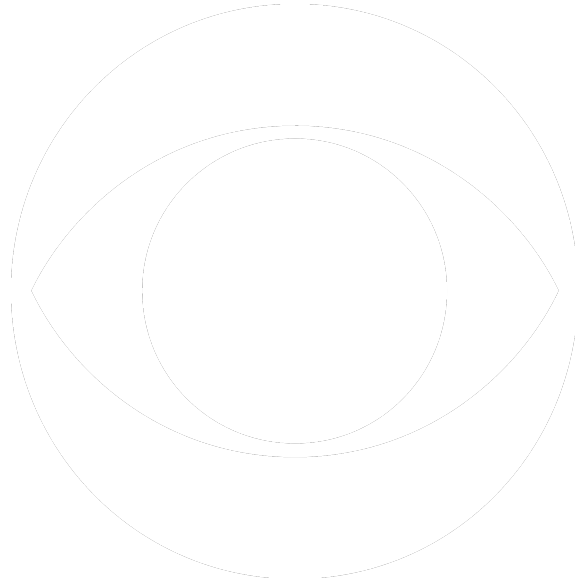


Advocates drop lawsuit challenging Utah's medical cannabis compromise bill

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by McKenzie Stauffer

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Advocates for Proposition 2, Utah's 2018 medical cannabis proposal, plan to drop their lawsuit against the state for replacing the voter-approved measure with a compromise bill. (Photo: KUTV)

(KUTV) — Advocates for Proposition 2, Utah's 2018 medical cannabis proposal, plan to drop their lawsuit against the state for replacing the voter-approved measure with a compromise bill.

Together for Responsible Use and Cannabis Education and its co-plaintiffs Epilepsy Association of Utah, Christine Stenquist, Douglas Rice, Nathan Kizerian, and Andrew Talbott, M.D. plan to file a motion in Utah's Third District Court to dismiss the remainder of the lawsuit against Gov. Gary Herbert and Joseph Miner, the director of the Utah Department of Health, according to a news release.

Stenquist says the dismissal of the case doesn't mean they lost--but the fight still continues.

"Today may be the last sentence in one chapter, but its the beginning line of the next. Cannabis policy and education in Utah has a long way to go yet, still. Hopefully, with a concerted effort, the community and patients can get the program they deserve." Stenquist, the founder of TRUCE, stated in a news release.

TRUCE says the primary goal of the lawsuit was to help prevent "the state and local governments from monopolizing the distribution of medical cannabis."

During a special session in 2018, the Utah Legislature passed a medical marijuana compromise bill to replace the voter-approved bill, Proposition 2. The plaintiffs subsequently filed a lawsuit challenging H.B. 3001.

It "essentially repealed the people's law and replaced it with a fundamentally different statute," TRUCE stated in a news release.



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The suit challenged the state's "Central Fill" pharmacy, which was later scrapped by lawmakers---in a draft bill supported by Herbert---but the lawsuit also focused on keeping what voters approved.

Legal counsel for the plaintiffs also sent letters to all county district attorneys, county commissioners, and county council members in Utah about the compromise bill.

In August 2019, Davis County Attorney Troy Rawlings announced Davis County would not participate in the state-mandated program. Following the announcement, Salt Lake County District Attorney Sim Gill also rejected the measure.

Another special session was called and the "Central Fill" pharmacy requirement was removed from the law. Lawmakers added a state-local government distribution system. Then, the Legislature nixed that for private medical marijuana pharmacies.

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"Legislators have no business being in the middle of patient-doctor relationships," TRUCE stated in a news release. "Patients and medical practitioners should demand that caps on patient recommendations be lifted. State legislators and other state officials must allow medical practitioners to do their jobs.

No other therapy allowed by the state of Utah has a government rationing system that limits how many people can receive the therapy, or recommendations for treatment, from any particular physician.

This is not the first time advocates have legally challenged the compromise bill. In August of 2019, the Utah Supreme Court dismissed the petition by The People's Right group that argued the governor and the state Legislature acted unconstitutionally when they replaced the medical marijuana ballot initiative with a more restrictive law in December.



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The group had argued that Herbert had effectively vetoed the original measure known as Proposition 2 by calling a special session. Ballot initiatives cannot be vetoed.

The court ruled the governor acted within his authority and can call special sessions in "exigent circumstances." The court also rejected the group's effort for a referendum on the new medical marijuana law. The law passed with a two-thirds majority so it's not eligible

for a referendum.

TRUCE is encouraging people to continue to vote to protect their rights.

"We urge voters to protect their rights in organizing, campaigning for, and supporting citizen initiatives, which have been repeatedly undermined by the Legislature. We are concerned that proposals have been introduced to undermine the initiative right further," a news release states.

The Associated Press contributed to this report.

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