

Lawsuit argues Prop 2 replacement bill 'violates constitutional rights of the People'

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Local News

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Posted: Dec 06, 2018 12:19 AM MST

Updated: Dec 06, 2018 08:28 PM MST

SALT LAKE CITY (ABC4 News) – A former Salt Lake City mayor is leading the fight against the Proposition 2 replacement bill signed by Governor Gary Herbert this week.

Represented by attorney Rocky Anderson, Epilepsy Association of Utah, TRUCE (Together for Responsible Use and Cannabis Education) and others, have filed a lawsuit against Governor Herbert and the State of Utah.

They are requesting Prop 2 be “reinstated as effective law” and of the same status it had before House Bill 3001 was passed.

"This is a gross abuse of the power by the legislature to try to undo what the people voted for," said Anderson.

H.B. 3001 or the *Utah Medical Cannabis Act*, was passed by the Utah legislature during a Special Session two days after Prop 2 went into effect.

The legislation still legalizes medical marijuana, but it replaces the successful ballot initiative approved by Utah voters in the November election. Prop 2 was passed with more than 52 percent of the vote.

"It doesn't look great for the legislature to come in, one day after the initiative goes into effect, and immediately amend what the public did," said Connor Boyack with Libertas Institute.

His organization helped craft the bill, but says voters of Proposition 2 should be proud that their vote lead to a medical marijuana consensus in Utah – which, he says, had been unthinkable until recently.

"What the legislature did is fully legal – it's not unconstitutional. And that's exactly why we decided to negotiate, because we knew that they had the power to do this very thing, and that they were planning to do it," said Boyack.

The complaint filed by Anderson and plaintiffs claims the Utah Legislature has violated the constitutional rights of the People to directly pass legislation through the initiative process (Article VI, Section 1 of the Utah Constitution).

The complaint goes on to say Governor Herbert's intent was to undermine the core purposes of Prop 2 by "radically reducing and burdening the access of patients to medical cannabis."

The replacement bill "drastically reduces the authorization for private facilities to sell medical cannabis" and "completely eliminates the opportunity for any patients to grow cannabis for their personal medicinal use, regardless of their lack of reasonable access to a medical cannabis dispensing facility."

The lawsuit also alleges inappropriate interference in the process by the Church of Jesus Christ of Latter-day Saints. The church was vocal about its opposition to Prop. 2.
