

## MAILPIECES CONTAINING ADVERTISEMENTS ABOUT MARIJUANA

If a mailpiece contains an advertisement for marijuana, that mailpiece is nonmailable as explained below;

Domestic Mail Manual (DMM) 601.9.4.1 restricts any advertising, promotional, or sales matter that solicits or induces the mailing of any article described in PUB 52 as hazardous, restricted, or perishable is nonmailable except that such matter relating to controlled substances, radioactive materials, restricted liquids and powders, battery-powered devices, odd-shaped items in envelopes, and switchblade and ballistic knives, as described in PUB 52, is mailable if it contains packaging instructions and any other mailing limitations under PUB 52, 508.9.0, and 508.10.0 (18 USC 1716).

- If an advertisement solicits the mailing of controlled substances such as marijuana, it would violate USPS mailing standards.
- Marijuana is classified as a Schedule I controlled substance in USC 21 812(c)(c)(10).

USC 21 843(c) does make it unlawful to place an ad in any publication with the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance. It does not include material which advocates the use of a similar material, which advocates a position or practice, and does not attempt to propose or facilitate an actual transaction.

- If an advertisement advocates the purchase of clinical marijuana through a Medical Marijuana Dispensary, it does not comply with USC 21 843(c).
- The authority for enforcing the Controlled Substances Act and implementing laws rests primarily with the Drug Enforcement Administration (DEA) under the Department of Justice.

The USPS cooperates with all other agencies in preserving the laws of the United States.

Per Publication 52, Hazardous, Restricted, and Perishable Mail, 453.31 Controlled Substances, if the distribution of a controlled substance is unlawful under 21 U.S.C. 801 or any implementing regulation in 21 CFR 1300, then the mailing of the substance is also unlawful under 18 U.S.C. 1716. Controlled substances and drugs that contain controlled substances are acceptable in the domestic mail only under limited specified conditions.

If there are any questions regarding advertising marijuana through the mail, please call the Portland District Mailing Requirements Office at (503) 294-2417.

-- Portland District Mailing Requirements