



Nebraska's LB 1235: Gutting Patient Protections & Increasing the Power of a Hostile Commission

MPP's Public Comment Opposing LB 1235

For more than 30 years, the Marijuana Policy Project has had the honor of working alongside patients on medical cannabis programs. MPP strongly opposes LB 1235, which re-criminalize patients, imposes burdens on patients and providers, taxes medicine, and grants a hostile Commission the power to craft rules on I-437.

The Commission has demonstrated its contempt for the will of voters by prohibiting the sale of flower, edibles, vapes, and other products that are authorized by I-438, and by capping the number of plants at a grossly inadequate number. In addition to expanding the Commission's authority to include I-437, LB 1235 fails to rein in the Commission's rules that deprive patients of access to the types of medicine the vast majority of patients rely on.

Please reject this harmful bill, which deprives patients of voter-enacted rights.

I. LB 1235 Guts the Nebraska Medical Cannabis Patient Protection Act

A landslide 71% of Nebraskans approved I-437, the Nebraska Medical Cannabis Patient Protection Act. Patients can now possess and use cannabis with a written recommendation from a healthcare practitioner licensed in *any state*. LB 1235 would require every patient, practitioner, and caregiver to register with the Commission. Patients would be recriminalized unless and until they are able to register with the Commission.

LB 1235 also removes the ability of practitioners licensed in other states to certify patients and requires practitioners to submit to costly and burdensome registration. Right now, as we understand it, no Nebraska practitioners are issuing certifications due to hostility from the state. By disqualifying out-of-state practitioners, this also removes protections for patients visiting from other states.

Chillingly, LB 1235 also gives the Commission authority to craft rules for I-437. By design, I-437 needed no implementation. With this power, the Commission could ban *possession* of flower and edibles, limit qualifying conditions, and otherwise eviscerate the people's law.

II. Additional Concerns

We are also concerned that:

- LB 1235 removes licensing and rulemaking deadlines without replacing them or requiring the timely licensure of medical cannabis businesses. (p. 16, lines 1-5)
- LB 1235 authorizes the Commission to limit the number of each type of license, with no language to ensure adequate access. (p. 16, lines 12-13)
- LB 1235 imposes sales taxes on medical cannabis, unlike every other medicine in Nebraska.

III. Features That Are Missing from LB 1235

In addition, LB 1235 fails to rein in the Commission's malfeasance and fails to provide protections that are common in medical cannabis programs.

If LB 1235 were offered as a good-faith effort to implement the will of voters, it would:

- restore the sale of product types the Commission banned
- require the Commission to license enough canopy to meet demand, at reasonable prices
- provide that practitioners can't be punished for recommending cannabis
- make patient protections more explicit and broader, including arrest protection and non-discrimination language for medical care, child custody, and professional licensing.

Please vote down this outrageous and anti-democratic bill, which would recriminalize patients and grant even more power to a hostile commission.