

Where Do We Stand on Cannabis Legalization After November?

Three of Four States Rejected Legalization Measures, and Federal Rescheduling Remains Uncertain by the Drug Enforcement Administration

The November 2024 elections marked another crucial moment in the ongoing debate over marijuana legalization in the United States. Four states presented propositions for the legalization of marijuana, with voters in Florida, South Dakota, North Dakota, and Nebraska facing decisions that would shape the future of cannabis policy in their regions.

As the ballots were counted, the results were clear: three of the four states rejected marijuana legalization measures, while Nebraska emerged as a rare victory for proponents of medical cannabis. At the federal level, uncertainty continues over whether the Drug Enforcement Administration (DEA) will take meaningful steps toward rescheduling marijuana. Here's a closer look at the election results and what they mean for the future of cannabis legalization in America.

Three States Reject Legalization of Adult-Use Cannabis

Florida: Amendment 3 Falls Short: In Florida, where medical marijuana has been legal since 2016, the proposed Amendment 3 aimed to legalize recreational marijuana for adults aged 21 and older. Despite considerable public support, the amendment received only 55.9% of the vote, falling short of the 60% threshold required to amend the state constitution.

Advocates had hoped that the success of the medical marijuana program would pave the way for broader legalization, but Florida voters ultimately decided against expanding marijuana access. For now, the Sunshine State remains one of the largest medical marijuana markets in the country but will continue to restrict adult use to patients with qualifying conditions.

South Dakota: Measure 29 Rejected

South Dakota voters also turned down a measure that would have legalized recreational marijuana use for adults 21 and older. Measure 29, which had been backed by advocates of cannabis reform, failed with 55.5% of voters opposing the proposal. South Dakota had previously legalized medical marijuana in 2020, but the state's path toward recreational use has been fraught with legal challenges and political opposition.

Governor Kristi Noem, a vocal opponent of marijuana legalization, actively campaigned against Measure 29, citing concerns about the impact on public safety and state resources. Despite significant backing from cannabis advocates and local businesses, the measure was unable to win over enough voters.

North Dakota: Measure 5 Rejected

In North Dakota, voters also rejected a measure to legalize recreational marijuana use. Measure 5, which aimed to legalize cannabis for adults 21 and over, was defeated by a margin of 52.5%. Of the 362,722 ballots cast on the measure, 172,174 supported legalization, while 190,548 opposed it. North Dakota has had a long history of medical marijuana use, but the prospect of extending legal access to adult-use cannabis proved less popular among voters.

Opponents of Measure 5 argued that marijuana legalization would put additional strain on state resources, including law enforcement and health services, while proponents argued it would generate much-needed tax revenue and reduce the burden on the criminal justice system.

Nebraska Makes History: Medical Cannabis Legalized

In contrast to the defeat of adult-use measures in Florida, South Dakota, and North Dakota, Nebraska voters approved medical marijuana legalization in a historic move. After nearly a decade of legislative resistance to marijuana reform, Nebraska became the 39th state to legalize medical marijuana, marking a significant milestone for cannabis advocates in the Midwest.

In November 2024, nearly 900,000 voters participated in two initiatives aimed at legalizing medical cannabis. The first initiative, which passed with roughly 71% of the vote, legalized medical marijuana for patients with qualified medical conditions. The second initiative, which passed with 67.3% of the vote, established a regulated marketplace for the distribution and sale of medical marijuana.

This victory in Nebraska follows a long battle for marijuana reform. In 2020, the Nebraska Supreme Court invalidated a medical marijuana ballot initiative, frustrating advocates. However, the 2024 vote was a decisive win for the movement, with voters showing strong support for medical marijuana and regulatory oversight.

Under the newly passed legislation, known as the **Nebraska Medical Cannabis Patient Protection Act**, patients with qualifying conditions will be able to possess up to 5 ounces of medical marijuana for therapeutic use. A state commission will oversee the regulation of the cannabis market, including determining which conditions qualify for medical marijuana treatment.

While the passage of the initiative has been celebrated by supporters, challenges are expected in the courts. A former state senator, opposed to marijuana legalization, filed a lawsuit questioning the validity of the voter-approved measure. However, a lower court has upheld the decision, and it is now up to the Nebraska Supreme Court to determine whether the state's highest court will affirm the will of the voters.

The Uncertain Future of Federal Rescheduling

While the results of the state-level elections have provided a glimpse into the future of marijuana legalization in the U.S., the question of federal rescheduling remains uncertain. The Drug Enforcement Administration (DEA) has long classified marijuana as a Schedule I substance under the Controlled Substances Act, alongside drugs like heroin and LSD, which are considered to have no medical use and a high potential for abuse.

This classification has made it difficult for researchers to study marijuana's medical benefits and has hindered efforts to reform marijuana laws at the federal level. Although there have been calls from lawmakers and advocacy groups for the DEA to reschedule or deschedule marijuana, the agency has shown little inclination to make significant changes.

In 2024, the Biden administration signaled some openness to re-evaluating marijuana's federal classification, but concrete steps toward rescheduling have yet to materialize. The uncertainty surrounding federal marijuana policy continues to complicate state-level efforts, as many states have legalized marijuana in some form, but the lack of federal clarity leaves open questions regarding interstate commerce, banking, and enforcement of federal laws.

Some cannabis industry leaders have called for the passage of comprehensive federal legislation that would not only reschedule marijuana but also provide a clear regulatory framework for the legal cannabis market. Until such reforms occur, states like Florida, South Dakota, and North Dakota will continue to grapple with their own marijuana policies, while federal rescheduling remains a matter of political debate.

The November 2024 election cycle marked a pivotal moment for marijuana legalization in the United States. While three out of four states rejected adult-use legalization, Nebraska's historic vote to legalize medical marijuana offers a glimmer of hope for cannabis advocates. However, with the federal government still uncertain on rescheduling marijuana, the future of cannabis reform remains a complex and evolving issue.

As states continue to pass their own marijuana laws, the push for federal rescheduling may intensify, particularly as more states move toward full legalization. Whether the DEA will take action to reschedule marijuana remains to be seen, but for now, the cannabis industry and advocates will have to continue navigating a patchwork of state laws and an uncertain federal landscape.

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