

# Nebraska Medical Cannabis Constitutional Amendment

## 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

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.