

Advocates to drop their legal challenge over Utah's marijuana initiative

 [sltrib.com/news/2020/09/14/advocates-drop-their](https://www.sltrib.com/news/2020/09/14/advocates-drop-their)

□

(AP File Photo) In this June 21, 2018, file photo, a laboratory manager holds a cannabis sample in Oakland, Calif. A legal challenge over Utah lawmakers' Dec. 2018 decision to alter a voter-approved ballot measure legalizing medical marijuana has been dismissed.

Published: 20 hours ago

· Updated: 16 hours ago

By Tony Semerad

The last major court dispute over Utah's controversial Proposition 2, legalizing medical marijuana, is over — for now.

Patient advocates announced Monday they were ending what remained of a lawsuit filed against the state Legislature's 2018 move to replace the voter-approved Utah Medical Cannabis Act with its own House Bill 3001.

A spokeswoman for Together for Responsible Use and Cannabis Education in Utah confirmed the group, which had brought the legal case along with the Epilepsy Association of Utah, would file in state court to withdraw the matter.

TRUCE founder, brain tumor survivor and longtime cannabis activist Christine Stenquist said the case was being pulled due to their inability to keep paying legal costs in their two-year battle. Groups first sued after state lawmakers altered Prop 2 despite its 2018 passage by 53% of state voters.

“While this lawsuit is coming to an end, the fight for a real medical cannabis system for the state of Utah, which will meet all patient needs, continues,” Stenquist said.

A spokesperson for the Utah Attorney General's Office declined to comment on the case Monday. Sen. Evan Vickers, R-Cedar City and the sponsor of HB3001, did not respond to an inquiry seeking comment.

Stenquist says the case, brought against Gov. Gary Herbert and other state leaders over HB3001, eventually forced Utah legislators to remove key portions of the revamped law — rules that Proposition 2 proponents claimed were designed to curtail marijuana distribution in Utah against the public’s will.

“We did get a big win out of that. We absolutely crushed it,” said Stenquist, who noted that legislators later deleted the requirement that state and local health departments serve as cannabis outlets in a hastily convened special session.

But, “the money is just not there” to continue legal wrangling over the larger issue of the limits of the Utah Legislature’s powers in the face of legitimate citizens initiatives, Stenquist said.

She urged “a broad coalition” of other interest groups in Utah to unite and pursue the legal cause.

The group had fought bitterly over attorney costs after the case bounced from 3rd District Court up to federal court, only to be remanded again to a state judge and then be stalled during an appeal over legal costs.

The lawsuit originally asserted that state lawmakers had acted “in collusion” with The Church of Jesus Christ of Latter-day Saints in subverting Prop 2, but those claims were later withdrawn.

“Two years is a long time to push on a lawsuit and not get as far as we had wanted,” Stenquist said Monday, “but they have the means to push back on anything they want.”

A Salt Lake City lawyer for the group, Ross “Rocky” Anderson, said Monday the case had been dismissed “without prejudice,” meaning it can be refiled again at any time. Anderson also urged proponents of past successful citizens initiatives — on civil forfeiture, Medicaid expansion and political redistricting — that were subsequently altered by lawmakers to recognize their stake in the legal question.

“The Legislature acts so contemptuously toward the right of the people,” he said. “We believe it is high time that we get an answer from the Utah Supreme Court as to whether there is really any meaningful right of initiative legislation under Utah’s constitution.”

Salt Lake City’s new \$4.1 billion airport is now open, has a smooth takeoff

sltrib.com © 1996-2020 The Salt Lake Tribune. All rights reserved.