

Legislative Update: Medical Marijuana

By: Aaron Carter Bates

One of the most-watched issues during the 2014 election cycle was the Amendment 2 petition to legalize medical marijuana. Requiring a constitutional amendment, the 2014 initiative, originally titled “Use of Marijuana for Certain Medical Conditions,” did not receive enough votes for passage. In early January, however, proponents of the initiative issued a revised petition for vote during the 2016 election cycle. The new initiative is titled, “Use of Marijuana for Debilitating Medical Conditions,” and seeks to eliminate some of the self-imposed obstacles present during the 2014 attempts to legalize marijuana.

As a whole, the 2014 petition and 2016 edition are virtually identical. However, there are some key differences. For one, the new petition does not provide immunity for violations of federal law tied to non-medical marijuana use or possession. The new petition also substitutes “debilitating medical conditions” for “debilitating diseases.” Further, “medical use” encompasses certain regulatory definitions not included in the 2014 petition. The most significant addition to the 2016 petition, however, concerns minors. In the 2014 petition, there was no language concerning parental or guardian consent prior to issuing a certification for receipt of medical marijuana to a minor. In the 2016 petition, however, a certification issued to a minor must include consent by the minor's parent or legal guardian.

In addition to the petition discussed above, other lawmakers have also introduced legislation concerning medical marijuana in Tallahassee.¹ In whole, the issue of legalized medical marijuana is not one going away after the close defeat in 2014.

References

1. *See, e.g.*, Senate Bill 528, The Florida Medical Marijuana Act. (<http://www.flsenate.gov/Session/Bill/2015/0528>)