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MAY 25 2017

JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

JOHN R. ASHCROFT  
SECRETARY OF STATE  
STATE OF MISSOURI

STATE AUDITORS OFFICE  
ELECTIONS DIVISION  
(573) 751-2301

May 25, 2017

The Honorable Nicole Galloway  
State Auditor  
State Capitol Building  
Jefferson City, MO 65101

RE: Petition approval request from Damien Johnson regarding a proposed constitutional amendment to Article IV (2018-230)

Dear Auditor Galloway:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Missouri Constitution filed by Damien Johnson on May 25, 2017.

We are referring the enclosed petition sample sheet to you for the purposes of preparing a fiscal note and fiscal note summary as required by Section 116.332, RSMo. Section 116.175.2, RSMo requires the state auditor to forward the fiscal note and fiscal note summary to the attorney general within twenty days of receipt of the petition sample sheet.

Thank you for your immediate consideration of this request.

Sincerely,

John R. Ashcroft

cc: Hon. Joshua D. Hawley  
Sheri Hoffman  
Trish Vincent

County .....  
Page No. ....

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

## INITIATIVE PETITION

To the Honorable Jay Ashcroft, Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and ..... County (or city of St. Louis), respectfully order that the following amendment to the constitution shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the 6th day of November, 2018 and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and ..... County (or city of St. Louis), my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

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MO. SECRETARY OF STATE

[Official Ballot Title]

## CIRCULATOR'S AFFIDAVIT

STATE OF MISSOURI, County Of .....

I, ..... being first duly sworn, say (print or type names of signers)

Name (signature)	DATE SIGNED	REGISTERED VOTING ADDRESS (Street, no P.O boxes ) (City, Town or Village)	ZIP CODE	CONGR . DIST	NAME (Print or Typed)
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signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and ..... County.

FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY.

I am at least 18 years of age. I do .... do not .... (check one) expect to be paid for circulating this petition.

If paid, list the payer .....

Signature of Affiant (Person obtaining signatures)

(Printed Name of Affiant)

Subscribed and sworn to before me this ..... day of .....,  
A.D. ....

..... Address of Affiant

Notary Public (Seal)  
My commission expires.....

..... Signature of Notary  
..... Address of Notary

Be it resolved by the people of the state of Missouri that the Constitution be amended:

This measure amends the Missouri Constitution by adding Section 54 to Article 4. This amendment implicitly repeals, in part or in whole, and amends various statutes and subsections including but not necessarily limited to RSMo 105.1105, 105.1108, 105.1112, 195.010.(10)(b), 195.010.(10)(d), 195.010.(17)(m), 195.010.(17)(g), 195.010.(17)(l), 195.010(24), 195.015.4, 195.017.2(4)(r), 195.017.2(4)(z), 195.017.2(4)(ii), 195.140.2(2), 195.202.2, 195.202.3, 195.211.2, 195.211.3, 195.211.4, 195.222.7, 195.223.7, 195.223.8, 263.250.1.

1. The following shall be called the Cannabis Treatment Amendment

2. Definition of terms, as used in this Act:

- a) "cannabis" and "cannabis hemp" refer to the cannabis, marihuana, marijuana, cannabis sativa, cannabis indica, cannabis ruderalis, or any variety of cannabis, including any derivative, concentrate, extract, flower, leaf, particle, preparation, resin, root, salt, seed, stalk, stem, or any product thereof. This Amendment shall apply to all rsmo mentioning marijuana.
- b) "hemp": the fiber of this plant, extracted from the stem and used to make rope, stout fabrics, fiberboard, and paper. the sister plant of cannabis
- c) "medical cannabis" refers to the medical use of cannabis.
- d) "cannabis accessories" means any equipment, products, or materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, or containing cannabis, or for ingesting, inhaling, vaporizing, smoking or otherwise introducing cannabis into and/or onto the human body.
- e) "establishment" refers to a cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a retail cannabis store or other entity that cultivates, prepares, manufactures, packages, transports or sells cannabis, cannabis products and/or cannabis accessories.
- f) "dispensary" refers to a facility where medicine are prepared and provided.

3. The following acts are not unlawful and shall not be an offense under Missouri law or be a basis for seizer or forfeiture.

- a) Possession and consumption for cannabis for medical treatment with a doctor's recommendation.
- b) Cultivation, harvesting processing, manufacturing, packaging, distributing, transferring, displaying or possessing cannabis, cannabis accessories, and cannabis products for the purpose of supplying cannabis to patients, care givers, and medical dispensaries.

4. The Missouri legislature may pass laws that doesn't conflict with this amendment. Medical cannabis, commonly known as marijuana, shall be available to patients who with a doctor's recommendation and Missouri Controlled Substance relating to marijuana schedule list shall change to reflect that cannabis as defined in Section two; clause a of this amendment, shall be available with a doctor's recommendation. The following acts are not unlawful and shall not be an offense under Missouri law or be a basis for seizure or forfeiture:

- a) All Missouri patients engaged in cannabis treatment shall be afforded the same rights and privileges afforded to any patient treated through other pharmaceutical means.
- b) Cannabis acquisition, possession, and consumption shall be permitted to patients under the age of 18 with the consent of a parent or legal guardian and through the supervision of a parent or legal custodian and a licensed physician.
- c) Licensed physicians shall not be penalized for nor restricted from recommending cannabis for medical purposes to any person.
- d) Opinions pertaining to, and willingness to recommend medical cannabis treatment shall not be a criteria for the licensure of physicians; no physician shall be subject to any professional licensing review or hearing as a result of recommending or approving medical cannabis therapy.
- e) Medical care, including organ transplants, shall not be restricted in any way based on a person's use of cannabis.
- f) Primary caregiver shall not be subjected to criminal or civil charges for providing cannabis to patients who been given a doctor's a medical professional.

5. Nothing in this section shall:

- a) Require an employer to retain an employee who is impaired on the job by his use of cannabis.
- b) Permit operation of a motor vehicle, watercraft, aircraft, train, or any transportation device of vehicle by anyone who is impaired by marijuana, cannabis or any other controlled substance.

6. Medical dispensaries shall verify the following:

- a) The patient has a notarized letter from medical professional recommendation cannabis for medical treatment.
- b) If, primary caregiver, the dispensary verifies the patient and the primary caregiver.
- c) The patient's 9 digit random alphabet. Dispensaries my issue a random alphabet after verifying the Doctor's Recommendation.
- d) Retail cannabis products for medical use shall contain appropriate labeling, which outlines the weight and estimated potency of the product, lists all pesticides used in production, and summarizes the safe and effective use of cannabis. Labels shall not be false or misleading, and should be based on data derived from scientific study and prevailing human experience

7. The Department of Health and Senior Services shall issue 9 digit random alphabet out to patients and keep records of the alphabet on a state wide registry. The registry is to verify it's a patient and it shall not be subjected to Sunshine request under rsmo chapter 610. No law enforcement agency my access the list without a warrant. Law enforcement agencies my only view a printed list but not electronically. Dispensaries shall the Register with the the Department of Health and Senior Services for:

- a) licensing and regulations b) paying registration fees c) to assist with the 9 digit random alphabet registry.

8. Upon the passage of this Act, individuals incarcerated or under supervision of the Missouri Board of Probation and Parole for non-violent, cannabis-only offenses which are no longer illegal for medical treatment in the State of Missouri under this Act and been convicted prior to this Act shall be immediately released and their civil and criminal records shall be expunge by the Court even if such offense wasn't related to medical treatment. This shall not apply to individuals convicted of offenses other then nonviolent, cannabis related offenses. Within 120 days of the passages of this Act, the Attorney General shall develop and make available to the public legal documents ordering destruction of nonviolent, cannabis related civil and criminal offenses records committed prior to the passage of this Act.

9. Any person who willfully impedes the lawful exercise of these provisions is guilty of a Class A misdemeanor.

10. Cannabis farmers, manufacturers, processors, and distributors shall not be subject to any special zoning requirement, discriminatory, prohibitive, or in any way contrary to that which is relative to any other commercial or agricultural farmer, manufacturer, processor or distributor. Patients are are allowed to grow cannabis for medical treatment for self. Primary caregiver are allowed to grow for their patients.

11. All provisions of this section are self-executing and severable, and, except where otherwise indicated in the text of this document, shall supersede conflicting city, county, state or federal statutory, local charter, ordinance, or resolution.

12. A 4 % excise tax shall apply to the retail sell of cannabis from the dispensaries. The excise tax shall be used in the following:

- a) 1 % of the excise tax be dedicated to a new trust fund called the Veterans Health Fund for the purpose of funding health services for Missouri veterans

- b) 3 % of the excise tax shall be dedicated to a new trust fund called Show the Me Health Access Fund. The purpose of this trust fund is to subsidize primary care doctor visits, dental visits, and ophthalmology and vision services for Missourians in poverty.