



Oklahoma Association of Broadcasters

MEDICAL MARIJUANA ADVERTISING

Now that Oklahoma has legalized the sale of medical marijuana, many stations have been contacted by dispensaries who are eager to advertise their products. While some broadcasters have decided to take the risk, we advise against accepting the advertising.

Marijuana, even medical marijuana, is still illegal under Federal law. Because it is illegal under Federal law, carrying advertising for a product that is illegal under Federal law has potentially serious consequences for radio and TV stations because they operate under a license issued by the federal government – the FCC – and the FCC has not yet issued a ruling on this subject. Being a Federal licensee and running ads for a product banned by Federal law could raise issues about a broadcaster's license. In fact, with license renewal coming up soon, there is the possibility that listeners/viewers may file challenges against stations that run marijuana ads arguing that they are promoting an illegal product. There is also the potential that some aggressive Federal prosecutor could raise issues about stations promoting the sale of an illegal product.

Ultimately, the decision about whether to carry marijuana advertising will be based on your assessment of risk. However, we advise to err on the side of caution. The bottom line: Your license is a federal license, and marijuana is still illegal under federal law.

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