be used for promotional purposes, it will be reviewed during the advertisement process. The state of Ohio has a compelling interest in ensuring that any advertisement or marketing campaigns related to or involving medical marijuana do not encourage, promote or otherwise create any impression that marijuana is legal or acceptable to use in a manner except as specifically authorized by the Ohio Revised Code or the Ohio Administrative Code. Examples of rejected strain names have used language associated with recreational use like "dank" or "haze."
25	Are videos allowed on licensee websites?	Yes. However, videos with sound that are not considered "earned news" are prohibited.
26	Can a licensee sponsor a local event or fundraiser?	Yes. Because sponsorships are considered a form of advertising, the materials associated with the event will need to be reviewed for compliance with the Ohio Administrative Code.
27	Are webinars permitted?	Yes. The webinar materials will need be submitted for review as an advertisement.
28	Can a licensee send a mass text to potential consumers?	Yes. However, sending text messages requires the licensee to demonstrate that the licensee obtained consent from recipients before sending a mass text.
29	Is a survey considered an advertisement?	Yes. A survey can be considered a form of advertisement and will need to be submitted for review.
30	Is social media allowed?	Social media is permitted. The form (Twitter, Facebook, YouTube, etc.) and content needs to be submitted for review. Social media is any website and/or application that enables



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		users to create and share content or to participate in social networking. In the review, the licensee must include a screen shot that the social media account has enabled the restriction of users who are under the age of eighteen. For example, the <a href="#">instructions on how to enable age restrictions for Facebook can be found here</a> . If a social media platform does not have the ability to restrict users under the age of eighteen, the platform may not be used.
<b>31</b>	What content do I have to submit for review when using social media?	Social media posts that are related to medical marijuana must be submitted for review. Once content is approved, it can be used multiple times. It is advisable that licensees submit multiple posts or content for review.
<b>32</b>	Can the licensee interact with social media followers?	Licensees are permitted to respond online with language was determined to be compliant.
<b>33</b>	What materials are required to be submitted via the Advertising / Marketing Materials Portal?	All advertising materials including logos, DBAs, patient education materials, and labels.
<b>34</b>	Would swag be considered advertising?	All items with logos will need to submitted to the advertising portal for approval. They all can be included in one submission but be mindful of the restrictions on the types of items advertising may be include on. This includes clothing, items attractive to children, and those that promote recreational use of medical marijuana.