

Cannabis Ballot Initiatives to Watch

Five states could legalize recreational or medicinal cannabis — or both — in November. The initiatives could help raise millions of dollars of needed tax revenue for these states, particularly those facing COVID-related deficits, and could create opportunities for hundreds of millions of dollars worth of business development. Some states would allocate at least part of the revenue from such programs to criminal justice reforms. Here are the states to watch.

Arizona

Proposition 207 would legalize recreational cannabis in Arizona. A similar proposed law was on the ballot in 2016 and was defeated by a narrow margin. Arizona has legalized medicinal cannabis use, and many cannabis companies that are established in Arizona are in favor of expanding the market to recreational use. If passed, adults 21 years or older would be permitted to possess, consume, or transfer up to one ounce of cannabis for recreational use. It would also create a 16 percent tax on sales of cannabis and a process for people convicted of certain marijuana-related crimes related to possession, consumption, cultivation, and transportation to apply for an expungement of their criminal record starting on July 12, 2021. More information is available [here](#).

Mississippi

Initiative 65 and 65A are competing initiatives to legalize medicinal cannabis. Initiative 65 would amend the state constitution to permit cannabis to be used to treat certain diseases, subject to a 7 percent tax, and would establish a regulatory medicinal cannabis program. Initiative 65A would allow the legislature to create a regulatory system for medicinal marijuana and would restrict particular uses of cannabis. More information on these initiatives is available [here](#).

Montana

Ballot initiative I-190 would allow adults who are at least 21 years old to buy, possess, and use cannabis recreationally. Initiative I-190 would also establish a 20 percent tax on non-medical cannabis and would allow a person currently serving a sentence for an act permitted by it to apply for resentencing or expungement of the conviction. Initiative CI-118 would amend the state constitution to allow the legislature or a citizen initiative to establish a minimum legal age to buy, possess, and use cannabis. More information on I-190 is available [here](#) and on CI-118 is available [here](#).

New Jersey

Public Question No. 1 would legalize recreational cannabis in New Jersey. If passed, adults 21 years or older could use cannabis. The recreational cannabis program would be overseen by the same state commission that oversees New Jersey's medicinal cannabis program. New Jersey's 6.25 percent state sales and use tax would apply to retail sales of recreational cannabis. If approved, Senate Judiciary Committee Chairman Nick Scutari reportedly suggested that the program could be up and running within the month of November. More information on this initiative is available [here](#).

South Dakota

Measure 26 and Amendment A would legalize both medicinal and recreational cannabis in South Dakota. Measure 26 would create a medicinal cannabis program for individuals with a debilitating medical condition. Amendment A would amend the state constitution to legalize recreational cannabis use. More information on these initiatives is available [here](#).



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Industry Sectors

- Cannabis

DISCLAIMER: Cannabis is still classified as a Schedule I controlled substance by the U.S. Drug Enforcement Agency, and as such it remains a federal crime to grow, sell and/or use cannabis. Any content contained herein is not intended to provide legal advice to assist with violation of any state or federal law.