

Nebraska Medical Cannabis Constitutional Amendment

RECEIVED

FEB 25 2019

SECRETARY OF STATE

Object Statement

The object of this petition is to amend the Nebraska Constitution to provide the right to use, possess, access, and safely produce cannabis, and cannabis products and materials, for serious medical conditions as recommended by a physician or nurse practitioner.

Proposed Language of Constitutional Initiative

To add a new section 1 to a new Article XIX:

XIX-1 (1) An individual who is eighteen years of age or older, if recommended by a licensed physician or nurse practitioner, has the right to use, possess, access, purchase, and safely and discreetly produce an adequate supply of cannabis, cannabis products, and cannabis-related equipment to alleviate a serious medical condition. Such individual may be assisted by a caregiver in exercising these rights.

(2) An individual who is under eighteen years of age, if recommended by a licensed physician or nurse practitioner and with the permission of a parent or legal guardian with responsibility for health care decisions of such individual, has the right to use cannabis, cannabis products, and cannabis-related equipment to alleviate a serious medical condition. Such individual may be assisted by a parent, legal guardian, or caregiver, who may possess, access, purchase, and safely and discreetly produce an adequate supply of cannabis, cannabis products, and cannabis-related equipment on behalf of the individual.

(3) The rights protected in subsections (1) and (2) of this section include the right to access or purchase cannabis, cannabis products, and cannabis-related equipment from private entities. Private entities and agents operating on the entities' behalf in the State of Nebraska may grow, cultivate, process, possess, transport, sell, test, or transfer possession

RECEIVED

FEB 25 2019

SECRETARY OF STATE

of cannabis, cannabis products, and cannabis-related equipment for sale or delivery to an individual authorized to use cannabis under subsection (1) or (2) of this section.

(4) Individuals or entities engaged in actions allowed by, or exercising rights protected by this section shall not be subject to arrest, prosecution, or civil or criminal penalties under state or local law, except that reasonable penalties may be imposed for any violation of reasonable laws, rules, and regulations enacted pursuant to subsection (5) of this section.

(5) (a) The rights protected in this section shall only be subject to reasonable laws, rules, and regulations that promote the health and safety of individuals authorized to use cannabis as provided in this section; ensure continued access by such individuals to the type and quantity of cannabis, cannabis products, and cannabis-related equipment they need; and prevent unlawful diversion of cannabis. Such laws, rules, or regulations shall not impose an undue burden on the exercise of rights protected by this section.

(b) This subsection shall not prevent the expeditious licensing and reasonable regulation of entities and agents acting under subsection (3) of this section. Such regulation and licensing shall not impose an undue burden on the ability of individuals authorized to use cannabis as provided in this section to access the type and quantity of cannabis, cannabis products, and cannabis-related equipment they need.

(6) This section shall not be construed to:

(a) Allow the smoking of cannabis in public;

(b) Require detention or correctional facilities to allow the possession or use of cannabis in such facilities;

(c) Allow the operation of a motor vehicle while impaired by cannabis; or

(d) Otherwise allow engaging in conduct that would be negligent to undertake while impaired by cannabis.

RECEIVED

FEB 25 2019

SECRETARY OF STATE

(7) This section does not require an employer to allow an employee to work while impaired by cannabis.

(8) This section does not require any insurance provider to provide insurance coverage for the use of cannabis.

(9) For purposes of this section, cannabis means all parts of the plant of the genus cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or its resin.

INITIATIVE PETITION



For Secretary of State Use Only

The object of this petition is to: (See reverse side for actual text of measure)

Amend the Nebraska Constitution to provide the right to use, possess, access, and safely produce cannabis, and cannabis products and materials, for serious medical conditions as recommended by a physician or nurse practitioner.

To the Honorable Robert Evnen, Secretary of State for the State of Nebraska:

We, the undersigned residents of the State of Nebraska and the county of _____, respectfully demand that the following proposed amendment to the Constitution of Nebraska shall be referred to the registered voters of the state for their approval or rejection at the general election to be held on the 3rd day of November 2020, and each for himself or herself says: I have personally signed this petition on the date opposite my name; I am a registered voter of the State of Nebraska and county of _____ and am qualified to sign this petition or I will be so registered and qualified on or before the date on which this petition is required to be filed with the Secretary of State; and My printed name, date of birth, street and number or voting precinct, and city, village, or post office address are correctly written after my signature.

WARNING TO PETITION SIGNERS-- VIOLATION OF ANY OF THE FOLLOWING PROVISIONS OF LAW MAY RESULT IN THE FILING OF CRIMINAL CHARGES: Any person who signs any name other than his or her own to any petition or who is not qualified to sign the petition shall be guilty of a Class I misdemeanor. Any person who falsely swears to a circulator's affidavit on a petition, who accepts money or other things of value for signing a petition, or who offers money or other things of value in exchange for a signature upon any petition shall be guilty of a Class IV felony.

	DATE	SIGNATURE	PRINTED NAME	DATE OF BIRTH	ADDRESS (Street Number & Name)	CITY OR VILLAGE	ZIP CODE
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							

STATE OF NEBRASKA)
) ss
 COUNTY OF _____)
 _____, (name of circulator) being first duly sworn, deposes and says that he or she is the circulator of this petition containing _____ signatures, that he or she is at least eighteen years of age, that each person whose name appears on the petition personally signed the petition in the presence of the affiant, that the date to the left of each signature is the correct date on which the signature was affixed to the petition and that the date was personally affixed by the person signing such petition, that the affiant believes that each signer has written his or her name, street and number or voting precinct, and city, village, or post office address correctly, that the affiant believes that each signer was qualified to sign the petition, and that the affiant stated to each signer the object of the petition as printed on the petition before he or she affixed his or her signature to the petition.

 Circulator

 Address

 City, State, Zip

Subscribed and sworn to before me, a notary public, this _____ day of _____, 20__ at _____, Nebraska.

(Seal)

 Notary Public

Proposed Constitutional Amendment Language:

To add a new section 1 to a new Article XIX:

XIX-1 (1) An individual who is eighteen years of age or older, if recommended by a licensed physician or nurse practitioner, has the right to use, possess, access, purchase, and safely and discreetly produce an adequate supply of cannabis, cannabis products, and cannabis-related equipment to alleviate a serious medical condition. Such individual may be assisted by a caregiver in exercising these rights.

(2) An individual who is under eighteen years of age, if recommended by a licensed physician or nurse practitioner and with the permission of a parent or legal guardian with responsibility for health care decisions of such individual, has the right to use cannabis, cannabis products, and cannabis-related equipment to alleviate a serious medical condition. Such individual may be assisted by a parent, legal guardian, or caregiver, who may possess, access, purchase, and safely and discreetly produce an adequate supply of cannabis, cannabis products, and cannabis-related equipment on behalf of the individual.

(3) The rights protected in subsections (1) and (2) of this section include the right to access or purchase cannabis, cannabis products, and cannabis-related equipment from private entities. Private entities and agents operating on the entities' behalf in the State of Nebraska may grow, cultivate, process, possess, transport, sell, test, or transfer possession of cannabis, cannabis products, and cannabis-related equipment for sale or delivery to an individual authorized to use cannabis under subsection (1) or (2) of this section.

(4) Individuals or entities engaged in actions allowed by, or exercising rights protected by this section shall not be subject to arrest, prosecution, or civil or criminal penalties under state or local law, except that reasonable penalties may be imposed for any violation of reasonable laws, rules, and regulations enacted pursuant to subsection (5) of this section.

(5) (a) The rights protected in this section shall only be subject to reasonable laws, rules, and regulations that promote the health and safety of individuals authorized to use cannabis as provided in this section; ensure continued access by such individuals to the type and quantity of cannabis, cannabis products, and cannabis-related equipment they need; and prevent unlawful diversion of cannabis. Such laws, rules, or regulations shall not impose an undue burden on the exercise of rights protected by this section.

(b) This subsection shall not prevent the expeditious licensing and reasonable regulation of entities and agents acting under subsection (3) of this section. Such regulation and licensing shall not impose an undue burden on the ability of individuals authorized to use cannabis as provided in this section to access the type and quantity of cannabis, cannabis products, and cannabis-related equipment they need.

(6) This section shall not be construed to:

- (a) Allow the smoking of cannabis in public;
- (b) Require detention or correctional facilities to allow the possession or use of cannabis in such facilities;
- (c) Allow the operation of a motor vehicle while impaired by cannabis; or
- (d) Otherwise allow engaging in conduct that would be negligent to undertake while impaired by cannabis.

(7) This section does not require an employer to allow an employee to work while impaired by cannabis.

(8) This section does not require any insurance provider to provide insurance coverage for the use of cannabis.

(9) For purposes of this section, cannabis means all parts of the plant of the genus cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or its resin.