

Nebraskans for Sensible Marijuana Laws: Constitutional Initiative Filed February 5, 2019

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 xx to Article xx:

xx-xx The people of Nebraska, if recommended by a physician or nurse practitioner, have the right to use, possess, access, and safely and discreetly produce an adequate supply of cannabis, cannabis preparations, products and materials, and cannabis-related equipment to alleviate serious medical conditions without facing arrest, prosecution, or civil or criminal penalties. A minor with a serious medical condition only has the right to use cannabis if recommended by a physician or nurse practitioner and with the consent of a custodial parent or legal guardian.

These rights include accessing cannabis, cannabis preparations, products and materials, and cannabis-related equipment from state-legal private entities in Nebraska, subject only to reasonable laws, rules, and regulations that promote the health and safety of patients, ensure continued access by patients to the type and quantity of cannabis they need, and prevent diversion without imposing an undue burden on patients or providers or compromising patients' confidentiality. A person who has been recommended medical cannabis may be assisted by a caregiver in exercising these rights.

This section shall not be construed to allow the smoking of cannabis in public or possession of cannabis in detention facilities, nor shall it allow driving while impaired by cannabis or otherwise engaging in conduct that would be negligent to undertake while impaired by cannabis. This section does not require an employer to allow an employee to work while impaired by cannabis, nor does it require any insurance provider to cover medical cannabis.