

RECEIVED

JUN 09 2023

SECRETARY OF STATE

Object Statement:

The object of this petition is to enact a statute that makes penalties inapplicable under state and local law for the use, possession, and acquisition of limited quantities of cannabis for medical purposes by a qualified patient with a written recommendation from a health care practitioner, and for a caregiver to assist a qualified patient in these activities.

Proposed Text of Statutory Initiative Petition:

AN ACT relating to cannabis; to adopt the Nebraska Medical Cannabis Patient Protection Act.

Be it enacted by the People of the State of Nebraska:

Section 1. Sections 1 to 3 of this act shall be known and may be cited as the Nebraska Medical Cannabis Patient Protection Act.

Sec. 2. For purposes of the Nebraska Medical Cannabis Patient Protection Act:

(1)(a) Allowable amount of cannabis means up to five ounces of cannabis.

(b) Allowable amount of cannabis does not include the weight of any other ingredient combined with cannabis as part of topical or oral administrations, food, drink, or other preparations;

(2)(a) 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 the plant, its seeds, or its resin.

(b) Cannabis includes marijuana, hashish, and concentrated cannabis.

(c) Cannabis does not include hemp, as defined in Section 2-503(13) of the Nebraska Hemp Farming Act, nor does it include the mature stalks of the plant, fiber produced from such stalks, oil or cake made from the seeds of the plant, the sterilized seed of the plant which is incapable of germination, or cannabidiol contained in a drug product approved by the federal Food and Drug Administration;

(3) Cannabis accessories means any equipment, products, or materials of any kind that are used, intended for use, or designed for use in storing, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis into the human body;

(4) Caregiver means:

(a) In the case of a qualified patient who is eighteen years of age or older and is not under the protection of a legal guardian, a person who:

(i) Is at least twenty-one years of age; and

(ii) Has been designated by a qualified patient in a signed affidavit;

(b) In the case of a qualified patient who is younger than eighteen years of age or a qualified patient under the protection of a legal guardian:

(i) The legal guardian or parent with authority to make health care decisions of the qualified patient; or

(ii) A person designated in a sworn affidavit by the legal guardian or parent with authority to make health care decisions; or

(c) A health care facility as defined in section 71-413 or a home health agency as defined in section 71-417, if the facility or agency has been designated by a qualified

patient or the legal guardian or parent with authority to make health care decisions of a qualified patient in a sworn affidavit and if the facility or agency has agreed in writing to serve as a caregiver for the qualified patient;

(5) Health care practitioner means a physician, an osteopathic physician, a physician assistant, or a nurse practitioner licensed under the Uniform Credentialing Act or who is licensed in any state and practicing in compliance with the Uniform Credentialing Act;

(6) Qualified patient means:

(a) An individual eighteen years of age or older with a written recommendation from a health care practitioner; or

(b) An individual younger than eighteen years of age with a written recommendation from a health care practitioner and with the written permission of a legal guardian or parent with authority to make health care decisions for the individual; and

(7) Written recommendation means a valid signed and dated declaration from a health care practitioner stating that, in the health care practitioner's professional judgment, the potential benefits of cannabis outweigh the potential harms for the alleviation of a patient's medical condition, its symptoms, or side effects of the condition's treatment. A written recommendation is valid for two years after the date of issuance or for a period of time specified by the health care practitioner on the written recommendation.

Sec. 3. (1) Subject to the requirements of the Nebraska Medical Cannabis Patient Protection Act, it shall not be an offense under state or local law for:

(a) A qualified patient to use, possess, and acquire an allowable amount of cannabis and cannabis accessories for the alleviation of a medical condition, its symptoms, or side effects of the condition's treatment; or

(b) A caregiver to assist a qualified patient with the activities set forth in subdivision (1)(a) of this section by possessing and acquiring an allowable amount of cannabis and cannabis accessories on behalf of the qualified patient and delivering an allowable amount of cannabis and cannabis accessories to the qualified patient.

(2) Conduct protected by this section shall not be subject to the Uniform Controlled Substances Act.

INITIATIVE PETITION

For Secretary of State Use Only

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

Enact a statute that makes penalties inapplicable under state and local law for the use, possession, and acquisition of limited quantities of cannabis for medical purposes by a qualified patient with a written recommendation from a health care practitioner, and for a caregiver to assist a qualified patient in these activities.

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 law shall be referred to the registered voters of the state for their approval or rejection at the general election to be held on the 5th day of November 2024, 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.

Table with 5 columns: DATE (mm/dd/yy), SIGNATURE, PRINTED NAME, DATE OF BIRTH, ADDRESS (Street Number & Name, City or Village, Zip Code). Rows numbered 1 to 20.

Not more than twenty signatures on one sheet shall be counted. Nebraska Revised Statute §32-1409

STATE OF NEBRASKA) _____, (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's Signature

Address

City, State, Zip

Subscribed and sworn to before me, a notary public, this _____ day of _____, 20__ at _____, Nebraska.
(City or village of notarial act.)

(Seal)

Notary Public's Signature

Proposed Statutory Language:

(underscored language indicates added language, strike-through indicates language being removed)

A BILL

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(i) The legal guardian or parent with authority to make health care decisions of the qualified patient; or

(ii) A person designated in a sworn affidavit by the legal guardian or parent with authority to make health care decisions; or

(c) A health care facility as defined in section 71-413 or a home health agency as defined in section 71-417, if the facility or agency has been designated by a qualified patient or the legal guardian or parent with authority to make health care decisions of a qualified patient in a sworn affidavit and if the facility or agency has agreed in writing to serve as a caregiver for the qualified patient;

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