



Frequently Asked Questions About Cannabis Advertising

Disclaimer: *There are restrictions in both law and rule that restrict certain cannabis-related advertising. This FAQ is intended to provide licensees with general guidance in regards to advertising. You may need to contact legal representation if you need further assistance.*

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Advertising Rules

WAC 314-55-155: Advertising

1. **Advertising by retail licensees.** The board limits each retail licensed premises to two signs identifying the retail outlet by the licensee's business name or trade name that is affixed or hanging in the windows or on the outside of the premises that is visible to the general public from the public right of way. The size of the signs is limited to 1,600 square inches.
2. **General.** All cannabis advertising and labels of useable cannabis and cannabis-infused products sold in the state of Washington may not contain any statement, or illustration that:
 1. Is false or misleading;
 2. Promotes over consumption;
 3. Represents the use of cannabis has curative or therapeutic effects;
 4. Depicts a child or other person under legal age to consume cannabis, or includes:
 - Objects, such as toys, characters, or cartoon characters suggesting the presence of a child, or any other depiction designed in any manner to be especially appealing to children or other persons under legal age to consume cannabis; or
 - Is designed in any manner that would be especially appealing to children or other persons under twenty-one years of age.
3. No licensed cannabis producer, processor, or retailer shall place or maintain, or cause to be placed or maintained, an advertisement of cannabis, usable cannabis, or a cannabis-infused



product in any form or through any medium whatsoever:

1. Within one thousand feet of the perimeter of a school grounds, playground, recreation center or facility, child care center, public park, library, or a game arcade admission to which it is not restricted to persons aged twenty-one years or older;
 2. On or in a public transit vehicle or public transit shelter; or
 3. On or in a publicly owned or operated property.
4. Giveaways, coupons, and distribution of branded merchandise are banned.
5. All advertising must contain the following warnings:
1. "This product has intoxicating effects and may be habit forming.";
 2. "cannabis can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery under the influence of this drug.";
 3. "There may be health risks associated with consumption of this product."; and
 4. "For use only by adults twenty-one and older. Keep out of the reach of children."

Online Advertising

May I have a website to promote my company? Are there any limitations on a company website?

Yes you may have a website to advertise your business. However, the law does not allow a business to use a website to sell cannabis/cannabis products. All recreational cannabis sales must take place at a licensed cannabis premises.

Can I use social media to promote my business?

Yes. Please use social media with caution and be mindful not to appeal to, or solicit, viewers under the age of 21. If possible, please restrict views to adults age 21 and older.

Will I be able to use online advertising options like Google AdWords or advertising links within websites to promote my cannabis business?

Yes.

May I hire an online advertising company to promote my business through blog posts and other online options like videos?

Yes.

Is there a limit to what may be shared on Social Media channels for product marketing?

All cannabis advertising and labels of useable cannabis and cannabis-infused products sold in the state of Washington may not contain any statement, or illustration that:

1. Is false or misleading;
2. Promotes over consumption;
3. Represents the use of cannabis has curative or therapeutic effects;
4. Depicts a child or other person under legal age to consume cannabis, or includes:
 - Objects, such as toys, characters, or cartoon characters suggesting the presence of a child, or any other depiction designed in any manner to be especially appealing to children or other persons under legal age to consume cannabis; or
 - Is designed in any manner that would be especially appealing to children or other persons under twenty-one years of age.

If one doesn't have any stake or connection to a cannabis license of any kind, is it acceptable to create a website that reviews cannabis businesses?

Yes.



If such a site is acceptable, is it OK to accept advertising revenue from cannabis businesses / display sponsored ads or messages from cannabis businesses on the website?

Yes.

May I advertise online with a retail cannabis-finder service?

Yes.

Am I able to produce a YouTube page with comedy commercials promoting my cannabis business?

Yes. Please use social media with caution and to be mindful not to appeal to, or solicit, viewers under the age of 21. If possible, please restrict views to adults age 21 and older.

Am I able to have a mascot in the YouTube commercial?

Yes, as long as the mascot is not a cartoon character or is appealing to children.

Traditional Advertising

May I set up a separate business to promote my cannabis retail store?

Yes. That would be allowed if the business is used to sell t-shirts, hats etc. Those items, however, could not be sold within your retail cannabis store.

May we put flyers in the customers' bags?

Yes, as long as your flyers meet the requirements for advertising set forth in WAC 314-55-155.

May our shopping bags have our name and/or logo on them?

Yes.

May I utilize people, provocatively-dressed models, costumed characters, and/or sign spinners to advertise my business?

No. Sign spinners, people bringing attention to the business, persons in costume, etc. are not permitted.

Can I use things like inflatables or other mechanical devices to advertise my business or products?

No. Inflatable tube displays, mechanical devices, etc. are not permitted.

May news media feature stories about my company?

Yes. They frequently do.

Will a responsible adult promoted "gift with purchase" be acceptable? Example would be "stash sack" for first time purchase and only so many given out.

No. This violates WAC 314-55-155 (4). Exemption: [Recent legislation](#) allows cannabis retail stores to provide customers with a lockable box for the secure storage of cannabis.

May I advertise for cannabis on the radio and TV?

The law states that licensed cannabis producers, processors and retailers "may not advertise cannabis or cannabis-infused products in any form through any medium whatsoever within one-thousand feet of the perimeter of a school ground, playground, recreation center or facility, child care center, public park or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older." The fine is \$1,000 for each violation.

Although print media, such as newspapers, are often delivered to locations at or near schools, the LCB does not intend to enforce the 1,000' buffer for newspaper advertising as long as the advertising does



not violate other provisions of the law.

Television and radio, of course, carry across state lines as well as places where children can see or hear. TV and radio are also regulated by the Federal Communications Commission. Licensees should consult with their attorney and media-buyer or other advertising sales representative to ensure cannabis/related advertisements are permissible.

Licensees are prohibited from using advertising to expressly target out of state customers.

May I advertise in cannabis-related magazines and publications?

Yes.

May I advertise in non-cannabis magazines and publications?

Yes, as long as the publications in question are not marketed towards children or people under the age of 21.

May I cross promote my business with a neighboring business (items such as glasses, t-shirts, lighters etc.)?

Yes, and vice versa. Giveaways are prohibited.

May I advertise my business on a vinyl wrapped vehicle?

No. Vinyl wrapped and/or logoed vehicles are prohibited.

Are there any ad size limitations if we are able to take out an ad in an industry-related magazine?

No.

May we advertise on billboards that are at least 1,000 feet away from the restricted zones?

Yes. See billboards section for more details on restrictions.

May we advertise on drink coasters at bars?

Yes. The bar must be minor restricted.

Are there limitations as to the types of restrictions that local city and county jurisdictions may put on cannabis industry advertising?

Yes. Local jurisdictions may make/already have tighter advertising restrictions. It is the responsibility of the licensee to check with the local authorities and determine their requirements to ensure compliance.

May an un-licensed third party marketing company sell to retailers? We are a licensed grower and have been approached by a marketing/advertising company who wants to "represent" growers under their brand. They claim to want to do all the marketing for a group of growers. They will sell their brand to the licensed retailer.

No. In regards to cannabis/infused products, an unlicensed party cannot be involved in the sale of cannabis. They could sell other things such as packaging and t-shirts.

May I offer tours of my production/processing facility?

Yes. Visitors must be accompanied by an employee at all times and must be in compliance with WAC 315-55-083.

May other entities advertise for us? For instance, may the city install our name on a directional sign?

That would be up to the city. However, advertising on state signs on state highways is not allowed. WAC 314-55-155 and see that subsection (3)(c) prohibits licensees from advertising "on or in a publicly-owned or operated property." Given that the freeway signs are publicly-owned and operated property, licensees would be prohibited from having advertising on them.



May I use direct mail to households and inserts delivered via the Seattle Times and other publications?

Yes. Inserts may not contain coupons.

Are educational materials showing the differences and properties of each product within a producer's line acceptable?

Educational materials are acceptable as long they do not make claims about cannabis's medical or therapeutic value.

You can't advertise on public transit vehicles/shelters or on any publicly owned or operated property. Does this include community college and university publications, premises and dorms/sorority/shared housing?

You may not advertise on community college and university publications, premises and dorms/sorority/shared housing due to a significant portion of that demographic being under the age of 21. Further, WAC 314-55-155 subsection (3)(c) prohibits licensees from advertising "on or in a publicly-owned or operated property."

May producers use promotional items when the item is targeted at retailers, not to the retail customer?

No. This is a violation of both the tied-house (governs financial relationships between license tiers) and giveaway provisions.

May customers register with the store for future e-mails for announcements, promotions, etc.?

Yes.

May you use wording implying just how fine your brand might be. Like, "County Gold, Washington's Best, or jingles.

Yes.

May we use a "content marketing" strategy of providing relevant information to share with potential buyers and business partners, sharing what goes into the production of our strains and products?

Yes.

What are the guidelines for advertising in other states?

Licensees are prohibited from engaging in advertising that specifically targets persons outside the state of Washington.

May our delivery trucks have our brand on them?

No. Vinyl wrapped or logoed vehicles are prohibited.

May our delivery trucks distribute postcards, business cards, or other promotional materials in public places, or places frequented by youth?

No.

May I have brand names of products outside the building?

No. Retailers are restricted to two 1,600 square inch signs advertising their trade name.

May I use mobile billboard?

No. Transit advertising is prohibited on or in public or private vehicles and at bus stops, taxi stands, transportation waiting areas, train stations, airports, etc. This includes vinyl wrapped vehicles, logoed delivery vehicles and company cars.



Paraphernalia

May a retailer carry butane, extraction tubes, etc. to cater to those who want to do home extractions?

No. Home extractions are prohibited. The products needed to conduct extractions (butane, extraction tubes, etc.) do not meet the definition of paraphernalia and are therefore not allowed for sale in retail stores.

To augment the medical benefits of cannabis, may we sell other wellness products or supplements?

No. Recreational licensees are prohibited from advertising cannabis has curative or therapeutic effects. Other wellness products/supplements do not meet the definition of paraphernalia and are therefore not allowed for sale in retail stores

May I sell products to process cannabis into butter or oils?

No. Blenders, extractors, etc. do not meet the definition of paraphernalia and are therefore not allowed for sale in retail stores

Branded Merchandise

May I sell t-shirts with my company's trade name and logo on them in my retail store?

A licensee is not permitted to sell t-shirts from their retail store or business website. A separate business is necessary to sell items beyond what is allowed under the law.

Will branded merchandise eventually be allowed as paraphernalia?

Presently branded merchandise that meets the definition of paraphernalia such as bongs/pipes/etc. is permitted. Changes to the definition of paraphernalia would require legislation.

May I as a Producer/Processor give promotional items away like shirts and jackets to the end consumers of my products?

No. This violates WAC 314-55-155 (4).

May we develop or design products based on our business? T-shirts, strain development, jewelry, or pipes type stuff with company logo?

Things that meet the definition of paraphernalia would be permitted, jewelry would not.

May I sell a stash jars with an applied sticker with the name of my store and logo on it?

Yes, storage containers qualify as paraphernalia.

May I sell pipes with my store name or logo etched on them?

Yes.

May we sell t-shirts hoodies and other soft goods from our "parent" website, along with paraphernalia (within the law)?

You may sell the soft goods from the parent website. The paraphernalia must be sold from the licensed location.

In regards to branded apparel and products, does it make a difference if the items are sold or given away free? Example: May I sell a t-shirt but not give it away, or vice versa.

Neither selling nor giveaways of branded merchandise are permissible.

May we sell or give away bumper stickers to our customers?



No.

May I print up letterhead, t-shirts and/or anything else I desire to market my licensed company with our corporation emblazoned on it?

Only for employees and internal company use. You may not sell it at licensed retail stores.

Could a separate entity (separate LLC, operating close-by) sell branded merchandise?

Yes.

Logos

I assume that I may choose a logo that is not directly related to cannabis, such as a donkey?

Yes, but be careful that the logo does not appeal to children. If the character violates the provisions on signage if cannot be used for advertising.

For our required retail labels, may we have our product logo on it, as long as all the required information is on the label?

Yes.

Am I prohibited from using chemical equations that speak to the product and its potency as a part of my logo?

Yes. The equation must not be misleading.

If I use a phrase from PG-13 pop culture from the 60's that could be a double entendre for "get high" or "being high", have I crossed a line?

Use common sense, or speak to your attorney if you are concerned about establishing your tag lines.

May I use a cannabis leaf as a part of my logo and/or fashion my company name in the form of a cannabis leaf?

Yes, however it would not be permissible on signage or advertising.

Is an employee uniform shirt with a store logo on it considered acceptable advertising?

Yes.

Products

May a producer licensee purchase their own product from a state licensed retailer to give away at private events?

No. Giving cannabis away is not permissible under the law.

Pricing

What are the rules regarding discounts for cannabis products?

You may not sell cannabis products below acquisition cost.

May producer/processor auction products?

Our rules don't address this business situation. We recommend consulting with your attorney.

I want to provide free "mini doobies" to concert goers. However, the cannabis I'm giving is



not mine. It is the same strain as those I will sell in my recreational retail store. I've announced this on my Facebook page and website. Is this ok?

Not ok. As a licensed business, you may not give away cannabis. You may only sell taxed and tested cannabis that you purchased from a processor. Exemption for gifting cannabis to medical patients and/or designated providers.

May we offer volume discounts?

Not below the cost of acquisition.

May I give away free samples of my products to customers at retail stores?

No. Giving away cannabis is still illegal.

If not, is there a minimum price that I must sell at?

You may not sell products below acquisition cost.

May I offer coupons for discounts or free samples?

No.

May I have a sale on items that are about to expire or that are not moving?

You may not sell products below acquisition cost.

Business Signs and Outdoor Advertising

- Licensees are limited to a total of two signs (maximum 1600 sq. inches) that are permanently affixed to a building or other structure on the licensed premises.
- Other forms of signage/outdoor advertising are prohibited, such as sign spinners, sandwich boards, inflatables, persons in costume, etc.
- Signs are limited to the following information:
 - Business or tradename,
 - Business location, and
 - Identifying the nature of the business.
- Signs must contain text stating that cannabis products may be purchased or possessed only by persons 21 years of age or older.
- Signs cannot contain depictions of plants or products (ex: leaf = plant, joint = product), or use movie or cartoon characters, or any other depiction that might be appealing to children. - reference to my logo comment
- Signs may contain:
 - Images - Will be further clarified in rule, but images cannot be plants, products, appealing to children, etc.
 - Logos - Logos may not contain plants, products, or be appealing to children, etc

May our sign/logo be included in the common listing board for a strip mall/professional complex? This is in addition to the 1,600" signs for our storefront.

No, common listing board signs count toward the two sign limit for outdoor signs on the licensed premises. Double-sided signs or signs with text visible on opposite sides are permissible and count as a single sign so long as the sign is contained in or affixed to a single structure.

May I have signs on the road with the business name that point to my parking lot?

No. Except for the use of billboards as authorized under RCW 69.50.369, licensed cannabis retailers may not display any outdoor signage other than two separate signs identifying the retail outlet by the licensee's business name or trade name, stating the location of the business, and identifying the nature of the business. Both signs must be affixed to a building or permanent structure and each sign is limited to sixteen hundred square inches.



May I have more than two signs if it doesn't specifically say what I'm selling (i.e. just the name of my store on a billboard)?

No, not on the licensed premises; retailers are limited to two 1,600 square inch signs. However, you could just have the name of your store on an off-premises sign (billboard). Text on billboards is limited to business or tradename, business location, and identifying the nature of the business. "Off-premises sign" means a sign relating, through its message and content, to a business activity, product, or service not available on the premises upon which the sign is erected.

Retailers are limited to two 1,600 square inch signs bearing their business/trade name. Does this include sandwich board signs that are used to advertise specials and events, often in the entrance of the property or on the sidewalk median?

Other forms of signage/outdoor advertising are prohibited, such as sign spinners, sandwich boards, inflatables, persons in costume, etc.

Can I use the window front area of the glass to display an image of a flowering plant or a graphic of a chemical composition of the plant?

No outdoor advertising signs, including billboards, may contain depictions of cannabis plants or cannabis products. A depiction of a cannabis plant means an image or visual representation of a cannabis leaf, plant, or the likeness thereof that explicitly suggests or represents a cannabis leaf or plant. Advertising placed on windows within the premises of a licensed cannabis retail store facing outward must meet the requirements for outdoor advertising as provided in RCW 69.50.369 and WAC 314-55-155.

Can a retailer use the window front area of the glass to announce an adult only event or sponsored charity?

A sign affixed to the licensed premises or in the window of a licensed premises indicating the location is open for business, closed for business, the hours of operation, that the licensed location has an ATM inside, or other similar informational signs not related to the products or services of the cannabis business are not considered advertising. Advertising placed on windows within the premises of a licensed cannabis retail store facing outward must meet the requirements for outdoor advertising. A non-commercial message is not considered advertising. Check with your enforcement officer before placing signs in windows, if unsure about legality

Can a retailer use the window front area of the glass to design an appealing message in graphic design or a company tag line?

A sign affixed to the licensed premises or in the window of a licensed premises indicating the location is open for business, closed for business, the hours of operation, that the licensed location has an ATM inside, or other similar informational signs not related to the products or services of the cannabis business are not considered advertising. Advertising placed on windows within the premises of a licensed cannabis retail store facing outward must meet the requirements for outdoor advertising. No image or graphic can be designed in any manner that would be especially appealing to children or other persons under twenty-one years of age. Check with your enforcement officer before placing signs or images in windows, if unsure about legality.

Does the main window area of the shop have to be one solid color (or masking film) if a retailer company sign is displayed elsewhere?

There is no requirement to mask or cover the windows with film.

There is a limit of 1,600 square inches for a retail store sign. Can the 1,600 square inch sign be printed on both sides?

Yes. Double-sided signs or signs with text visible on opposite sides are permissible and count as a single sign so long as the sign is contained in or affixed to a single structure.

Can my property owner place advertising on their reader board? In other words, two signs



on my business AND sign on strip mall reader-board at edge of parking lot?

No. Except for the use of billboards as authorized under RCW 69.50.369 and as provided in this section, licensed cannabis retailers may not display any outdoor signage other than two separate signs identifying the retail outlet by the licensee's business name or trade name, stating the location of the business, and identifying the nature of the business. Both signs must be affixed to a building or permanent structure and each sign is limited to sixteen hundred square inches.

The frame of the sign is larger than the 1,600 sq. inches allowed by the LCB. If I were to place a heavy black border on the sign or the frame of the sign is there any way to use the existing sign and still be with in LCB's guidelines?

No, outdoor signs on the licensed premises are measured from the outer frame that surrounds the sign. Check with your enforcement officer before placing signs, if unsure about legality.

Can the outside signage not show the company name (non-cannabis image) but the logo, hours open website address on exterior windows by front door?

- Signs are limited to the following information:
 - Business or tradename,
 - Business location, and
 - Identifying the nature of the business.
- Signs must contain text stating that cannabis products may be purchased or possessed only by persons 21 years of age or older.
- Signs cannot contain depictions of plants or products (ex: leaf = plant, joint = product), or use movie or cartoon characters, or any other depiction that might be appealing to children. – reference to my logo comment
- Signs may contain:
 - Images – Will be further clarified in rule, but images cannot be plants, products, appealing to children, etc.
 - Logos – Logos may not contain plants, products, or be appealing to children, etc

Can the licensee in addition to the two allowed 1,600 inch signs place a large sign over the entrance to his retail shop that states "21 and over" or other relevant text?

No. Licensees are limited to two signs (maximum 1600 sq. inches) that are permanently affixed to a building or other structure on the licensed premises. "21 and over" may be on the two allowed signs.

Billboards

Licensed retail outlets may use a billboard solely for the purpose of identifying the name of the business, the nature of the business, and providing the public with directional information to the licensed retail outlet.

- Billboards are limited to the same restrictions as outdoor signs (listed above):
 - Billboards must contain text stating that cannabis products may be purchased or possessed only by persons 21 years of age or older.



- Billboards cannot contain depictions of plants or products (ex: leaf = plant, joint = product), or use movie or cartoon characters, or any other depiction that might be appealing to children.
- Billboards may contain:
 - Images – Will be further clarified in rule, but images cannot be plants, products, appealing to children, etc.
 - Logos – Logos may not contain plants, products, or be appealing to children, etc.

Billboards must contain all of the warnings required for advertising under WAC 314-55-155.

Events

Can we develop yearly events our own?

You could organize these types of events but the conditions addressed in the above question would apply.

Can we (licensed producer) sponsor a forum for local growers and retailers in eastern Washington?

Yes.

Can we throw a private 21+ event?

Yes but the licensee cannot have/provide cannabis at the event.

Can we throw an event with an alcohol / alcohol company as a sponsor?

Alcohol companies are not allowed to sponsor events. These companies can only donate product to holders of a special occasion license.

Can I offer growing workshops at my production/processing facility?

Yes, as long as the requirements for documenting/logging visitors are followed.

Can I offer growing workshops online?

Yes.

We plan on having an open house for retailers to attend to meet our growers and product. When they attend our open house, are we able to provide them food and beverages (BBQ, taco truck, etc.)?

Yes, you would be able to provide food and beverage.

Sponsorships

The below language covers all sponsorship-related questions.

Sponsorships are not specifically prohibited, except that sponsorships and sponsorship activity may not violate the advertising prohibitions found in WAC 314-55-155.

cannabis advertising may not contain any statement, or illustration that is designed in any manner that would be especially appealing to children or other persons under the age of 21.

No licensed cannabis producers, processor, or retailer shall place or maintain, or cause to be placed or maintained, an advertisement of cannabis, useable cannabis, or a cannabis-infused product in any form



or through any medium whatsoever:

- Within 1,000 feet of the perimeter of a school ground, playground, recreation center or facility, child care center or facility, public park, library, or game arcade of which admission is not restricted to persons age 21 or older; or
- On, or in a publicly-owned or operated property.

Bonus Questions

Can retailers sell gift certificates online? Either on their websites or on third-party websites like nearbyregistry.com

No. Under the law licensed retailers are only allowed to conduct sales on their licensed premises and only allowed to sell cannabis, cannabis infused products, cannabis concentrates, cannabis extracts and paraphernalia.

Can a customer place an order via the retailer's website to reserve it for pickup (with no online sale, just the order reserve)?

Yes, as long as no compensation for the product is made online for product reservations. All sales must be completed in the physical store, as delivery, distribution, and sale must take place on the premises of the retail outlet to be legal under RCW 69.50.360.

Can a retailer's logo be on the store's windows or window coverings (not on a sign)?

No. The law and WAC 314-55-155 limits retail businesses building signage to two signs. There are no provisions for additional signage such as logo window coverings.

What constitutes a "flyer" that can be placed in a bag? Can it be in the form of a postcard (that can be mailed)? Or can it have a sticky back (like a sticker)?

Both of those would be permissible as long as they meet the criteria for advertisements set out in the previous FAQs.

Is there a way to educate customers on "benefits" or effects of cannabis without "making [medical] claims" that would violate the rules?

You can talk about the effects of the product without linking them to medicinal claims. Example: Uplifted, happy, energetic, creative, focused, etc.

Can a separate, non-licensed LLC offer free branded merchandise?

Please see our previous advertisement FAQ.

Can glass providers and cannabis retailers enter into a consignment agreement for paraphernalia?

Yes. As long as the glass provider is not taking a percentage of the cannabis sales, does not receive a portion of the business (ownership) and has no influence over the running of the business, they can sell on consignment, or receive part down on putting the glass in the shop and the remainder on sale.

It's recommended that both parties have a solid contract written up, so if questions arise both the supplier and the retailer have documentation to show it is simply a sales transaction.

Can an cannabis licensee enter into a licensing agreement for the use of a trademark/branding held by a separate (non licensed) company?

Whether or not a licensee would be allowed to use the trademark owned by another entity is dependent on the contractual arrangement between the parties and will be determined on a case by case basis.



Depending on the structure of the contract a trademark holder could be considered a true party of interest and would need to be disclosed and investigated as such.

Can a licensed cannabis retailer sell tobacco products?

A. No, RCW 69.50.357 Retail Outlets, limits the products that can be sold in cannabis retail stores. Tobacco products are not identified as one of the allowable commodities. Additionally, any product that contains tobacco requires a tobacco retailer license to sell (in a non-cannabis retail store). As a result, products such as cigars, rolling papers (that contain or are made from tobacco products), cigarettes, and chew cannot be sold in licensed cannabis retail outlets even if used in conjunction with cannabis products.
