

Cannabis on Many Ballots this November

While some states' ongoing efforts to legalize cannabis via voter referendums have been impacted by the COVID-19 pandemic, a number of states will still be presenting the voters with questions regarding legalization of cannabis this year. Arizona, South Dakota, Montana and New Jersey voters will vote on adult recreational use legalization, while Idaho and Mississippi voters will be asked to weigh in on medical marijuana under their states' laws. South Dakota voters will be asked about both medical use and adult recreational use. In Arizona, where voters narrowly defeated a legalization effort four years ago, the polling on the outcome of the 2020 vote as election day draws near is very close. Montana and South Dakota polling strongly favors passage of their respective initiatives. New Jersey's "Question 1" ballot measure would amend the state constitution to legalize recreational use of marijuana for those over 21 years of age—and is polling above 60%.

This current batch of state referenda is in addition to the current 33 states with legal medical marijuana and 11 states plus the District of Columbia with legal adult recreational cannabis. Nebraska, which previously approved a voter initiative to legalize medical marijuana, this year had its state's top court rule that the prior referendum was unconstitutional on technical grounds, so Nebraska voters will not be weighing in on the issue this year after taking a half-step backwards from legalization.

Prior to the COVID-19 pandemic, there were expectations that as many as 20 states might vote this year on some form of legalization. But in addition to the court challenge to the Nebraska referendum, some states, such as Arkansas and Missouri, saw advocates for ballot initiatives stymied by the challenge of gathering sufficient signatures during a year of quarantines and limited contact.

If the ballot initiatives currently on the 2020 ballot pass across the board, the U.S. could end the year with as many as 36 states with some form of legalized medical marijuana, along with 15 states with legal adult recreational use. Depending on the outcome of a number of close Senate races across the country, the potential remains for the U.S. Senate to switch to Democratic control, which would increase the chances that changes in law at the federal level could be on the horizon as well.

Partridge Snow & Hahn's [Cannabis Advisory Practice Blog](#) provides updates on marijuana law and policy, covering some of the risks and opportunities in the industry, and makes recommendations regarding best practices. ***If you are interested in receiving these updates via email, please submit the form below:***

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