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During 5-hour meeting, speakers push to keep Prop 2, while Hughes argues cannabis bill won't nullify initiative vote



(Trent Nelson | The Salt Lake Tribune) House Speaker Greg Hughes speaks to the Health and Human Services Interim Committee during a hearing on the Utah Medical Cannabis Act before the special session in Salt Lake City on Monday Nov. 26, 2018.



By Bethany Rodgers • Published: 1 day ago
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House Speaker Greg Hughes says he's not trying to gut Proposition 2 by pushing its replacement, the 187-page Utah Medical Cannabis Act.

If he were, people would know it, he said.

“We can gut something in three pages if we want to gut it, OK? So there is no gutting,” Hughes told a panel of lawmakers at a Monday meeting.

Nevertheless, during a hearing that spanned more than five hours, many people voiced their sense that the hefty bill would effectively act as a veto to the voters who passed Prop 2 earlier this month.

Seventy-one members of the public signed up to weigh in on the controversial push to overwrite the ballot initiative approved by about 53 percent of the Utah electorate. Most speakers at the Health and Human Services Interim Committee hearing — which took place exactly one week before the anticipated date of the special session on medical marijuana — expressed support for the ballot initiative and concerns about the drafted replacement bill.

Rocky Anderson, an attorney who's representing the patient advocacy group TRUCE, said the proposed cannabis act is fatally flawed.

"This is not a compromise piece of legislation. It's a capitulation to the opponents of Proposition 2," Anderson, former Salt Lake City mayor, told the Health and Human Services Interim Committee.

Anderson's clients, TRUCE and the Epilepsy Association of Utah, say state leaders are usurping voters' authority to enact laws by advancing the replacement bill. Moreover, The Church of Jesus Christ of Latter-day Saints has exercised "theocratic control" over the negotiation process, breaching the constitutional barriers between church and state, TRUCE president Christine Stenquist wrote in a statement.

Early in the hearing, Hughes said the success of Prop 2 shows that voters want a medical cannabis program but does not necessarily indicate support for the specifics of the initiative.

Some Prop 2 voters preferred the bill and supported the proposition simply to pressure lawmakers into taking action, he argued, referencing a Tribune editorial urging people to do just that. Others didn't read either proposal thoroughly, he said.

A number of speakers Monday bridled at Hughes' interpretation.

Kelly Jones of North Salt Lake City charged the speaker with dishonoring voters by implying they didn't understand what they were supporting.

"They voted. I voted. We know the meaning of our vote," she said.

The cannabis act was designed behind the scenes by a group of lawmakers, medical marijuana advocates and Prop 2 opponents, including representatives of the LDS Church. Gov. Gary Herbert on Oct. 4 announced the group had rallied around a proposed bill and that lawmakers would be considering it during a special session after the election.

Officials including Hughes have lauded the agreement as a major feat, bringing warring factions together around a common vision for giving patients access to cannabis. On the other hand, critics have said lawmakers are in a headlong rush to overturn Prop 2 and are substituting it with an unwieldy proposal that drastically reduces the number of privately licensed dispensing locations and restricts qualifying conditions.

The bill draft presented at Monday's meeting is the second rewrite since Herbert released it last month.

Paul Edwards, Herbert's deputy chief of staff, said the bill is an improvement on Prop 2 because it gives patients access to cannabis treatments in a controlled manner that would "minimize diversion into a black market." He relayed the governor's commitment to try to beat the implementation deadlines written into the legislation.

Sen. Lincoln Fillmore, R-South Jordan, said by the time the special session rolls around, the proposed legislation will have been reviewed and debated for about two months, more time than it would've gotten during a 45-day general session.

"It has had far and away more process to it and scrutiny to it than a traditional bill would in a general session," Hughes agreed.

During the public comment period, Debra Jenson of Ogden, who has a degenerative illness, implored lawmakers not to hobble the medical cannabis program with unnecessary regulation.

"For every extra mile you add to where we can pick up our meds. For every extra layer of red tape. For every extra doctor's visit we have to go to ... you are adding to our agony. You are adding stress to our lives," Jenson said.

"You are shortening our lives."

Rep. Rebecca Chavez-Houck, D-Salt Lake City, said she intends to submit an alternative to the Utah Medical Cannabis Act. Her proposal would retain the bulk of Prop 2, only making technical fixes that even the initiative's proponents concede are necessary.

The legislation pitched by Hughes contains several problems, she said. For instance, it does not allow physician assistants or nurse practitioners to recommend medical cannabis, potentially disenfranchising patients in rural communities where doctors are in short supply, she said. Prop 2 would enable nurse practitioners to recommend the substance.

Chavez-Houck said she wants to keep the proposition largely intact, since it's the proposal that the voters approved.

"I think the reason that we had the voter turnout that we did was because, for once, people felt like their opinions were being heard," she said.

Voter turnout in this election reached a roughly 50-year high for a midterm, with more people weighing in on Prop 2 than did in the Senate race between Mitt Romney and Jenny Wilson.



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