



128 Dorrance Street, Suite 400
Providence, RI 02903
Phone: (401) 831-7171
Fax: (401) 831-7175
www.riaclu.org
info@riaclu.org

ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 26-H 7856, AN ACT RELATING TO FOOD AND DRUGS – THE RHODE ISLAND CANNABIS ACT March 12, 2026

The ACLU of Rhode Island opposes this legislation which would ban the advertising of cannabis and cannabis products on any medium that may be visible to minors.

Cannabis is a lawful product in Rhode Island, and as a result, advertising its lawful availability is subject to First Amendment scrutiny. The U.S. Supreme Court has established a standard, known as the *Central Hudson* test, to determine whether commercial speech can be restricted consistent with the First Amendment. Under that test, the court first considers whether the speech at issue concerns lawful activity and is not misleading. If so, then regulation of that speech is allowable *only if* the asserted government interest is substantial; the regulation directly advances the governmental interest asserted; *and* it is not more extensive than is necessary to serve that interest. We do not believe a ban on all cannabis advertising that may be visible to minors can meet any of those standards. Indeed, it is difficult to imagine *any* interest that could justify a total ban on outdoor advertising.

Further, any attempt to equate cannabis advertising with restrictions on tobacco advertising is misplaced for numerous reasons. First, many of those restrictions were voluntarily agreed to by the tobacco companies in settlement of litigation. In addition, the state has recognized that cannabis, unlike tobacco, actually has legitimate medical uses; and the state has set up a complex statutory structure to specifically allow for the sale of the product in Rhode Island.

Cannabis is therefore more akin to alcohol, and in a case emanating from Rhode Island, the U.S. Supreme Court has made clear how limited the government is in regulating the advertising of that product under the First Amendment. In *44 Liquormarts v. Rhode Island*, 517 U.S. 484 (1996), the U.S. Supreme Court struck down as unconstitutional a Rhode Island statute that barred sellers of alcohol from advertising alcohol prices except at the point of purchase. The reasoning in that decision would, we submit, doom the constitutionality of this legislation.

For all these reasons, the ACLU of Rhode Island urges rejection of this bill. Thank you for considering our views.