



Memorandum

Date: August 14, 2024

To: Mayor Christi Fraga
Vice Mayor Oscar Puig-Corve
Councilwoman Digna Cabral
Councilwoman Maureen Porras

From: Councilman Rafael Pineyro

Subject: **Oppose Amendment 3: Florida Constitution's Adult Personal Use of Marijuana Proposal**

Introduction

In the upcoming November 5, 2024, election, Florida voters will decide on Amendment 3, which proposes to legalize the non-medical personal use of marijuana products and accessories for adults 21 years or older. The amendment states that it "allows adults 21 years or older to possess, purchase, or use marijuana products and marijuana accessories for non-medical personal consumption by smoking, ingestion, or otherwise; allows Medical Marijuana Treatment Centers and other state-licensed entities to acquire, cultivate, process, manufacture, sell, and distribute such products and accessories."

The mayor and the City Council of Doral should oppose Amendment 3 and urge residents to vote against it. This measure poses a risk to existing laws, compromises community safety, and threatens the well-being of our residents while primarily benefiting special interests within the marijuana industry.

Background

On April 1, 2024, the Florida Supreme Court made a historic 5-2 ruling approving a ballot initiative known as "Amendment 3," which will allow voters to decide on the legalization of adult-use marijuana in the upcoming November 5, 2024, election.

“Amendment 3” represents a significant shift in cannabis reform within the state. It would permit adults 21 years or older to possess up to 3 ounces of non-medical marijuana, with no more than 5 grams in concentrated form. According to the amendment, adults would be allowed to possess, purchase, or use marijuana products and accessories for non-medical personal consumption, whether by smoking, ingestion, or other methods. Additionally, Medical Marijuana Treatment Centers and other state-licensed entities would be authorized to acquire, cultivate, process, manufacture, sell, and distribute these products and accessories. The amendment would apply to Florida law but would not alter or provide immunity from federal law violations. It also establishes possession limits for personal use.

The ballot initiative requires at least 60% of statewide voters to approve it for passage. If Amendment 3 is approved, it would take effect six months after the election.

Currently, 38 states have legalized medical marijuana, and 24 have approved its recreational use, fueling the marijuana industry's rapid growth to a nearly \$30 billion valuation. On April 30, 2024, the DEA announced it would reclassify marijuana from its current status as a Schedule I drug (alongside heroin and LSD) to Schedule III, alongside ketamine and some anabolic steroids, based on a recommendation from the federal Health and Human Services Department.

This reclassification will provide immediate tax relief for businesses. Section 280E currently prohibits deductions for businesses trafficking substances listed as Schedule I and II, but moving marijuana to Schedule III will allow these businesses to deduct expenses like any other industry.

These developments underscore the concern that Amendment 3 prioritizes the marijuana industry's profits over community welfare.

Fiscal Impact

No fiscal impact

Recommendation

Doral is a family-oriented community with deep-rooted values, and our foremost priority must always be the well-being and safety of our residents. In light of the potential risks posed by Amendment 3, the mayor and the City Council of Doral should take a firm stand against it and actively encourage residents to vote no. This amendment threatens to undermine existing laws, jeopardize community safety, and put the welfare of our children at risk. Furthermore, it primarily serves the interests of the marijuana industry rather than the broader community.

By opposing Amendment 3, we uphold our commitment to maintaining a safe and healthy environment for all residents. It is crucial to consider the long-term impacts of such measures on our community's values and safety. Therefore, we must ensure that our community's voice is heard and that our collective well-being is safeguarded against the potential negative consequences of this amendment.