

COMPLIANCE BULLETIN

MARIJUANA USE LEGALIZED IN EIGHT STATES

HIGHLIGHTS

- Eight states legalized marijuana use on Election Day.
- Voters in Arizona rejected the legalization of recreational marijuana use.
- Marijuana remains a Schedule I substance under federal law and employers may ban marijuana from the workplace.

IMPORTANT DATES

November 8, 2016

Several states conducted referenda to invite the public's input regarding the legalization of marijuana use.

State Elections

On **Nov. 8, 2016**, voters in nine states voted on whether to legalize marijuana use:

- ✓ Four states legalized the use of **medicinal marijuana**: Arkansas, Florida, Montana and North Dakota.
- ✓ Four states legalized **recreational marijuana use**: California, Maine, Massachusetts and Nevada.
- ✓ Arizona voters **rejected** a proposal that would legalize the use of recreational marijuana.

Impact on Employers

Marijuana remains illegal under federal law and distributing marijuana is a federal offense. The Obama administration has adopted a relaxed enforcement policy regarding marijuana use. It is unclear whether the Trump administration will adopt a more stringent enforcement policy.

Employers can still ban marijuana, along with alcohol and other drugs, from the workplace. Employers may want to review their drug policies to clarify that any use of marijuana is prohibited, regardless of recreational or medical use, but may need to ensure they are not in violation of any state nondiscrimination laws.

Provided By:
Touchstone Consulting Group

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Medicinal Use

Arkansas, Florida, Montana and North Dakota join another 28 states that currently authorize the use of marijuana for medicinal purposes. Note that the information in this table is based on preliminary election results, which could be affected by final official results.

	Conditions	Result	in Favor (%)	Against (%)	Effective Date
Arkansas	Issue 6 - Administered by Medical Marijuana Commission for 17 medical conditions	Approved	53.17	46.83	Nov. 9, 2016. Arkansas Department of Health (ADH) will issue rules to regulate use by March 9, 2017.
Florida	Amendment 2 - For individuals with debilitating conditions, as determined by a doctor	Approved	71.29	28.71	Jan. 3, 2017
Montana	I-182 - For chronic pain and post-traumatic stress disorder (PTSD), also repeals the three patient limit for providers	Approved	57.63	42.37	Key provisions became effective Nov. 9, 2016. The rest of the law becomes effective June 30, 2017.
North Dakota	Measure 5 - For defined medical conditions	Approved	63.66	36.34	Dec. 9, 2016.

Recreational Use

California, Maine, Massachusetts and Nevada join another four states and the District of Columbia, in legalizing the use of marijuana for recreational purposes. Note that the information in this table is based on preliminary election results, which could be affected by final official results.

	Question	Result	in Favor (%)	Against (%)	Effective Date
Arizona	Proposition 205 - Legalization for private use, possession and manufacture of limited amounts	Rejected	47.88	52.12	N/A
California	Proposition 64 - Legalization for use by adults 21 years of age and older	Approved	56.04	43.96	Nov. 9, 2016. Licenses and regulations must be issued by Jan. 1, 2018.
Maine	Question 1 - Legalization for persons over 21 years old, subject to state regulation and taxation	Approved	50.21	49.79	N/A
Massachusetts	Question 4 - Legalization of possession, use, distribution and cultivation of limited amounts by persons 21 years old and older	Approved	53.59	46.41	Dec. 15, 2016. Initial regulations must be published by Sept. 15, 2017. The
Nevada	Question 2 - Legalization for persons over 21 years old, subject to state regulation and taxation	Approved	54.47	45.53	Jan. 1, 2017