

'Rocky' Anderson files lawsuit to restore Proposition 2, slams Gov. Herbert, LDS Church for contravening 'will of the people'

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Gephardt Daily Staff



"Rocky" Anderson (inset) filed a lawsuit against Utah Governor Gary Herbert regarding House Bill 3001. Photos: Wikimedia Commons/Don LaVange; Flickr/soupstance

SALT LAKE CITY, Utah, Dec. 6, 2018 (Gephardt Daily) — Attorney Ross "Rocky" Anderson has made good on his promise to file a lawsuit against Gov. Gary Herbert for disregarding Proposition 2, approved last month by the majority of Utah voters.

Rather than accept the vote and Prop 2 — written to legalize medical marijuana in Utah — Herbert and a selection of experts and special interest representatives worked to craft a replacement bill, House Bill 3001. Herbert called for a Legislative special session for a vote on the replacement bill. Once it was approved by Utah's House of Representatives and Senate, Herbert signed the replacement bill into law on Monday.

Although the actions taken were legal under Utah law, Anderson argues that Herbert and other state officials involved should have respected the will of the people and the intent of the process that allows for propositions and direct public voting on issues that qualify.

Among those whose input was sought on the replacement bill were representatives from The Church of Jesus Christ of Latter-day Saints, which had vocally opposed Proposition 2.

Anderson, a former Salt Lake City Mayor, represents clients including Epilepsy Association of Utah, TRUCE (Together for Responsible Use and Cannabis Education) and several patients with chronic conditions that could be treated with medical marijuana. Anderson called Herbert's action an "unconstitutional violation by the Utah Legislature of the constitutional right of the People to directly pass legislation through the initiative process."

Anderson's lawsuit also claims "interference with the State's functions by The Church of Jesus Christ of Latter-day Saints," which he calls a violation of Utah's Constitution.

The lawsuit also accuses Herbert of calling the special session of the Utah Legislature on the earliest possible date, "with the intent of undermining core purposes of Proposition 2 by radically reducing and burdening the access of patients to medical cannabis."

The lawsuit cites a number of other ways it says Herbert undermined Proposition 2, circumventing it rather than respecting the will of the people who voted for Prop 2.

[Complaint for Declaratory and Injunctive Relief](#)

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