

R383. Health and Human Services, Center for Medical Cannabis.

R383-16. Targeted Marketing Requirements.

R383-16-1. Authority and Purpose.

- (1) Subsection 26B-1-202(1) authorizes this rule.
- (2) This rule establishes targeted marketing standards for qualified medical providers.

R383-16-2. Targeted Marketing Standards for Qualified Medical Providers and Affiliated Medical Offices.

(1) A qualified medical provider may engage in targeted marketing or affiliate with medical offices that engage in targeted marketing, as defined in Sections 26B-4-201 and 26B-4-204, for advertising medical cannabis recommendation services.

(2) Targeted marketing that makes a statement relating to side effects, consequences, contraindications, or effectiveness of medical cannabis shall accurately reflect the information.

(3) Targeted marketing may not:

(a) be false or misleading or otherwise lack a fair balance, including:

(i) claiming that cannabis cures any medical condition;

(ii) containing favorable information or an opinion about cannabis previously regarded as valid but more recently invalidated by contrary and more credible information;

(iii) containing favorable information or a conclusion from a study that is inadequate in design, scope, or conduct to furnish significant support for the information or conclusion;

(iv) containing any health or other claim that is not substantiated by evidence or substantial clinical data;

(v) representing or suggesting that medical cannabis use is more effective or more useful in a broader range of conditions or safer than other drugs or treatments unless the claim is accompanied by evidence or clinical data;

(vi) using data favorable to a medical cannabis product derived from patients treated with a different product or dosages different from those legal in Utah;

(vii) using a quote or paraphrase out of context or without citing conflicting information from the same source to convey a false or misleading idea; or

(viii) using a study on individuals without a qualifying medical condition without disclosing that the subjects were not suffering from a qualifying medical condition;

(b) promote excessive consumption;

(c) have any term, statement, design representation, picture, or illustration that is associated with the recreational use of cannabis;

(d) appeal to a child or minor;

(e) use terms related to recreational cannabis, including: "420," "bake," "blaze," "blunt," "bong," "bud," "budtender," "combust," "cookies," "dab," "dank," "doobie," "euphoria," "frost," "ganja," "grass," "hash," "haze," "high," "joint," "kush," "Mary Jane," "pot," "rec," "reefer," "smoke," "stoned," "toke," or "weed";

(f) use slang or phrasing associated with the recreational use of cannabis;

(g) use an image bearing resemblance to a cartoon character or fictional character whose target audience is children or minors;

(h) use an image of a celebrity or other person whose target audience is children or minors;

(i) encourage, promote, or otherwise create an impression that the recreational use of cannabis is legal or acceptable or that the recreational use of cannabis has potential health or therapeutic benefits;

(j) contain content that is obscene or indecent;

(k) include information and images related to tobacco paraphernalia as defined in Section 76-10-101; or

(l) violate any other laws.

(4) The Department of Health and Human Services may approve terms or images otherwise prohibited if the targeted marketing does not promote the recreational use of cannabis.

KEY: administrative law, rule filings, rule writing

Date of Last Change: 2024

Notice of Continuation:

Authorizing, and Implemented or Interpreted Law: 26B-1-202(1); 63G-3-201; 63G-3-301