

Floridians to Decide Fate of Adult-Use Marijuana This November

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It's not a joke. On April 1, 2024, the Florida Supreme Court ruled that voters will decide in November whether Florida will become the 24th state to legalize adult-use marijuana. In the face of significant opposition that succeeded in keeping a similar initiative off the 2022 ballots, the Florida Supreme Court this time agreed that the language of the initiative satisfied Florida law. The proposed amendment must receive at least 60% approval to pass.

The potential passage of this initiative would also mark a period of change for Florida adult residents, Medical Marijuana Treatment Centers in Florida, and other marijuana industry members across the United States.

First, non-medical, personal use of marijuana and marijuana accessories by an adult would no longer be criminalized. This means that adults age 21 years and older would be able to legally possess, purchase, and use marijuana products and accessories, with or without a medical card. Adults that purchase recreational marijuana would be limited to possessing 3 ounces of marijuana, of which no more than 5 grams can be of concentrate form. Additionally, Medical Marijuana Treatment Centers would be permitted to “acquire, cultivate, process, manufacture, sell, and distribute marijuana products and accessories to adults for personal use.”

According to the language of the proposed amendment, any adult age 21 or older would be able to purchase marijuana products and accessories for personal use from a Medical Marijuana Treatment Center. A Medical Marijuana Treatment Center is defined as an entity that “acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials” that is registered by the Florida Department of Health.

The proposed amendment does not address whether entities like Medical Marijuana Treatment Centers that want to sell marijuana products for recreational use will have to undergo any additional

licensing or registration processes with the Florida Department of Health. Instead, the language of the amendment indicates that the registration process that already exists for Medical Marijuana Treatment Centers would continue to remain in place.

However, that could change, and other regulations could be placed on the cultivation, processing, packaging, sale, and consumption of recreational marijuana. In fact, we suspect there most likely will be changes if Florida shifts from medical to recreational use. The amendment contemplates entities other than Medical Marijuana Treatment Centers cultivating, processing, and selling adult-use cannabis products by authorizing the legislature to pass legislation governing the licensure of non-Medical Marijuana Treatment Centers for those purposes.

The proposed amendment becomes effective six months after approval by Florida voters. This allows for time after passage for lawmakers and the Florida Department of Health to create new rules and regulations to govern the new frontier of recreational marijuana in Florida. Medical Marijuana Treatment Centers and other businesses in the marijuana industry will need to be aware of what would be a rapidly changing market with new demands and regulations. Polling indicates change is likely coming to Florida. A [poll](#) from the University of North Florida's Public Opinion Research Lab showed that 67% of survey takers supported a constitutional amendment to legalize adult-use marijuana in Florida. The Florida Legislature also seems to think this amendment is inevitable. In early March, it passed SB 1698, which will limit the amount of THC in hemp-derived products, likely in anticipation of the legalization of adult-use marijuana. We discuss this bill and its potential impact on the Florida Hemp industry in our blog post, "[Delta-Nope: Florida Poised to Ban Delta-8 and Delta-10 Products](#)." As this story evolves, we will update this post with the latest information on the vote, amendment changes, and potential new regulations.

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