

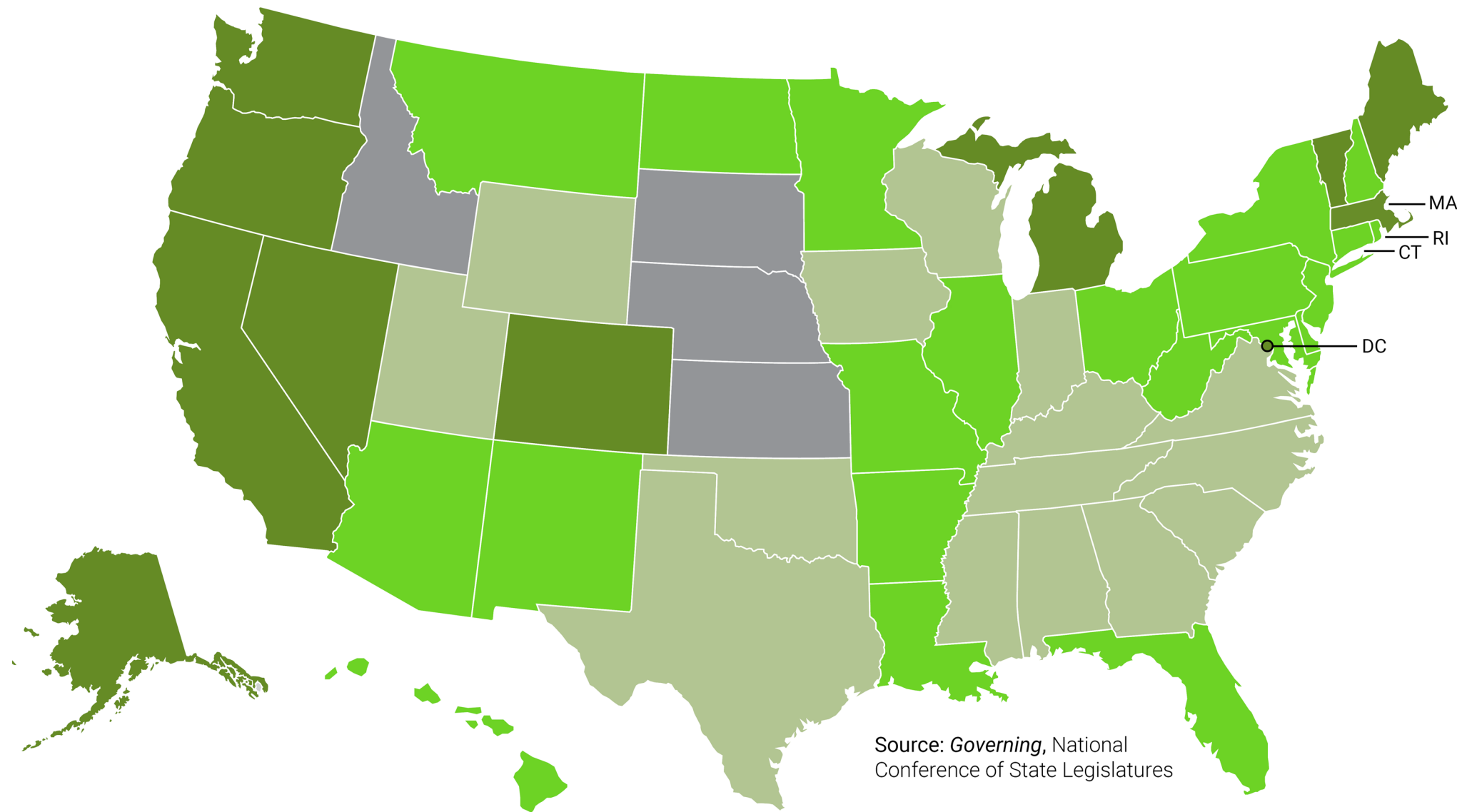


McGUIREWOODS  
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Public Affairs Solutions

# Cannabis Ballot Initiatives in the States

# Cannabis Laws

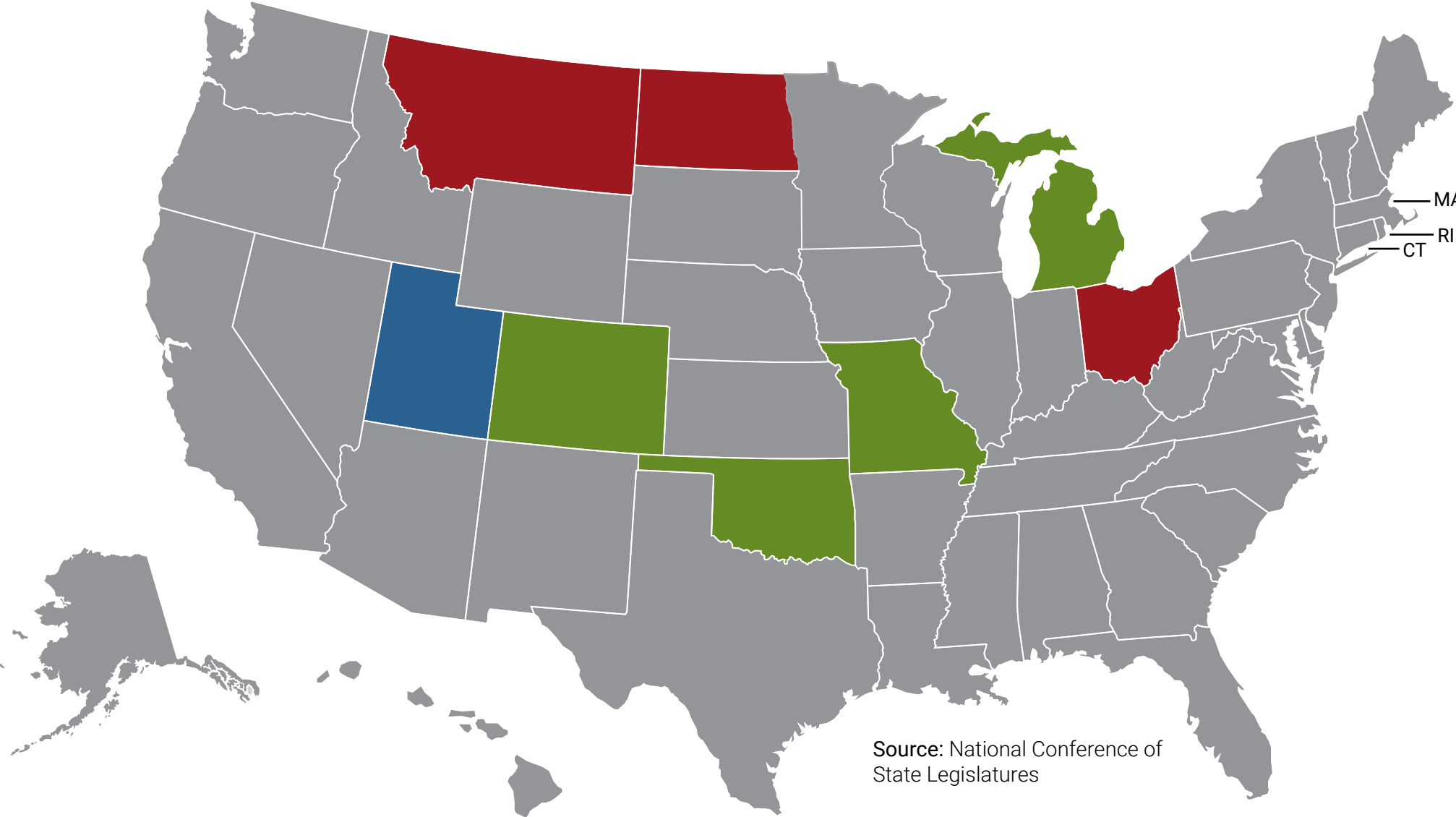
- Cannabis legalized for recreational and medical use
- Cannabis broadly legalized for medical use
- CBD/Low THC product law
- No broad legalization of cannabis



Last updated December 3, 2018.

# 2017-2018 Cannabis Ballot Initiatives

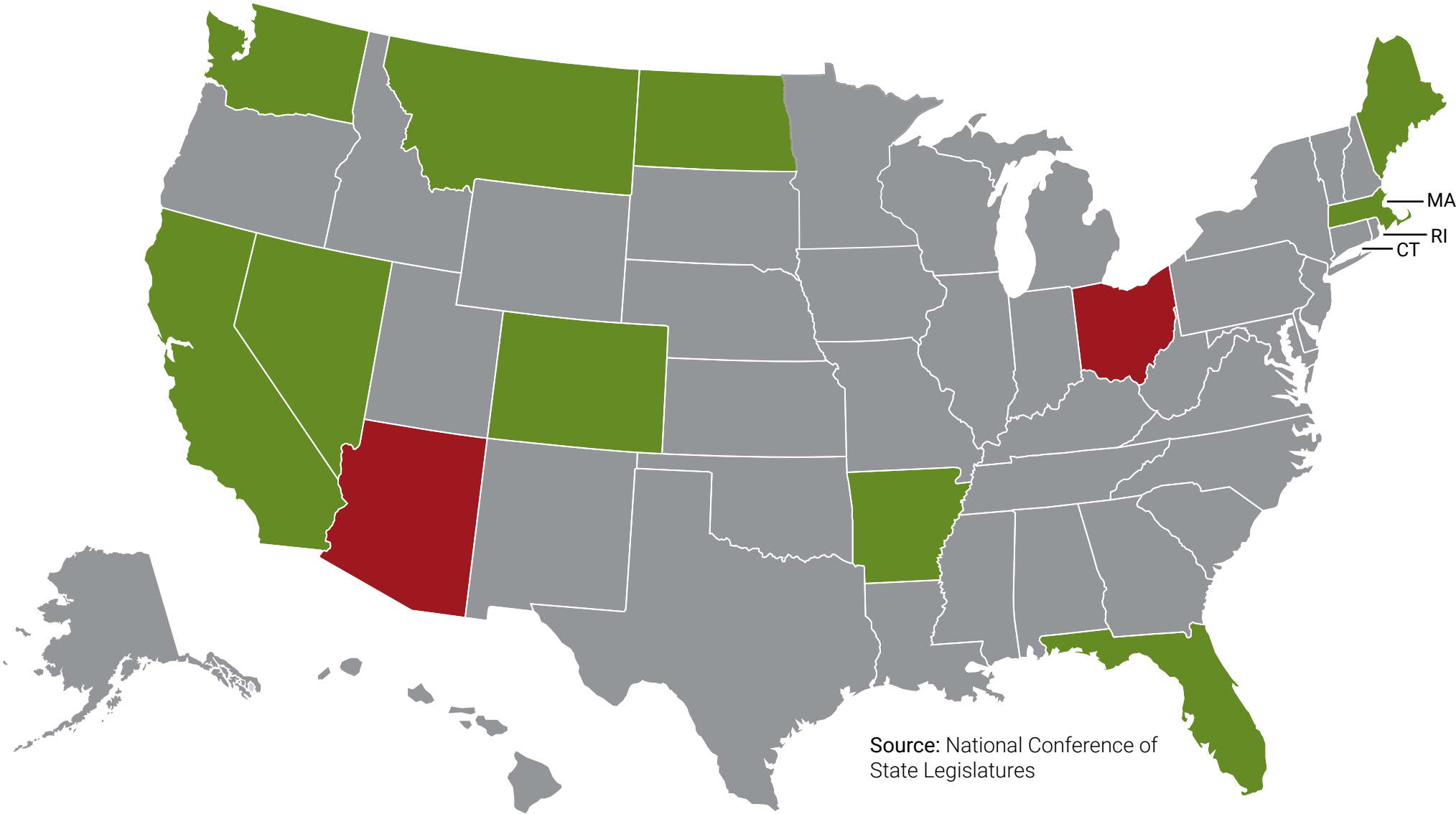
Failed Undecided Enacted or Adopted No 2017-2018 ballot initiatives



Last updated December 3, 2018.  
These maps include ballot initiatives and measures in the states and do not include bills before state Houses and Senates.

# 2015-2016 Cannabis Ballot Initiatives

Failed Enacted or Adopted No 2015-2016 ballot initiatives

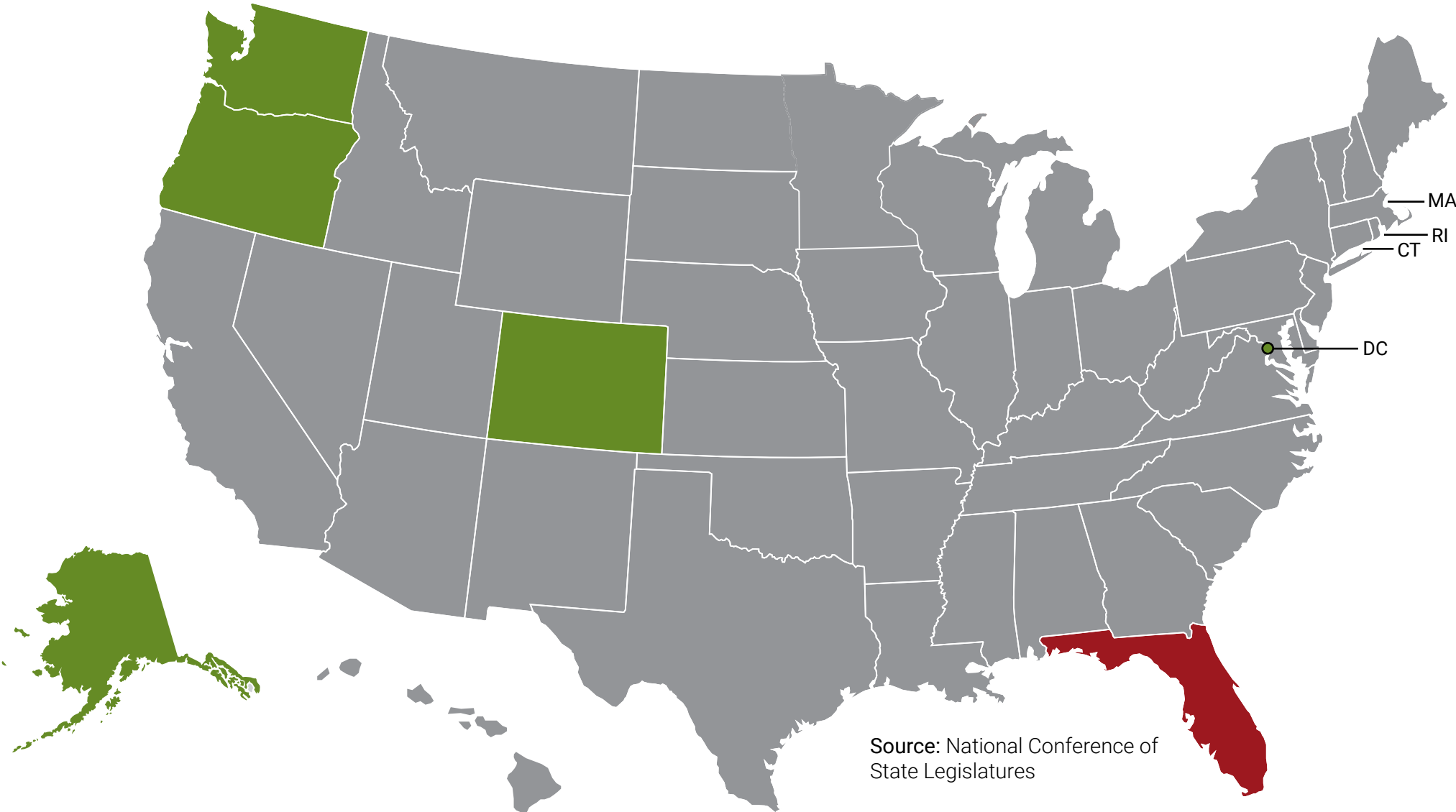


Last updated December 3, 2018.

These maps include ballot initiatives and measures in the states and do not include bills before state Houses and Senates.

# 2013-2014 Cannabis Ballot Initiatives

■ Failed ■ Enacted or Adopted ■ No 2013-2014 ballot initiatives



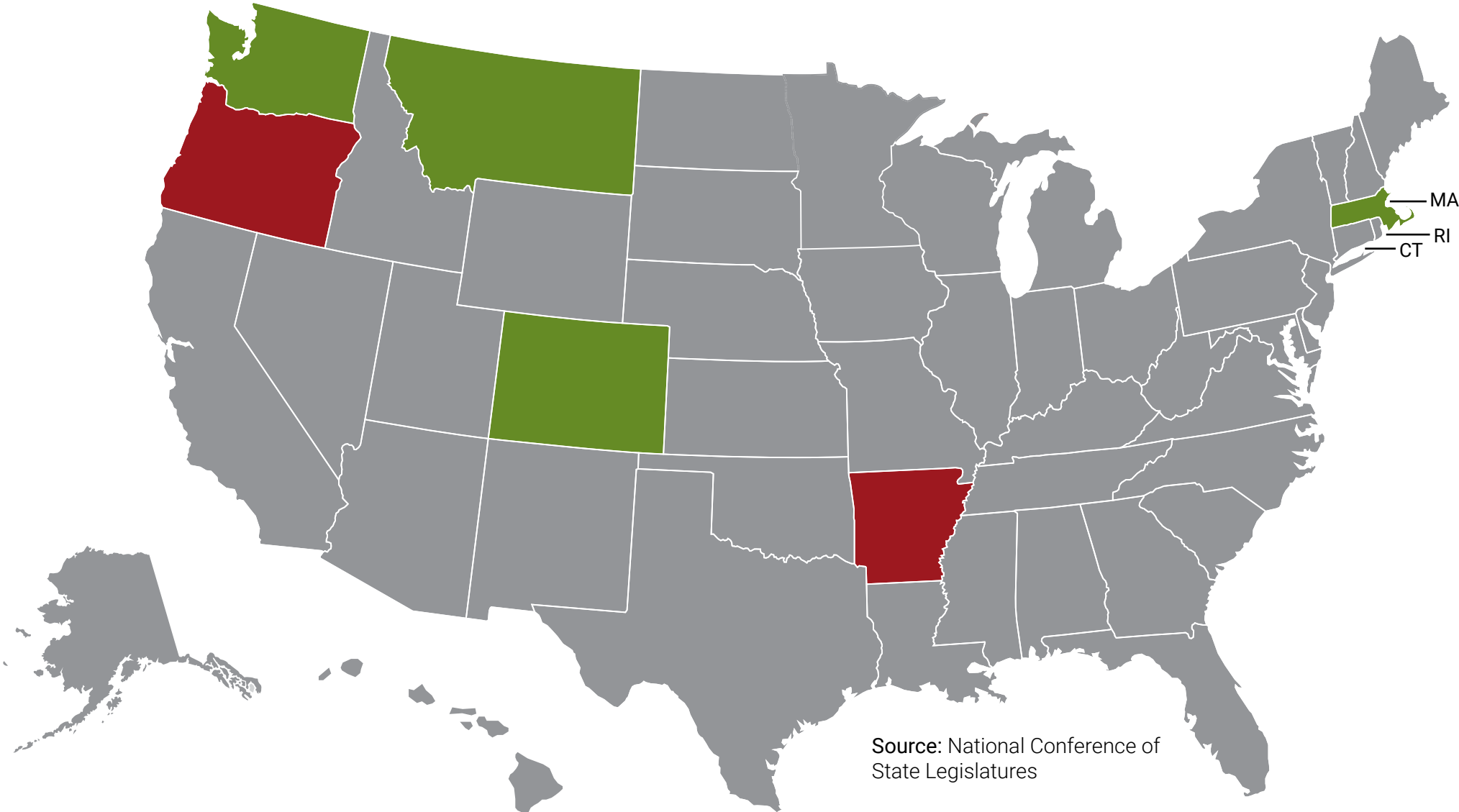
Source: National Conference of State Legislatures

Last updated December 3, 2018.

These maps include ballot initiatives and measures in the states and do not include bills before state Houses and Senates.

# 2011-2012 Cannabis Ballot Initiatives

■ Failed ■ Enacted or Adopted ■ No 2011-2012 ballot initiatives



Source: National Conference of State Legislatures

Last updated December 3, 2018.  
These maps include ballot initiatives and measures in the states and do not include bills before state Houses and Senates.

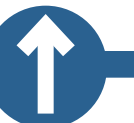


## 2014 General Election

### **An Act to tax and regulate the production, sale and use of marijuana**

**Status: Passed**

This bill would tax and regulate the production, sale, and use of marijuana in Alaska. The bill would make the use of marijuana legal for persons 21 years of age or older. The bill would allow a person to possess, use, show, buy, transport, or grow set amounts of marijuana, with the growing subject to certain restrictions. The bill would ban the public use of marijuana. The bill would prohibit a person under 21 years of age from using false identification to buy or try to buy marijuana or marijuana accessories.





# Arizona

## 2016 General Election

### Regulation and Taxation of Marijuana Act

**Status: Failed**

The Regulation and Taxation of Marijuana Act: (1) establishes a 15% tax on retail marijuana sales, from which the revenue will be allocated to public health and education; (2) allows adults twenty-one years of age and older to possess and to privately consume and grow limited amounts of marijuana; (3) creates a system in which licensed businesses can produce and sell marijuana; (4) establishes a Department of Marijuana Licenses and Control to regulate the cultivation, manufacturing, testing, transportation, and sale of marijuana; and (5) provides local governments with the authority to regulate and limit marijuana businesses.







# Arkansas

## 2016 General Election

### The Arkansas Medical Marijuana Amendment

**Status: Passed**

An act making the medical use of marijuana legal under Arkansas state law, but acknowledging that marijuana use, possession, and distribution for any purpose remain illegal under federal law.

## 2012 General Election

### The Arkansas Medical Marijuana Act

**Status: Failed**

An act making the medical use of marijuana legal under Arkansas state law, but acknowledging that marijuana use, possession, and distribution for any purpose remain illegal under federal law.





# California

## 2016 General Election

### Legalization of Marijuana for Adults Over 21

**Status: Passed**

Legalizes marijuana and hemp under state law. Designates state agencies to license and regulate marijuana industry. Imposes state excise tax on retail sales of marijuana equal to 15% of sales price, and state cultivation taxes on marijuana of \$9.25 per ounce of flowers and \$2.75 per ounce of leaves. Exempts medical marijuana from some taxation. Establishes packaging, labeling, advertising, and marketing standards and restrictions for marijuana products. Allows local regulation and taxation of marijuana. Prohibits marketing and advertising marijuana to minors. Authorizes resentencing and destruction of records for prior marijuana convictions





# Colorado

## 2018 General Election

### Change Industrial Hemp Definition in Constitution Amendment

#### Status: Passed

Removes the current constitutional definition of “industrial hemp” and replaces it with the definition that is found in federal law.

## 2015 General Election

### Retain Revenue in Excess of Blue Book Estimate of Taxes on Marijuana Sales

#### Status: Passed

May the state retain and spend state revenues that otherwise would be refunded for exceeding an estimate included in the ballot information booklet for proposition aa and use these revenues to provide forty million dollars for public school building construction and for other needs, such as law enforcement, youth programs, and marijuana education and prevention programs, instead of refunding these revenues to retail marijuana cultivation facilities, retail marijuana purchasers, and other taxpayers?

## 2013 General Election

### Retail Marijuana Taxes

#### Status: Passed

- Impose a 15 percent state excise tax on the average wholesale price of retail marijuana when the product is first sold or transferred by a retail marijuana cultivation facility, with public school construction receiving the first \$40 million of any annual tax revenues collected;
- Impose a 10 percent state sales tax on retail marijuana and retail marijuana products, in addition to the existing 2.9 percent state sales tax, to increase funding for the regulation and enforcement of the retail marijuana industry and to fund related health, education, and public safety costs;
- Direct 15 percent of the revenue collected from the 10 percent state sales tax to cities and counties where retail marijuana sales occur; and
- Allow the state legislature to increase or decrease the excise and sales taxes on retail marijuana so long as the rate of either tax does not exceed 15 percent.

## 2012 General Election

### Use and Regulation of Marijuana

#### Status: Passed

Amendment 64 proposes amending the Colorado Constitution to:

- regulate the growth, manufacture, and sale of marijuana in a system of licensed establishments overseen by state and local governments;
- allow individuals who are 21 years old or older to possess, use, display, purchase, transport, and transfer—to individuals who are 21 years old or older—one ounce or less of marijuana;
- allow individuals who are 21 years old or older to possess, grow, process, and transport up to six marijuana plants, with certain restrictions;
- require the state legislature to enact an excise tax on marijuana sales, of which the first \$40 million in revenue raised annually must be credited to a state fund used for constructing public schools. The excise tax must be approved by a separate statewide vote; and
- require the state legislature to enact legislation concerning the growth, processing, and sale of industrial hemp.





# Florida

## 2016 General Election

### Legalization of Medical Marijuana Amendment

**Status: Passed**

Allows medical use of marijuana for individuals with debilitating medical conditions as determined by a licensed Florida physician. Allows caregivers to assist patients' medical use of marijuana. The Department of Health shall register and regulate centers that produce and distribute marijuana for medical purposes and shall issue identification cards to patients and caregivers. Applies only to Florida law. Does not immunize violations of federal law or any non-medical use, possession or production of marijuana.

## 2014 General Election

### Use of Marijuana for Certain Medical Conditions

**Status: Failed**

Allows the medical use of marijuana for individuals with debilitating diseases as determined by a licensed Florida physician. Allows caregivers to assist patients' medical use of marijuana. The Department of Health shall register and regulate centers that produce and distribute marijuana for medical purposes and shall issue identification cards to patients and caregivers. Applies only to Florida law. Does not authorize violations of federal law or any non-medical use, possession or production of marijuana.





## 2016 General Election

### An Act to Legalize Marijuana

**Status: Passed**

This initiated bill allows the possession and use of marijuana by a person 21 years of age or older. It provides for the licensure of retail marijuana facilities including retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, retail marijuana testing facilities and retail marijuana stores. It also provides for the licensure of retail marijuana social clubs where retail marijuana products may be sold to consumers for consumption on the licensed premises. It provides for regulation and control of the cultivation, manufacture, distribution and sale of marijuana by the Department of Agriculture, Conservation and Forestry. It allows the department to establish limitations on retail marijuana cultivation. It allows a municipality to regulate the number of retail marijuana stores and the location and operation of retail marijuana establishments and to prohibit the operation of retail marijuana establishments in the municipality. It also allows a municipality to require separate local licensing of retail marijuana establishments. The initiated bill allows a person 21 years of age or older to use, possess or transport marijuana accessories and up to 2 1/2 ounces of prepared marijuana; transfer or furnish, without remuneration, up to 2 1/2 ounces of marijuana and up to 6 immature plants or seedlings to a person who is 21 years of age or older; possess, grow, cultivate, process or transport up to 6 flowering marijuana plants, 12 immature marijuana plants and unlimited seedlings, and possess all the marijuana produced by the marijuana plants at that person's residence; purchase up to 2 1/2 ounces of marijuana and marijuana accessories from a retail marijuana store; and purchase up to 12 marijuana seedlings or immature marijuana plants from a retail marijuana cultivator. It allows the home cultivation of marijuana for personal use of up to 6 flowering marijuana plants by a person 21 years of age or older. The initiated bill allows a person to consume marijuana in a nonpublic place including a private residence. It provides that the prohibitions and limitations on smoking tobacco products in specified areas as provided by law apply to smoking marijuana and that a person who smokes marijuana in a public place other than as governed by law commits a civil violation for which a fine of not more than \$100 may be adjudged. The initiated bill places a sales tax of 10% on retail marijuana and retail marijuana products.



## 2016 General Election

### The Regulation and Taxation of Marijuana Act

**Status: Passed**

Controls the production and distribution of marijuana under a system that licenses, regulates and taxes the businesses involved in a manner similar to alcohol and to make marijuana legal for adults 21 years of age or older. Its intent is to remove the production and distribution of marijuana from the illicit market and to prevent the sale of marijuana to persons under 21 years of age by providing for a regulated and taxed distribution system.

## 2012 General Election

### Medical Use of Marijuana

**Status: Passed**

This proposed law would eliminate state criminal and civil penalties for the medical use of marijuana by qualifying patients. To qualify, a patient must have been diagnosed with a debilitating medical condition, such as cancer, glaucoma, HIV-positive status or AIDS, hepatitis C, Crohn's disease, Parkinson's disease, ALS, or multiple sclerosis. The patient would also have to obtain a written certification, from a physician with whom the patient has a bona fide physician-patient relationship, that the patient has a specific debilitating medical condition and would likely obtain a net benefit from medical use of marijuana.



## 2018 General Election

### Marijuana and Hemp Legalization Initiative

**Status: Passed**

The measure would permit individuals 21 years-old or older to use marijuana recreationally, and to grow up to 12 plants. It creates a tax of 10 percent on marijuana sales at retailers and businesses. Revenue goes to local government, K-12 education, and transportation infrastructure. The measure legalizes the production of industrial hemp. Municipalities are allowed to ban marijuana within their boundaries.



## 2018 General Election

### Medical Marijuana and 4% Marijuana Tax for Veteran Healthcare Amendment

**Status: Passed**

The measure legalizes marijuana for medical purposes and enacts a 4 percent tax on it. The tax revenue would be allocated to veteran health-care. It is estimated to generate \$66 million in revenue and cost \$500,000 in annual costs.

### Medical Marijuana and 15% Marijuana Tax for Biomedical Research and Drug Development Institute Amendment

**Status: Failed**

The measure legalizes marijuana for medical purposes and enacts a 15 percent tax on it. The tax revenue would be allocated to the Biomedical Research and Drug Development Institute. It is estimated to generate \$24 million in revenue and cost \$7 million in annual costs.

### Medical Marijuana and 2% Marijuana Tax for Veterans, Education, Drug Treatment, and Public Safety Initiative

**Status: Failed**

The measure legalizes marijuana for medical purposes and enacts a 2 percent tax on it. The tax revenue would be allocated to veteran health-care, early childhood education, drug treatment, and public safety. It is estimated to generate \$10 million in revenue.







# Montana

## 2016 General Election

### Initiative to Expand Access to Medical Marijuana

**Status: Passed**

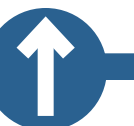
Allows a single treating physician to certify medical marijuana for a patient diagnosed with chronic pain and includes post-traumatic stress disorder (PTSD) as a “debilitating medical condition” for which a physician may certify medical marijuana. Licensing requirements, fees and prohibitions are detailed for medical marijuana dispensaries and testing laboratories. I-182 repeals the limit of three patients for each licensed provider, and allows providers to hire employees to cultivate, dispense, and transport medical marijuana. I-182 repeals the requirement that physicians who provide certifications for 25 or more patients annually be referred to the board of medical examiners. I-182 removes the authority of law enforcement to conduct unannounced inspections of medical marijuana facilities, and requires annual inspections by the State.

## 2012 General Election

### Medical Marijuana

**Status: Passed**

In 2004, Montana voters approved I-148, creating a medical marijuana program for patients with debilitating medical conditions. Senate Bill 423, passed by the 2011 Legislature, repeals I-148 and enacts a new medical marijuana program, which includes: permitting patients to grow marijuana or designate a provider; limiting each marijuana provider to three patients; prohibiting marijuana providers from accepting anything of value in exchange for services or products; granting local governments authority to regulate marijuana providers; establishing specific standards for demonstrating chronic pain; and reviewing the practices of doctors who certify marijuana use for 25 or more patients in a 12-month period.



## 2016 General Election

### Initiative to Regulate and Tax Marijuana

**Status: Passed**

Proposes statutory amendments that would regulate and tax marijuana similar to alcohol. If passed, persons at least 21 years old would be allowed to possess and use a limited amount of marijuana. An excise tax of 15% would be imposed on wholesale sales of marijuana. The existing sales tax would apply to retail sales of marijuana. Net revenue generated under this proposal would be deposited in the Distributive School Account and used for support of K-12 education.



## 2018 General Election

### Marijuana Legalization and Automatic Expungement of Legalized Drug Criminal Conviction Initiative

**Status: Failed**

The measure legalizes recreational marijuana for individuals 21 years-old or older. It also automatically expunges existing criminal records for individuals with a criminal conviction of a legalized drug.

## 2016 General Election

### Compassionate Care Act (Marijuana)

**Status: Passed**

This initiated measure would add a new chapter to Title 19 of the North Dakota Century Code creating an Act providing for the medical use of marijuana for defined debilitating medical conditions, such as cancer, AIDS, hepatitis C, ALS, glaucoma, and epilepsy. To participate in the program, the Act would create identification cards with specific criteria before they can be issued by the Department of Health for patients, caregivers, compassion centers and other facilities. The Act would create procedures for monitoring, inventorying, dispensing, and cultivation and growing of marijuana to be regulated and enforced by the Department of Health. A qualified patient could be dispensed up to three ounces of usable marijuana. For violations, the Act would authorize the Department of Health to provide for corrective action, suspension, revocation, appeal, hearings, and referral for criminal prosecution. The Act would require the Department of Health to submit an annual report to the legislature regarding program statistics.





## 2015 General Election

**Grants a monopoly for the commercial production and sale of marijuana for recreational and medicinal purposes**

**Status: Failed**

The proposed amendment would:

- Endow exclusive rights for commercial marijuana growth, cultivation, and extraction to self-designated landowners who own ten predetermined parcels of land in Butler, Clermont, Franklin, Hamilton, Licking, Lorain, Lucas, Delaware, Stark, and Summit Counties. One additional location may be allowed for in four years.
- Permit retail sale of recreational marijuana at approximately 1,100 locations statewide.
- And provide additional guidance on the adoption of recreational marijuana.





# Oklahoma

## 2018 Primary Election

### Medical Marijuana Legalization Initiative

**Status: Passed**

The measure would permit doctors to recommend a patient, who is at least 25 years old, for a state-issued medical marijuana license. Patients would be allowed to legally possess up to 3 ounces of the drug, six mature plants and six seedlings.



## 2014 General Election

**Allows possession, manufacture, sale of marijuana by/to adults, subject to state licensing, regulation, taxation**

**Status: Passed**

“Yes” vote allows possession, authorizes in-state manufacture, processing, sale of marijuana by/to adults; licensing, regulation, taxation by state; retains current medical marijuana laws. “No” vote retains laws classifying cannabis as a controlled substance; prohibiting most sale, possession, manufacture of cannabis; permitting production, possession of cannabis for medical use.

## 2012 General Election

**Allows personal marijuana, hemp cultivation/use without license; commission to regulate commercial marijuana cultivation/sale**

**Status: Failed**

Currently Oregon law prohibits the cultivation, distribution and use of marijuana (cannabis), except as permitted pursuant to the Oregon Medical Marijuana Act. The passage of Ballot Measure 80 would replace and supersede all existing state and local laws relating to marijuana, except those that pertain to medical marijuana and driving under the influence of intoxicants.

The measure creates new criminal penalties for illegal sale of marijuana, removal of marijuana out of the state and unlawful distribution of marijuana to minors. It bans public consumption of marijuana, except where permitted by signs and where minors are excluded. Personal use of marijuana and cultivation of marijuana for personal use are authorized by the measure.





## 2018 General Election

### Medical Marijuana Legalization Initiative

**Status: Undecided**

The measure requires individuals to obtain a medical card from the Utah Department of Health. Physicians can then prescribe marijuana for qualifying illness. Allows for licensing of marijuana cultivation facilities, testing facilities, and dispensaries. The number of dispensaries allowed would be based on an area's population. After January 1, 2021, individuals with medical cards can grow up to six marijuana plants.





# Washington D.C.

## 2014 General Election

### Legalization of Possession of Minimal Amounts of Marijuana for Personal Use

**Status: Passed**

This initiative, if passed, will make it lawful under District of Columbia law for a person 21 years of age or older to: possess up to two ounces of marijuana for personal use; grow no more than six cannabis plants with 3 or fewer being mature, flowering plants, within the person's principal residence; transfer without payment (but not sell) up to one ounce of marijuana to another person 21 years of age or older; and use or sell drug paraphernalia for the use, growing, or processing of marijuana or cannabis.







# Washington State

## 2015 General Election

### Cannabis Patient Protection Act

**Status: Passed**

An advisory vote on Second Substitute Senate Bill 5052, relating to the establishment of the Cannabis Patient Protection Act

## 2014 General Election

### Concerns marijuana excise tax

**Status: Passed**

The legislature eliminated, without a vote of the people, agricultural excise tax preferences for various aspects of the marijuana industry, costing an estimated \$24,903,000 in the first ten years, for government spending.

## 2012 General Election

### Decriminalizes Marijuana

**Status: Passed**

Initiative Measure No. 502 concerns marijuana. This measure would license and regulate marijuana production, distribution, and possession for persons over twenty-one; remove state-law criminal and civil penalties for activities that it authorizes; tax marijuana sales; and earmark marijuana-related revenues.

