

The Straight Dope on the Marijuana Measures: Which Ones Passed and Which Went Up in Smoke

November 11, 2016

By [Hera S. Arsen, Ph.D.](#)



On Tuesday, November 8, 2016, voters in nine states with marijuana-related measures on their ballots made their voices heard. California, Maine, Massachusetts, and Nevada voters approved recreational adult-use marijuana initiatives while Florida, North Dakota, and Arkansas approved medical marijuana initiatives. These results are considered to be a big win in favor of marijuana reform. Marijuana possession and use continues to be illegal under federal law, however.

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California: APPROVED

Election Results: California voters approved the [Control, Regulate and Tax Adult Use of Marijuana Act](#), also known as Proposition 64, with 56.1 percent voting in favor of the measure and 43.9 percent voting against it.

Effective Date: Passage of Prop. 64 means that adults in California may now possess and grow marijuana. However, the measure allows only state licensed businesses to sell recreational marijuana and gives the state until January 1, 2018, to start issuing licenses to recreational marijuana retailers.

Nevada: APPROVED

Election Results: Nevada voters approved Question 2, the Regulation and Taxation of Marijuana Act, with 54.5 percent voting yes and 45.5 percent voting no.

Effective Date: Starting on January 1, the law permits adults 21 years of age and older to possess up to 1 ounce of cannabis, or one-eighth of an ounce of cannabis concentrate. However, smoking or consuming marijuana in public is still prohibited and punishable by a fine of up to \$600. The Nevada Department of Taxation has until January 1, 2018, to create regulations and licensing to allow dispensaries to operate.

Arizona: REJECTED

Election Results: Arizona voters rejected Proposition 205, [the Regulation and Taxation of Marijuana Act](#), with 52.1 percent voting against and 47.9 percent voting in favor of the proposition. The law would have allowed adults 21 years of age and older to possess up to one ounce of marijuana and to privately consume and grow up to six marijuana plants at the individual's residence. This is the second time that state voters have rejected a measure to legalize recreational marijuana; the first time was in 2002 when a ballot measure proposed making small amounts of marijuana legal.

Massachusetts: APPROVED

Election Results: Massachusetts voters approved Question 4, The Regulation and Taxation of Marijuana Act, with 53.6 percent voting yes and 46.4 percent voting no.

Effective Date: As a result of the yes vote, Massachusetts residents who are at least 21 years old may grow, use, and possess marijuana as of December 15. In addition, individuals may possess up to 10 ounces of marijuana (plus any marijuana produced by plants cultivated on the premises) in their homes and one ounce in public.

However, residents will have to wait until January 1, 2018, in order to buy and sell marijuana. The law requires the state treasurer to appoint a 15-member advisory board and a three-person Cannabis Control

Commission to adopt regulations. If they can't agree on regulations by the 2018 deadline, the state's medical marijuana dispensaries will be authorized to sell recreational marijuana.

Maine: APPROVED

Election Results: After a two-day wait, on Thursday, November 11, the narrow vote on Maine's Question 1, [The Marijuana Legalization Act](#), was decided by a close margin with 50.15 voting yes and 49.85 percent voting no. Maine's office of the Secretary of State announced that the vote tipped in favor of approval when an additional number of "yes" votes from Maine residents who are overseas were counted and verified.

Effective Date: Maine's law will allow individuals over the age of 21 to possess, transport, and use up to 2.5 ounces of marijuana and to possess, grow, cultivate, process, or transport up to six marijuana plants. Maine's Governor has 10 days to sign the measure. Once signed, the measure will go in effect in 30 days. As with other states that approved their marijuana measures, marijuana will not be available to buy and sell in retail shops until the state rulemaking process is complete.

Montana: APPROVED

Election Results: Despite polls to the contrary, Montana voters essentially relegalized medical marijuana by approving Initiative 182. Voters expanded the state's medical marijuana law when 57.6 percent voted in favor of and 42.4 percent against the measure.

Effective Date: Because the measure was approved, marijuana dispensaries will be able to reopen after closing their doors as a result of a decision by the Montana Supreme Court in August of 2016.

North Dakota: APPROVED

Election Results: A whopping 63.7 percent of North Dakota voters voted in favor of Measure 5, [the North Dakota Compassionate Care Act](#), with 36.3 percent voting against.

Effective Date: While Measure 5, which permits certain individuals to use medical marijuana for certain serious medical conditions, becomes law in 30 days, it will be a while before the state starts its program and state-licensed dispensaries start appearing.

Arkansas: APPROVED

Election Results: Arkansas voters approved Issue 6, the Arkansas Medical Marijuana Amendment of 2016, with 53.2 percent of voters voting in favor of the measure and 46.8 percent voting against it.

Effective Date: Issue 6, permits individuals with qualifying medical conditions to use marijuana for medical reasons. The law takes effect on November 9—the day after Election Day. State regulators now have 120 days following the effective date to develop regulations to oversee a new medical marijuana program. According to Issue 6, regulators will be able to license up to 40 dispensary providers.

Florida: APPROVED

Election Results: Florida voters overwhelmingly approved Amendment 2, which expands upon the state's current medical marijuana program. According to the final tally, 71.3 percent of voters favored with measure while 28.7 percent were against it.

Effective Date: The new law goes into effect on January 3, 2017, and requires the Florida Department of Health to finalize its medical marijuana regulations by June 3, 2017. To be eligible under Amendment 2, patients are required to obtain a letter of certification from a physician and a state-issued medical marijuana identification card. The state must start issuing the first identification cards by September 3, 2017.

Ogletree Deakins' [Drug Testing Practice Group](#) will continue to track new developments on these and any other measures to legalize recreational or medical marijuana and will continue to update the [Drug Testing blog](#).

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