Toolkit · Operate Checklist Updated November 22, 2026

Advertising Compliance Checklist

The advertising requirements in the Cannabis Control Act and the CCA draft rules, each cited: required statements, audience thresholds, banned content and placements, the 500-foot outdoor buffer, on-site signs, website and social media age gates, permitted listings and content, health claims, giveaways, and practitioner endorsements.

Who needs it: Every marijuana establishment that advertises or has a sign, website or social media account; Regulated hemp product retail facilities (named in the draft advertising rules).

Rule basis: Code of Virginia §§ 4.1-606 B 16, 4.1-802 B 4, 4.1-1201 B, 4.1-1204, 4.1-1401, 4.1-1402; draft rules 3VAC10-40-10, 3VAC10-40-30 A, 3VAC10-40-35 A, 3VAC10-40-160 to -190, 3VAC10-50-20 E (proposed); CCA draft provisions for CPHAC review (Nov. 2026).

Citations starting **3VAC10** are the Cannabis Control Authority's draft proposed adult-use regulations dated September 9, 2026: **proposed, not final, may change**. Citations starting **§ 4.1** are the Code of Virginia as amended by HB 30, Chapter 1 (2026). The section "What other states required or scored" is reference only and is not Virginia law.

We report what the law says. Not legal advice; see the disclaimer.

The Cannabis Control Act sets general advertising rules (§ 4.1-1401) and outdoor advertising rules (§ 4.1-1402) for marijuana and products containing synthetic THC, and directs the Board to regulate outdoor advertising. The CCA's draft rules add requirements and prohibitions that name both marijuana establishments and regulated hemp product retail facilities. Where the statute and the draft set different thresholds, both are listed. Citations to 3VAC10 are to the CCA's draft regulations dated Sept. 9, 2026 (proposed, not final; they may change before adoption).

What Virginia requires

Scope (statute)

- No person may advertise in or send advertising into Virginia regarding marijuana, marijuana products, or any substance containing synthetic THC or a synthetic derivative of THC other than those that may be legally sold in Virginia under the Cannabis Control Act or Article 4.2 of the Drug Control Act (Code of Virginia § 4.1-1401 A).
- Section 4.1-1401 does not apply to noncommercial speech (§ 4.1-1401 D).
- The Board's outdoor advertising regulations must be "reasonable restrictions … so that such advertising displaces the illicit market and notifies the public of the location of marijuana or hemp establishments," adopted in accordance with § 4.1-1402 (§ 4.1-606 B 16).
- The draft defines "marijuana product advertising" as providing consideration for publication, dissemination, solicitation or circulation of visual, oral or written communication to directly induce any person to patronize a particular establishment or buy particular approved products, and states that advertising includes marketing (3VAC10-40-10, draft).

What every ad must include (statute and draft)

- Compliance with the Cannabis Control Act, Board regulations, Chapter 12 (§ 33.2-1200 et seq.) of Title 33.2 and the Commonwealth Transportation Board regulations under it, and federal law (§ 4.1-1401 B 1).
- Accurate and legible identification of the person responsible for its content (§ 4.1-1401 B 2); the draft words this as the marijuana establishment or hemp retail facility responsible for its content (3VAC10-40-190 A, draft).
- The statement "For use by adults 21 years of age and older" (§ 4.1-1401 B 3). The draft requires a statement that products "are for use by patients and persons 21 years of age or older only" (3VAC10-40-190 A, draft).

- For direct, individualized communication or dialogue, a method of age affirmation verifying that the recipient is 21 or older before the communication (§ 4.1-1401 B 4).

Audience and placement

Rule	Source
No broadcast through any means unless at least 71.6% of the audience is reasonably expected to be 21 or older, based on reliable, up-to-date audience composition data	§ 4.1-1401 C 1
No advertising through any means unless at least 85% of the audience is reasonably expected to be 18 or older, based on reliable, up-to-date audience composition data	3VAC10-40-170 A, draft
No advertising "on television or the radio at any time outside of regular school hours for elementary and secondary schools" (wording as published in the draft)	3VAC10-40-170 A, draft
No digital pop-ups	§ 4.1-1401 C 1; 3VAC10-40-180 A, draft
No display on a billboard or at a sporting event	§ 4.1-1401 C 5; 3VAC10-40-170 E, draft
No advertising on or in a public transit vehicle, transit shelter, bus stop, taxi stand, transportation waiting area, train station, airport or similar transit location	3VAC10-40-170 F, draft
No ad displaying products or product images where visible to the public from any street, sidewalk, park or other public place	3VAC10-40-170 B 1, draft

Content that is prohibited (statute)

Ads may not (§ 4.1-1401 C):

- Be misleading, deceptive or false (§ 4.1-1401 C 2).
- Target or appeal particularly to persons younger than 21, including by use of cartoons (§ 4.1-1401 C 3).
- Imply that the products enhance athletic prowess or are government endorsed (§ 4.1-1401 C 4).
- Make any reference to the intoxicating effects of the products (§ 4.1-1401 C 6).
- Promote overconsumption or consumption by persons younger than 21 (§ 4.1-1401 C 7).
- Depict a person consuming the products or depict any person younger than 21 (§ 4.1-1401 C 8).

Content that is prohibited (draft)

Marketing may not (3VAC10-40-160, draft):

- Include false or misleading statements (3VAC10-40-160 1, draft).
- Promote excessive consumption (3VAC10-40-160 2, draft).
- Depict a person younger than 21 consuming marijuana or a THC hemp product (3VAC10-40-160 3, draft).
- Appeal to minors through labeling, packaging, advertising or marketing that uses cartoons or mascots; bubble-type or other cartoon-like font; similarities to products commonly associated with or marketed to persons under 21, including imitation of food, candy, soda, drinks, cookies or cereal (cultivar names excepted); the terms “candy” or “candies” or variants such as “kandy” or “kandeez” (cultivar names excepted); symbols, images, characters, public figures, phrases, toys or games commonly used to market to persons under 21; or audio attractive to them, including children’s or cartoon voices (3VAC10-40-160 4, draft).
- Contain any seal, flag, crest, coat of arms or other insignia likely to mislead the public into believing the product is endorsed, made or used by the Commonwealth, except where specifically authorized (3VAC10-40-160 5, draft).

- "Cartoon" is defined to include depictions with comically exaggerated features, human characteristics given to animals, plants or objects, animal, plant or object characteristics given to humans, or unnatural or extra-human abilities (3VAC10-40-10, draft).

Health, safety and efficacy claims (draft)

- Any ad about benefits, safety or efficacy, including therapeutic or medical claims, must be "supported by substantial, current clinical evidence or data" and include information on side effects or risks (3VAC10-40-190 B, draft).
- The CPHAC review version adds that the evidence or data be "provided to the authority upon request in a manner prescribed by the board" (CCA draft provisions for CPHAC review, Nov. 2026: 3VAC10-40-160(C)).

Giveaways, coupons and merchandise

- No licensee or its agent or employee may make any gift of marijuana (§ 4.1-1201 B).
- Ads may not include coupons, giveaways of free product, or distribution of merchandise displaying anything other than the facility name and contact information (3VAC10-40-170 B 2, draft).
- No advertising through free promotional items, including gifts and "free" or "donated" product (3VAC10-40-170 G, draft).
- No establishment may provide product samples containing active cannabinoids to customers, patients or agents (3VAC10-50-20 E, draft).
- No person subject to the Board's jurisdiction may induce, attempt to induce, or consent to a licensee selling, renting, lending, buying for or giving any person advertising materials or decorations under circumstances prohibited by Title 4.1 or Board regulations; violations carry a civil penalty under § 4.1-903 (§ 4.1-1204).

Online sales platforms (statute)

- A retail store may not sell or market marijuana, products, paraphernalia, immature plants or seeds through an internet-based sales platform operated by a third party, or fulfill any order referred by such a platform (§ 4.1-802 B 4).

Outdoor advertising and the 500-foot buffer

- No outdoor advertising within 500 linear feet on the same side of the road, and parallel to it, measured from the nearest edge of the sign face to the nearest edge of a building or structure on the property of (i) a church, synagogue, mosque or other place of religious worship; (ii) a public, private or parochial school or institution of higher education; (iii) a public or private playground or similar recreational facility; (iv) a substance use disorder treatment center; or (v) a dwelling used for residential use (§ 4.1-1402 A).
- If a playground has no building or structure, the measurement is to its property line; if a K-12 school is across the road, the measurement is to the nearest edge of a building on that property (§ 4.1-1402 B).
- The draft lists (i) a school or daycare, (ii) a public or private playground or similar recreational or child-centered facility, and (iii) a substance use disorder treatment facility, with the same measurement method (3VAC10-40-170 C, draft).
- If circumstances change after an ad was lawfully placed, the Board permits it to remain for the rest of any written advertising contract, but no more than one year from the change (§ 4.1-1402 C).
- The Board may grant a variance from the distance requirements on a finding that the placement will not unduly expose children to the advertising (§ 4.1-1402 D).
- The distance and zoning restrictions do not apply to signs in VDOT's Integrated Directional Sign Program (§ 4.1-1402 E).
- Section 4.1-1402 does not authorize billboard signs with marijuana advertising on agricultural, residential or unzoned property, or new billboards that state or local law would prohibit (§ 4.1-1402 G).
- All lawfully erected outdoor signs comply with the Cannabis Control Act, Board regulations, and Chapter 12 of Title 33.2 and its regulations; directional signs on highway rights of way also comply with VDOT's Integrated Directional Sign Program (§ 4.1-1402 H).
- All outdoor signage complies with local or state requirements (3VAC10-40-190 D, draft).

Signs on the establishment's own property

- Outdoor signs on an establishment's property may not (i) display imagery of marijuana or its use, (ii) target or appeal particularly to persons under 21, including by cartoons, or (iii) draw undue attention to the facility, but may be designed to help consumers find it (§ 4.1-1402 F).
- The draft applies the same limits to marijuana establishments and hemp retail facilities, covering imagery of marijuana or regulated hemp products and their use (3VAC10-40-170 D, draft).

Websites, social media, listings and education (draft)

- Any website or social media site owned, managed or operated by an establishment or hemp retail facility employs a neutral age-screening mechanism verifying the user is at least 21 or a qualified patient, such as an age gate, age screen or age verification (3VAC10-40-190 C, draft).
- An establishment may list its business in public telephone books, business directories, search engines or other places where a business reasonably maintains an informational presence (3VAC10-40-180 A, draft).
- A website or social media site may display: name and location; contact information; hours and days open; laboratory results; product information and pricing; directions; and educational materials on use of marijuana products supported by substantial, current clinical evidence or data (3VAC10-40-180 B, draft).
- An establishment may communicate and engage for educational purposes with practitioners, patients, parents, legal guardians, registered agents and the general public, including information permitted by 3VAC10-40-160 and educational materials (3VAC10-40-180 C, draft).

Practitioners (draft)

- No marijuana establishment or hemp retail facility may endorse or promote a practitioner, or provide anything of value, directly or indirectly, to a practitioner (3VAC10-40-30 A 5 and 6; 3VAC10-40-35 A 5 and 6, draft).

- “Endorse” includes sharing information online and hosting or facilitating events that promote a particular practitioner’s services above others; patient education events are permitted if clearly focused on patient education and offering information about multiple practitioners without favor (3VAC10-40-10, draft).

Records and forms the rules name

Ad review checklist (each row is a requirement above)

Requirement	Source	Met
Identifies the person or establishment responsible	§ 4.1-1401 B 2; 3VAC10-40-190 A	
“For use by adults 21 years of age and older”	§ 4.1-1401 B 3	
Statement that products are for patients and persons 21 or older only	3VAC10-40-190 A	
Age affirmation before any one-to-one communication	§ 4.1-1401 B 4	
Broadcast audience at least 71.6% age 21+ (audience data on file)	§ 4.1-1401 C 1	
Audience at least 85% age 18+ (audience data on file)	3VAC10-40-170 A	
No pop-up, billboard, sporting event or transit placement	§ 4.1-1401 C 1 and 5; 3VAC10-40-170 E and F; 3VAC10-40-180 A	
No product images visible from a public place	3VAC10-40-170 B 1	
No youth appeal, cartoons, candy terms or imitation of food or drinks	§ 4.1-1401 C 3; 3VAC10-40-160 4	

Requirement	Source	Met
No reference to intoxicating effects, athletic prowess, government endorsement or overconsumption	§ 4.1-1401 C 4, 6, 7; 3VAC10-40-160 2 and 5	
No depiction of consumption or of anyone under 21	§ 4.1-1401 C 8	
Benefit or safety claims backed by substantial, current clinical evidence and listing risks	3VAC10-40-190 B	
No coupons, giveaways, free product or branded merchandise beyond name and contact information	3VAC10-40-170 B 2 and G	
Outdoor placement outside the 500-foot buffer	§ 4.1-1402 A and B; 3VAC10-40-170 C	
Website and social accounts age-gated	3VAC10-40-190 C	

What the law does not say

- Neither § 4.1-1401 nor the draft rules define “undue attention” for on-site signs.
- The draft rules do not say how the audience-composition data is to be documented or kept.
- The statute’s 71.6%-age-21 broadcast threshold and the draft’s 85%-age-18 threshold are separate tests; the draft does not state how they relate.

What other states required or scored

Not required in Virginia. Shown so applicants can see what other regulators asked for.

Massachusetts (935 CMR 500)

- Massachusetts prohibits advertising on television, radio, internet, mobile apps, social media, billboards or print unless at least 85% of the audience is reasonably expected to be 21 or older, based on "reliable and current audience composition data" (935 CMR 500.105(4)(b)2.).
- Ads may not portray anyone under 21 or use mascots, cartoons or celebrity endorsements deemed to appeal to people under 21 (935 CMR 500.105(4)(b)3.-5.).
- Claims that products are safe or have curative or therapeutic effects are prohibited unless supported by substantial evidence or clinical data (935 CMR 500.105(4)(b)7.).
- Illuminated or external signage is limited to the period from 30 minutes before sundown until closing (935 CMR 500.105(4)(b)9.).
- Vehicles with radio or loudspeakers and in-store loudspeaker advertising are prohibited (935 CMR 500.105(4)(b)10.-11.).
- Brand sponsorship of charitable, sporting or similar events is allowed only where participants are reasonably expected to be 21 or older and safeguards keep the ads from reaching younger people (935 CMR 500.105(4)(b)12.).
- A licensee website must verify that the visitor is 21 or older (935 CMR 500.105(4)(b)13.).

New York (9 NYCRR Part 129)

- New York permits advertising only where the share of the audience 21 and older is expected to meet or exceed the state's 21-and-older population share under Census estimates, and "the burden of proof of the audience composition lies with the licensee" (9 NYCRR 129.2(g)).
- Ads may not be within or readily observed within 500 feet of a school ground, playground, child day care provider, public park or library, and may not appear in transit vehicles or stations or on public property (9 NYCRR 129.2(b)(6)-(8)).
- Prohibited content includes billboards, depicting consumption, smoking or vaping imagery, promoting potency, medical or wellness claims, and claims that products are safe because they are regulated (9 NYCRR 129.2(b)(5), (9), (11)-(13), (15)).

- Terms such as “vegan,” “kosher,” “gluten-free,” “craft” and “organic” are restricted to products meeting the cited definitions (9 NYCRR 129.2(b)(16)-(20)).
- Unsolicited internet pop-ups or banners are prohibited except on age-restricted sites for consenting adults 21 and older (9 NYCRR 129.2(b)(25)).
- Visual ads carry the statement “For use only by persons 21 years of age and older. Keep out of reach of children and pets,” and most ads also carry a rotating warning such as “Cannabis can be addictive.” (9 NYCRR 129.2(c)-(d)).

New Jersey (N.J.A.C. 17:30-17)

- New Jersey requires reliable evidence that at least 71.6 percent of the audience is reasonably expected to be 21 or older (N.J.A.C. 17:30-17.2(a)).
- Product ads carry a set warning beginning “This product contains cannabis. For use only by adults 21 years of age or older,” and every ad discloses that the facility is licensed by the State of New Jersey (N.J.A.C. 17:30-17.2(b)-(c)).
- Television, streaming and radio ads are barred between 6:00 A.M. and 10:00 P.M.; online ads have no hour limit (N.J.A.C. 17:30-17.2(d)2).
- Ads in any medium within 200 feet of elementary or secondary school grounds are prohibited, except inside a retailer’s premises (N.J.A.C. 17:30-17.2(d)3).
- Event sponsorship requires evidence that no more than 20 percent of the event audience is expected to be under 21 (N.J.A.C. 17:30-17.2(d)5).
- Billboards are prohibited except on the business’s own property, and location-based device ads are allowed only through an adult-installed app with an opt-out (N.J.A.C. 17:30-17.2(d)4, 6).

Ohio (OAC 1301:18-4-22)

- Ohio requires every advertisement to be submitted to the Division of Cannabis Control and approved in writing before it is created, used or disseminated (OAC 1301:18-4-22(A)).
- Requested modifications to a denied ad are resubmitted within ten business days (OAC 1301:18-4-22(A)(2)(c)).

- Prohibited content includes cartoon or pop culture characters aimed at youth, depictions of consumption, slang departures from the registered product name, health or therapeutic claims, and implied state endorsement (OAC 1301:18-4-22(B)).
- Ads may not be placed on a medium with "a high likelihood of reaching persons under the age of twenty-one" (OAC 1301:18-4-22(C)(1)).

Maryland (COMAR 14.17.14.06)

- Maryland applies the statutory advertising rules in Alcoholic Beverages and Cannabis Article, §§36-901 to 36-903 to all cannabis advertisements (COMAR 14.17.14.06A).
- Fines escalate from $1,000 for a first violation to $10,000, $25,000 and $50,000 for repeat violations within 24 months (COMAR 14.17.14.06B).

Sources checked 2026-11-22.

- Cannabis Control Commission, 935 CMR 500.000 (effective 09-11-26)
- Office of Cannabis Management, 9 NYCRR Parts 128 and 129 (adopted packaging, labeling, marketing and advertising rules)
- NJ Cannabis Regulatory Commission, N.J.A.C. 17:30 Personal Use Cannabis Rules
- OAC 1301:18-4-22, Advertising
- COMAR 14.17.14.06, Advertising

Sources

- Code of Virginia § 4.1-606 (Regulations of the Board)
- Code of Virginia § 4.1-802 (Retail marijuana store license)
- Code of Virginia § 4.1-1201 (Prohibited acts by employees of licensees)
- Code of Virginia § 4.1-1204 (Illegal advertising materials; civil penalty)
- Code of Virginia § 4.1-1401 (General advertising restrictions)
- Code of Virginia § 4.1-1402 (Outdoor advertising restrictions; limitations; variances)
- Code of Virginia § 4.1-903 (Suspension or revocation of licenses; civil penalties)

- CCA draft adult-use regulations, Sept. 9, 2026 (proposed, not final): 3VAC10-40-10, -30, -35, -160 to -190, 3VAC10-50-20
- CCA, Draft Regulation Provisions for CPHAC Review (Nov. 2026)

From Virginia Cannabis Hub, an independent publication not affiliated with the CCA. General information, not legal advice; have a Virginia-licensed attorney review. Draft rules are proposed, not final, and may change. Checked against sources on November 22, 2026.