

# The Salt Lake Tribune

## Utah Senate president warns lawmakers he'd be willing to use his power to compel them to vote on medical marijuana



Scott Sommerdorf | The Salt Lake Tribune Senate President Wayne L. Niederhauser, R-Sandy, during floor time in the Senate, Wednesday, Feb. 14, 2018.



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Utah Senate President Wayne Niederhauser isn't playing around when it comes to attendance at the anticipated Dec. 3 special session on medical cannabis.

In fact, he's even prepared to send the Senate sergeant-at-arms to track down any truant lawmakers.

"As Senate President, I can compel attendance of absent senators," he wrote in a Thursday email to his colleagues. "While I don't believe that will be necessary in this case, due to the importance of the special session, I will not hesitate to order the sergeant-at-arms to find and ensure your attendance."

Filling seats in the 29-member Senate is especially important in this case because Niederhauser and others want the draft medical marijuana bill to take effect as soon as it's signed. That can only happen if the legislation passes by a two-thirds majority,

the Senate president wrote.

The proposed bill is designed to supplant Proposition 2, the medical marijuana initiative that voters approved earlier this month. State leaders, The Church of Jesus Christ of Latter-day Saints and the Utah Medical Association opposed the ballot initiative but coalesced around the drafted Utah Medical Cannabis Act.

Niederhauser's email was released Friday evening by attorney Rocky Anderson, a former Salt Lake City mayor who's exploring legal action to protect Prop 2. Anderson, representing ballot initiative supporters, on Thursday put state leaders and others on notice of a potential challenge and decried the LDS Church's influence in the policy debate over marijuana.

Niederhauser's email illustrates a desperation to appease the church and muscle through the bill replacing Prop 2, Anderson wrote in a Friday statement.

"The threat to arrest and force state senators to attend a special session of the Legislature to undermine the popular passage of Proposition 2 will be viewed throughout future history as a blatant power-grab by The Church of Jesus Christ of Latter-day Saints" and its allies in the Legislature, Anderson wrote.

Mark Thomas, Utah Senate chief of staff, confirmed the legitimacy of the email circulated by Anderson and said Niederhauser is simply trying to maximize attendance for a particularly significant decision.

"We wanted to make sure [senators] know this is their legislative duty," Thomas said.

Critics of Prop 2, which becomes law Dec. 1, want to amend it quickly because of its affirmative defense provision, a measure that offers certain patients legal protection if they're caught with marijuana. Some have argued the defense provision is too broadly written and would create de facto legalization of recreational use. (Prop 2 supporters contest this.)

The proposed bill also has an affirmative defense provision, but it's more restricted.



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