

Supreme Court Declines MS Cannabis Ad Ban Challenge

U.S. Supreme Court Declines to Hear Case Challenging Mississippi's Ban on Medical Cannabis Advertising

Tru Source Owner's Free Speech Case Ends as 5th Circuit Ruling Stands

Earlier this week, the U.S. Supreme Court declined to review a challenge brought against Mississippi's ban on advertising for medical cannabis dispensaries. The case was initiated by Clarence Cocroft, owner of Tru Source Medical Cannabis, who argued that the state's blanket advertising restrictions violate his First Amendment right to free speech. With the high court opting not to hear the case, the previous ruling by the 5th U.S. Circuit Court of Appeals remains intact.

Mississippi Cannabis Dispensaries Blocked From Advertising Through Any Media Channels

Mississippi legalized medical cannabis in 2022, and Cocroft opened his dispensary, Tru Source, in 2023. Shortly after launching operations, he discovered that the Mississippi Department of Health (DOH) had implemented strict advertising regulations. These rules prohibit cannabis dispensaries from marketing through any form of media, including social media, newspapers, billboards, email lists, and television.

The DOH holds broad regulatory authority over the state's medical cannabis program and enforces the advertising ban across the board, regardless of business size or location. This has created significant challenges for dispensary owners attempting to attract patients and compete in the marketplace.

Federal Illegality of Cannabis Undermines Free Speech Claims, Court Says

In its decision, the 5th Circuit Court concluded that Cocroft does not possess a First Amendment right to advertise his cannabis business due to marijuana's continued status as an illegal substance under federal law. By declining to hear the case, the Supreme Court allowed that interpretation to stand, reinforcing that federal prohibition can impact even state-sanctioned industries.

Legal Advocates Say Mississippi's Rules Censor Licensed Cannabis Businesses

Public interest law firm Institute for Justice (IJ), which represented Cocroft, expressed disappointment in the Supreme Court's decision not to intervene. The organization emphasized that business owners operating within the bounds of state law should be free to communicate truthfully about their services. They argue that Mississippi's prohibition on cannabis advertising censors licensed dispensaries despite their legality at the state level.

Mississippi Did Not Respond to the Supreme Court Petition as Dispensary Owners Face Ongoing Restrictions

Reports indicate that the state of Mississippi waived its right to respond to Cocroft's petition to the Supreme Court. The Magnolia State's advertising rules continue to bar medical cannabis operators from engaging with potential customers through common channels used by other legal businesses. This includes platforms like television, print media, and digital marketing tools.

Advocates Vow to Continue Fighting for Commercial Free Speech Across the U.S.

Although this particular legal challenge has ended, IJ officials say they remain committed to pursuing similar cases in other states. Their ongoing mission is to ensure that all legal business owners, including those in the medical cannabis industry, can openly advertise and speak about their services without being silenced by outdated federal statutes or overly broad state regulations.

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