

INITIATIVE PETITION

To the Honorable **Robert B. Evnen**, Secretary of State for the state of Nebraska:

We, the undersigned, registered voters of the state of Nebraska and _____ County, respectfully order that the following proposed amendment to the constitution shall be submitted to the voters of the state of Nebraska, 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; I am a registered voter of the state of Nebraska and _____ County; my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

(Official Ballot Title)

CIRCULATOR'S AFFIDAVIT STATE OF NEBRASKA, COUNTY OF _____

I, _____, being first duly sworn, say (print or type names of signers)

NAME (Signature)	Date Signed	REGISTERED VOTING ADDRESS (Street, No PO Boxes) (City, Town or Village)		Zip Code	Cong. Dist.	NAME (Print or Typed)
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15.						

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Nebraska and _____ County.

FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY.

I am at least 18 years of age, I do ___ do not ___ (check one) expect to be paid for circulating this petition. If paid, list the payer _____

Signature of Affiant (Person obtaining signatures)

Printed Name of Affiant

Subscribed and sworn to before me, this _____ day of _____, A.D. _____.

Notary Public (Seal)

My commission expires _____

Address of Affiant

Signature of Notary

Address of Notary

Be it resolved by the people of the state of Nebraska that the Constitution be amended:

One new Article is to be adopted, Article XVIII, and to read as follows:

Section 1. Nebraska Cannabis Restoration and Protection

1. Clarification as a substance.

Cannabis shall immediately be removed from the Nebraska Revised Statutes list of controlled substances and shall no longer be listed among Nebraska's drug schedules. Cannabis shall no longer be considered a controlled substance or a drug, hence forth by Nebraska law, by the passage of this initiative.

2. Definitions.

(a) "Controlled Substance List", or "CSL" refers to Nebraska's list of controlled substances as pertains to Nebraska Statutes.

(b) "Cannabis" and "Cannabis hemp" refer to the Cannabis, marihuana, marijuana, Cannabis sativa, Cannabis sativa L., Cannabis Americana, Cannabis Gigantea, Cannabis indica, Cannabis ruderalis, or any variety of Cannabis, including any derivative, concentrate, extract, flower, leaf, particle, preparation, resin, root, salt, seed, stalk, stem, or any product thereof.

(c) "Medical Cannabis" refers to Cannabis used to prevent or to treat a medical condition.

(d) "Personal use" refers to the personal use or consumption of Cannabis.

(e) "Cannabis accessories" means any equipment, products, or materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, or containing Cannabis, or for ingesting, inhaling, vaporizing, smoking or otherwise introducing Cannabis into and/or onto the human body.

(f) "Establishment" refers to a Cannabis cultivation facility, a Cannabis testing facility, a Cannabis product manufacturing facility, or a retail store, Cannabis store or other entity that cultivates, prepares, manufactures, packages, transports or sells Cannabis, Cannabis products and/or Cannabis accessories.

3. Personal and Commercial.

The following acts are not unlawful and shall not be an offense under Nebraska law:

(a) Possession and/or consumption of Cannabis for personal or medical use.

(b) Cultivating Cannabis for personal or medical use.

(c) Cultivation, harvesting, processing, manufacturing, packaging, distributing, transferring, displaying or possessing Cannabis, Cannabis accessories, and Cannabis products for commercial purposes, provided the person has current applicable licensing to operate a commercial establishment. No special licensing will be required beyond that which is applicable for the cultivating, harvesting, processing, manufacturing, packaging, distribution, transferal, display or possession of any non-toxic food or food product.

(d) Providing Cannabis, Cannabis accessories, and Cannabis products for sale to consumers.

(e) Leasing or otherwise allowing the use of property owned, occupied or controlled by any person, corporation or other entity for any of the activities conducted lawfully in accordance with paragraphs (a) through (d) of this subsection.

(f) No one shall be denied housing solely based on their use of Cannabis.

(g) No one shall be denied employment solely based on their use of Cannabis.

(h) The use and/or possession of Cannabis shall in no way impede one's legal right to possess a firearm.

4. Medical.

Medical Cannabis shall be available to patients without taxation who have a physician's recommendation for its use.

(a) All patients engaged in Cannabis therapy shall be afforded the same rights and privileges afforded to any patient treated through conventional therapeutic means, whether or not under the care of a physician.

(b) Licensed physicians shall not be penalized for, nor restricted from recommending and/or providing Cannabis for medical purposes to any person under their care.

(c) Veterinarians shall not be penalized nor restricted from recommending and/or providing Cannabis for medical purposes for any creature under their care.

(d) Any individual who is a Cannabis patient in another state shall be granted the same rights and privileges as a legal Nebraska Cannabis patient.

(e) Medical care, including organ transplants, shall not be restricted in any way based on a person's use of Cannabis.

5. Zoning.

Cannabis farmers, manufacturers, processors, and distributors shall not be subject to any special zoning requirement, licensing fee that is excessive, discriminatory, prohibitive, or in any way contrary to that which is relative to any other commercial or agricultural farmer, manufacturer, processor or distributor.

6. Law Enforcement and the Courts.

Nebraska's law enforcement and its courts shall protect Cannabis users and their property without discrimination, and with every bit the effort afforded to every citizen of Nebraska and our nation.

(a) The use and/or possession of Cannabis shall not be grounds for issuing a "Driving under the influence" (DUI) stop, charge, arrest or fine(s) when operating or a passenger of a motor vehicle. Stops, charges, fines and arrests shall be the product of visible and/or previously proven non-Cannabis infractions of Nebraska law.

(b) No Nebraska law enforcement personnel or state funds shall be used to assist or aid in the enforcement of federal Cannabis laws involving acts which are no longer illegal in the State of Nebraska under this amendment.

(c) Asset or Civil Forfeiture shall no longer be used in the state of Nebraska through association with Cannabis, Cannabis cultivation, it's use and/or possession, in any way.

(d) Upon the passage of this Act, all persons incarcerated or under supervision of the Nebraska Board of Probation and Parole for non-violent, Cannabis-only offenses, which are no longer illegal in the State of Nebraska under this Act, shall be immediately released.

(e) Within 60 days of the passage of this Act, a legal document shall be developed and made available to the public ordering the immediate destruction of all Cannabis-related non-violent civil and criminal records in Nebraska and for any offense covered by this amendment which is no longer illegal in the State of Nebraska under this Act. This document shall be distributed to all pertinent parties throughout the state.

(f) Within 60 days, Nebraska's Courts shall order the immediate expungement of civil and criminal records pertaining to all non-violent Cannabis only offenses which are no longer illegal in the State of Nebraska under this Act.

7. Regarding Federal Law.

Pursuant to the Ninth and Tenth Amendments to the Constitution of the United States, the people of Nebraska hereby repudiate and challenge federal Cannabis prohibitions that conflict with this Act.

8. Existing Local, State and Federal Law.

All provisions of this section shall supersede conflicting city, county, state or federal statutory, local charter, ordinance, or resolution.

[9. Implementation.

The dictates of this Initiative, unless otherwise indicated by this initiative, shall be implemented no later than **January 31st, 2021**.