



## Holiday Guide for Montana Marijuana Retailers

### ➤ **Background:**

This guide was created to assist licensees with compliant holiday advertising, product creation, and labeling/packaging.

**Please note:** This is not a complete guide; it describes some common holiday compliance issues as identified by CCD staff and licensees.

The department will update this guide as laws and rules change, or as new compliance issues are brought to our attention.

Please contact CCD Education with any questions related to holiday advertising, Decorating, and holiday product creation at [DORCCDEducation@mt.gov](mailto:DORCCDEducation@mt.gov)

## ➤ Retailers – Applicable Administrative Rule & Statute:

- Montana Administrative Advertising Rules – [ARM 42.39.123](#)
- Montana Code Annotated, Limitations of Advertising Rulemaking – [\(§\)16-12-211](#)

## ➤ Advertisements:

All holiday marketing and advertising must follow the rules and statutes and cannot appeal to youth or be designed in a manner that is likely to appeal to minors.

### **Important Reminders:**

- ❌ *No offers of a discount; coupons are prohibited.*
- ❌ *No free marijuana/marijuana products or samples may be offered.*
- ❌ *Marijuana/marijuana products cannot be given as a prize, premium, or consideration for a lottery, contest, game of chance, game of skill, or competition of any kind.*
- ❌ *Health, therapeutic, or medicinal claims about marijuana/marijuana products are prohibited.*

## ➤ Holiday Costumes & Decorations:

There are some administrative rules and state statutes that could prevent some holiday decorations from being displayed outside of a licensed premises:

- ❌ *Licensees are prohibited from utilizing toys (inflatables, movie/cartoon characters, etc.) or a commercial mascot at all times.*
- ❌ *Employees of a licensed premises may be dressed as holiday characters, so long as it is not viewable to the general public.*

Examples of holiday decorations, placed *outside of a licensed premises*, that do not comply with state rules and statutes:



Examples of prohibited decorations, left to right: an inflatable Santa, a Jack-o'-lantern, a neon sign, and an inflatable 4<sup>th</sup> of July decoration.

### ➤ **Holiday Labeling, Packaging, and Products:**

There are some administrative rules and state statutes that could cause some marijuana products or labeling/packaging to violate rules and/or statutes with respect to the holidays.

Per the administrative rules, products and packaging may not primarily appeal to minors nor be designed in a manner to encourage consumption by persons under 21 years of age.

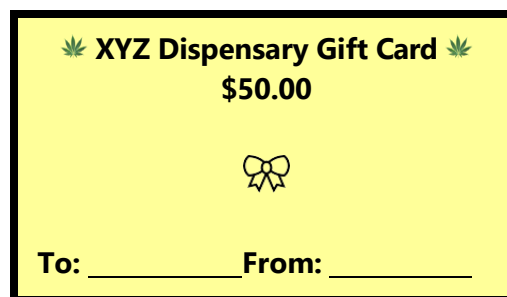
**Examples of holiday products and packaging that do not comply with state rules and statutes:**



**Examples of prohibited products and packaging, left to right: infused candy canes, Christmas packaging attractive to minors, and infused candy corn.**

➤ **Gift Cards:**

Licensees may sell gift cards to eligible individuals at their premises.



## ➤ Charity Drives:

Licensees may participate as a drop-off location for food and/or clothing drives.

Licensees may offer discounts to individuals that donate to these drives, but this can only be communicated on premises and on the licensee's age-verified webpage and social media account(s).

Visit this [FAQ link](#) to learn more about discounts.

For further assistance pertaining to discounts, please contact the Miscellaneous Tax Unit:

Phone	<u>(406) 444-6900</u>
Email	<u>DORBitBTU@mt.gov</u>