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May 30, 2019

Mr. Brendan Johnson
Robins Kaplan LLP
140 North Phillips Ave., Ste 307
Sioux Falls, SD 57104

Dear Mr. Johnson:

This office is required by SDCL section 12-13-24 to review each initiated constitutional amendment for the purpose of determining whether the amendment is written in a clear and coherent manner that reflects the style and form of other legislation and for the purpose of ensuring that the amendment is not misleading or likely to cause confusion among the voters. In accordance with SDCL section 12-13-25, this office is required to provide written comments for the purpose of assisting the amendment's sponsor in meeting the requirements of SDCL section 12-13-24. This includes providing assistance regarding the substantive content of the measure in order to minimize any conflict with existing law and to ensure the amendment's effective administration. While there is no obligation to accept any of the suggestions contained in this letter, you are asked to keep in mind the legal standards established in sections 12-13-24 and 12-13-25.

As submitted, this constitutional amendment proposes to decriminalize small amounts of marijuana for one's personal use and rather than directing the Legislature to affect this outcome, it creates a statutory-type structure that it seeks to incorporate into the Constitution of this state. The purpose of a constitution is to provide a basic structure within which a government can function. The Constitution prescribes and limits the powers to be exercised by that government and sets forth the rights of the governed. The Constitution is not a compilation of policy statutes and as such, should not be amended to incorporate what ought to be statutory material. Therefore, this office recommends that the proposed measure be re-written so that it would amend the South Dakota Codified Laws, rather than the South Dakota Constitution. In the event that this recommendation is not accepted, there are a number of changes that this office encourages the sponsors to consider. The section numbers in our comments are based on the revised number we have provided.

As submitted, the amendment contained a section setting forth its title and a section setting forth its purpose. Both have been removed. SDCL section 12-13-25.1 requires the attorney general to prepare an accompanying "statement that consists of a title and explanation."

All catch lines to sections have been removed as that will be added by the code counsel if the amendment is approved.

SECTION 1

The Department of Revenue is not the best state agency to administer and regulate every aspect of activities encompassed by this amendment. The definition of "Department" has been broadened to allow the Legislature to match functions to state departments with the best mission fit.

SECTION 2

In section 2, the proposed language stated that the amendment "does not authorize" various activities. That language was found to be nebulous, in that it does not clearly prohibit the activities. The language has been changed to address this.

Section 2 includes various activities that are already addressed in state code, but uses language that is not consistent with the SDCL. SDCL section 42-8-45, for instance, prohibits the "operation" of a boat while one is under the influence of marijuana. This would be sufficient to include the prohibition on "navigation," as set forth in the measure. Likewise, the state code prohibits possession in, on, or within one thousand feet of a public or private elementary or secondary school or playground and within five hundred feet of a public or private youth center, public swimming pool, or video arcade. The proposed language would appear to prohibit possession or consumption only on the grounds of schools. This inconsistency with existing statutes could cause confusion. Reconciliation with the state code is encouraged.

Of greater concern is the reiteration of existing statutes. Operating a motor vehicle or a boat while under the influence of marijuana is already a statutorily prohibited activity. If the prohibition is the same, there is no need to have it repeated in the Constitution.

SECTION 4

In section 4, the proposed language articulates certain activities that are "not unlawful." It is not necessary to further indicate that those activities are therefore not offenses, not subject to penalties, and not to be used as the basis for judicial action.

Section 4 provides that it is not unlawful for a person to possess, plant, cultivate, harvest, dry, process, or manufacture not more than three marijuana plants. The reference to manufacturing is appropriate in the case of a pharmaceutical. Applying the term to a living plant is not appropriate verbiage use.

SECTION 5

As proposed, section 5 referenced civil infractions and proposed specific fines for various activities that would constitute such infractions. The phrase "civil infraction" is not, however, found in either the Constitution or the state code. The more widely accepted phrase is "civil penalty." Penalties rightfully belong in the state code, where the Legislature can appropriately make adjustments as inflation and circumstances require. Rather than including specific dollar amounts, it would be preferable to reference "civil penalty, as provided by law."

SECTION 6

As proposed, section 6 provided the Legislature with the authority to implement this amendment, provided such legislation is consistent with the intent and purposes of this measure and its stated requirements. This language has been removed. The Legislature is already constitutionally empowered to enact legislation, and is already required to legislate within the bounds of the Constitution.

SECTION 7

Section 7 enumerates the rules that the department is to promulgate. Among those are rules setting the application, licensing, and renewal fees. The language provides that any fees collected must go to the department to cover the cost of implementing and enforcing the article. Where fees are to go is not an appropriate concept for inclusion in a list of rules to be promulgated. Moreover, section 11 already provides for the department to receive revenues from the marijuana tax to cover costs it incurs in carrying out its duties under the article. The provision for reimbursement of costs was left in section 11 but removed from section 7.

SECTION 8

Section 8 addresses the appropriate number of licenses and directs the department to issue "enough licenses to substantially reduce the illicit production and sale of marijuana" and to limit "the number of licenses . . . to prevent an undue concentration of licenses in any one community." Because terms such as "substantially" and "undue" are nebulous, it is suggested that language be inserted to either define their parameters or indicate that the determinations regarding what constitutes substantial or undue will be established by law.

The language of this section, as submitted, also referenced "communities." This is not a universally understood term. Therefore, it has been replaced by the term "municipality."

SECTION 11

As proposed, section 11 referenced marijuana sold by a "person or entity." The use of the term "person" in statutory drafting encompasses "non-natural" persons – i.e. "entities."

Section 11 proposes the imposition of a tax and its disbursement. In order to avoid any misconception regarding responsibility for the disbursal, it is recommended that the language include a reference to the legislative appropriations process.

SECTION 12

As proposed, section 12 contained language regarding the appeal of decisions made by the department. This has been removed. The procedures are already articulated in SDCL chapter 1-26.

SECTION 14

This section proposes to have the Legislature pass "medical marijuana" on or before November 3, 2021. If enacted this measure would not become effective until July 1, 2021. If the Legislature was unable to affect such a program during the forty day period of the 2021 session, this would trigger a special session and the expenditure of additional funds. In order to ensure that the Legislature has sufficient time to craft a viable program as envisioned, it is recommended that the November 3, 2021, date be extended to at least April 1, 2022, which would represent the approximate conclusion of the 2022 session. This same date has been changed in sections 7 and 12 to match section 14.

CONCLUDING SECTIONS

As proposed, the amendment concluded with several separately numbered and titled sections. The section entitled "Severability" has been removed. South Dakota courts have long recognized the doctrine of severability, also known as the doctrine of separability, and therefore the language is not necessary.

The section entitled "Effective" has likewise been removed. SDCL section 2-1-12 provides that "[e]ach constitutional amendment, initiated measure, or referred law that is approved by a majority of all votes cast is effective on the first day of July after the completion of the official canvass by the State Canvassing Board."

The final section of the proposed amendment included directives in the event that conflicting proposals are enacted. This possibility has already been addressed in statute and is also unnecessary:

2-14-16.2 If two or more initiated measures or amendments to the Constitution are approved by the voters at the same election, each initiated measure or amendment shall be given effect, unless the initiated measures or amendments conflict or a contrary intent plainly appears. For purposes of any conflict or the determination of intent under this section, the initiated measure or amendment receiving the greatest number of affirmative votes at the election shall be given effect.

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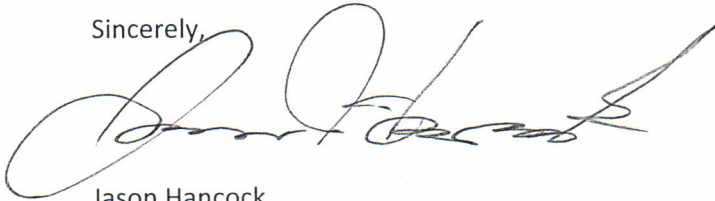
As recognized at the beginning of this letter, this amendment proposes to decriminalize the possession of a limited amount of marijuana for personal use. In so doing, it raises questions about a variety of issues including current drug testing requirements that are imposed as a condition of child placement or return [see, SDCL section 26-8A-34] and the parameters of 24/7 sobriety programs [see, SDCL section 1-11-17.] The Legislature or the Judiciary will have to address these, should the amendment pass. It should also be noted that the possession of marijuana would still be a crime under federal law.

Against this backdrop, we have prepared and attached a copy of the proposed amendment with our suggested form and style changes. Should you have any questions about these changes, or about the additional recommendations made in this letter, please feel free to contact this office.

It has been determined during this review that this proposed initiated amendment may have an impact on revenues, expenditures, or fiscal liability of the state and its agencies and political subdivisions. Please provide the Legislative Research Council a copy of the initiated amendment as submitted in final form to the Attorney General, so we can develop any fiscal note required by SDCL 2-9-30.

This letter constitutes neither an endorsement of the proposed amendment nor a guarantee of its sufficiency. It is a recognition that your responsibility to submit your draft to this office for review and comment, as required by SDCL section 12-13-25, has been fulfilled. If you proceed with your initiated amendment, please ensure neither your statements nor any advertising imply that this office has endorsed or approved the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Hancock", written in a cursive style.

Jason Hancock
Director

JH/DO/ct

Enclosure

CC: The Honorable Steve Barnett, Secretary of State
The Honorable Jason Ravensborg, Attorney General

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Section 1. This Amendment shall be known as the Marijuana Legalization, Regulation, and Taxation Amendment.

Section 2. The purpose of this Amendment is to make marijuana legal under state and local law for adults twenty one (21) years of age or older, and to control the commercial production and distribution of marijuana under a system that licenses, regulates, and taxes the businesses involved. The intent is to prevent arrest and penalty for personal possession and cultivation of limited amounts of marijuana by adults twenty one (21) years of age or older; remove the commercial production and distribution of marijuana from the illicit market; prevent revenue generated from commerce in marijuana from going to criminal enterprises or gangs; prevent the distribution of marijuana to persons under twenty one (21) years of age; prevent the diversion of marijuana to illicit markets; ensure the safety of marijuana and products containing marijuana; and ensure security of marijuana businesses. To the fullest extent possible, this Amendment shall be interpreted in accordance with the purpose and intent set forth in this section.

That the Constitution of the State of South Dakota be amended to add a new Article to read as follows:

§ 1. ~~Definitions~~ As Terms used in this Article article mean:

(a) (1) "Department," means the Department of Revenue or its successor agency; a state governmental entity charged by the Legislature with carrying out the provisions of this article;

(b) (2) "Hemp," means the plant of the genus cannabis, and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis;

(c) (3) "Local Government government," means a county, municipality, town, or township;

(d) (4) "Marijuana," means all parts of the plant of the genus cannabis, and any part of that plant, including the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including hash and marijuana concentrate, and includes. The term includes an altered state of marijuana absorbed into the human body. "Marijuana" does The term does not include hemp, nor does it include or fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products;

(e) (5) "Marijuana accessories accessory," means any equipment, product, or material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.

§2. Limitations

~~(a) This Article does not authorize~~ Notwithstanding the provisions of this article, no person may:

~~(1) Delivery or distribution of~~

~~(1) Deliver or distribute~~ marijuana or marijuana accessories, ~~with or without consideration, to a person younger than twenty-one (21) years of age;~~

~~(2) A person younger than twenty-one (21) years of age to purchase~~

~~(2) Purchase, possess, use, or transport~~ marijuana or marijuana accessories, ~~or to consume unless the person is at least twenty-one;~~

~~(3) Consume~~ marijuana, ~~unless the person is at least twenty-one;~~

~~(3) Operating, navigating, or being~~

~~(4) Operate or be in physical control of any motor vehicle, train, aircraft, motorboat, or other motorized form of transport while under the influence of marijuana;~~

~~(4) Consuming~~

~~(5) Consume~~ marijuana while operating, ~~navigating,~~ or being in physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport, ~~or smoking;~~

~~(6) Smoke~~ marijuana within a motor vehicle, aircraft, motorboat, or other motorized form of transport, while it is ~~operating, being operated;~~

~~(5) Possessing or consuming~~ marijuana or ~~possessing~~

~~(7) Possess or consume~~ marijuana or ~~possess~~ marijuana accessories on the grounds of a public or private preschool, elementary school, or high school ~~where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, in a school bus, or on the grounds of any correctional facility;~~

~~(6) Smoking~~

~~(8) Smoke~~ marijuana in a location where smoking tobacco is prohibited ~~or consuming;~~

~~(9) Consume~~ marijuana in a public place, other than in an area licensed by the Department to ~~allow department~~ for consumption ~~on the licensed premises.~~

~~(7) Undertaking;~~

~~(10) Undertake~~ any task under the influence of marijuana ~~when, if~~ doing so would constitute negligence or professional malpractice; ~~or~~

~~(8) Solvent-based~~

(11) Perform solvent-based extractions on marijuana using solvents other than water, glycerin, propylene glycol, vegetable oil, or food grade ethanol by a person not, unless licensed for this activity by the Department department.

(b) §3. This Article article does not require:

(1) Require that an employer to permit or accommodate conduct otherwise allowed by this Article or to affect. article;

(2) Affect an employer's ability to restrict the use of marijuana by employees;

(c) This Article does not prohibit

(3) Limit the right of a person or entity who occupies, owns, or controls private property from prohibiting or otherwise regulating conduct permitting permitted by this Article article on or in that property; or

(d) This Article does not limit

(4) Limit the ability of a the state or a local government agency to prohibit or restrict actions or any conduct otherwise permitted under this Article article within a building owned, leased, or occupied by the state or the local government agency.

§3. Lawful Personal Use of Marijuana

§4. (a) Except as subject Subject to the limitations in §2 of this Article article, the following acts are not unlawful and shall not be an offense under South Dakota law or the laws of any local government within South Dakota or be subject to a civil fine, penalty, or sanction, or be a basis for detention, search, or arrest, or to deny any right or privilege, or to seize or forfeit assets under South Dakota law or the laws of any local government for persons, if the person is at least twenty-one (21) years of age or older:

(1) Possessing, using, ingesting, inhaling, processing, transporting, delivering without consideration, or distributing without consideration one (1) ounce or less of marijuana, except that not more than eight (8) grams of marijuana may be in a concentrated form;

(2) Possessing, planting, cultivating, harvesting, drying, or processing, or manufacturing not more than three (3) marijuana plants for the person's own personal use, and possessing the marijuana produced by the plants, provided that:

(A) (a) The plants and any marijuana produced by the plants in excess of one (1) ounce are kept at one private residence, are in a locked space, and are not visible by normal, unaided vision from a public place; and

(B) (b) Not more than six (6) plants may be are kept in or on the grounds of a private residence at one time;

(3) Assisting another person who is at least twenty-one (21) years of age or older, or allowing property to be used, in any of the acts permitted by ~~subsection (a)(1) or (a)(2).~~ this section; and

(4) Possessing, using, delivering, distributing, manufacturing, transferring, or selling to persons twenty-one (21) years of age or older marijuana accessories.

~~(b) § 5.~~ The penalty for:

(1) A person who, pursuant to § 4 of this article, cultivates plants ~~pursuant to subsection (a)(2)~~ that are visible by normal, unaided vision from a public place ~~shall be guilty of not more than a civil infraction punishable by fine of not more than a two hundred~~ is subject to a civil penalty not exceeding two hundred and fifty dollars (\$250).

(2) A person who, pursuant to § 4 of this article, cultivates plants ~~pursuant to subsection (a)(2)~~ that are not kept in a locked space ~~shall be guilty of not more than a civil infraction punishable by fine of not more than a two hundred~~ is subject to a civil penalty not exceeding two hundred and fifty dollars (\$250).

(3) A person who smokes marijuana in a public place, other than in an area licensed for such activity by the Department, ~~shall be guilty of not more than a civil infraction punishable by fine of not more than a~~ department, is subject to a civil penalty not exceeding one hundred dollars (\$100).

(4) A person ~~twenty (20)~~ who is under twenty-one years of age or younger who and possesses, uses, ingests, inhales, transports, delivers without consideration or distributes without consideration one ~~(1)~~ ounce or less of marijuana or possesses, delivers without consideration, or distributes without consideration marijuana accessories ~~shall be guilty of not more than a civil infraction with a fine of not more than one hundred~~ is subject to a civil penalty not exceeding one hundred dollars (\$100.00). The person shall be provided the option of attending up to four ~~(4)~~ hours of drug education or counseling in lieu of the fine.

~~§ 4.~~ § 6. Regulation and Control of Marijuana

~~(a) The Legislature may enact legislation to implement this Article provided that the legislation is consistent with the intents and purposes of the Marijuana Legalization, Regulation, and Taxation Amendment and with the requirements set forth in this Article.~~

~~(b) The Department~~ department shall have the exclusive power, except as ~~herein~~ otherwise provided, to license and regulate the cultivation, manufacture, testing, transport, delivery, and sale of marijuana in the ~~State of South Dakota~~ state and to administer and enforce this ~~Article~~ article.

~~(c) The Department~~ department shall accept applications for and issue ~~the following~~ licenses, in addition to any other types of licenses the ~~Department~~ department deems necessary:

(1) Licenses permitting commercial cultivators and manufacturers of marijuana to cultivate, process, manufacture, transport, and sell marijuana to marijuana wholesalers;

(2) Licenses permitting independent marijuana testing facilities to analyze and certify the safety and potency of marijuana;

(3) Licenses permitting marijuana wholesalers to package, process, and prepare marijuana for transport and sale to retail sales outlets; and

(4) Licenses permitting retail sales outlets to sell and deliver marijuana to consumers.

~~(d)~~ § 7. Not later than ~~November 3, 2021~~ April 1, 2022, the ~~Department~~ department shall ~~issue regulations~~ promulgate rules necessary for the implementation and enforcement of this ~~Article~~ article. Such ~~regulations~~ The rules shall be reasonable and shall include:

(1) Procedures for the issuance, renewal, suspension, and revocation of licenses;

(2) Application, licensing, and renewal fees, not to exceed the amount necessary to cover the costs to the ~~Department~~ department of implementing and enforcing this ~~Article~~. ~~The fees collected shall go to the Department to cover the cost of implementing and enforcing this Article.~~ article;

(3) Time periods, not to exceed ~~90~~ ninety days, by which the ~~Department~~ department must issue or deny an application;

(4) Qualifications for licensees;

(5) Security requirements, including lighting and alarm requirements, to prevent diversion;

(6) Testing, packaging, and labeling requirements, including maximum tetrahydrocannabinol levels, to ensure consumer safety and accurate information;

(7) Restrictions on the manufacture and sale of edible products to ensure consumer and child safety;

(8) Health and safety requirements to ensure safe preparation and to prohibit unsafe pesticides;

(9) Inspection, tracking, and record-keeping requirements to ensure regulatory compliance and to prevent diversion;

(10) Restrictions on advertising and marketing;

(11) Requirements to ensure that all applicable statutory environmental, agricultural, and food and product safety requirements are followed;

(12) Requirements to prevent the sale and diversion of marijuana to persons under the age of twenty-one ~~(21)~~ years; and

(13) Civil penalties for the failure to comply with ~~regulations~~ rules adopted pursuant to this ~~Article~~ article.

~~(e)~~ § 8. In determining the appropriate number of licenses to issue, as required under this article, the ~~Department~~ department shall:

(1) Issue enough licenses to substantially reduce the illicit production and sale of marijuana throughout the ~~State of South Dakota~~ state; and

(2) Limit the number of licenses issued, if necessary, to prevent an undue concentration of licenses in any one ~~community~~ municipality.

~~§5.~~ § 9. Protections

~~(a)~~ (a) Actions and conduct by a licensee, ~~its employees~~ a licensee's employee, and ~~its agents~~ a licensee's agent, as permitted pursuant to a ~~valid~~ license issued by the ~~Department~~ department, or by those who allow property to be used by a licensee, ~~its employees, and its agents~~ a licensee's employee, or a licensee's agent, as permitted pursuant to a ~~valid~~ license issued by the ~~Department~~ department, are not unlawful and shall not be an offense under South Dakota law, or the laws of any local government within South Dakota, or be subject to a civil fine, penalty, or sanction, or be a basis for detention, search, or arrest, or to deny any right or privilege, or to seize or forfeit assets under South Dakota law, or the laws of any local government within South Dakota.

~~(b)~~ (b) No contract shall be is unenforceable on the basis that marijuana is prohibited by federal law.

~~(c)~~ (c) A holder of a professional or occupational license shall is not be subject to professional discipline for providing advice or services related to marijuana licenses or applications on the basis that marijuana is prohibited by federal law.

~~§6.~~ § 10. Local Governments

A local government may:

~~(a)~~ (a) Enact A local government may enact ordinances or regulations governing the time, place, manner, and number of licensees operating within its jurisdiction.

~~(b)~~ (b) Ban A local government may ban the establishment of licensees or any category of licensee within its jurisdiction.

~~(c)~~ (c) Not A local government may not prohibit the transporting transportation of marijuana through its jurisdiction on the public roads by ~~persons or entity~~ any person licensed to do so by the ~~Department~~ department.

~~§7.~~ §11. Marijuana Tax

An excise tax of fifteen ~~(15)~~ percent shall be is imposed upon the gross receipts of all sales of marijuana sold by a person ~~or entity~~ licensed by the ~~Department~~ department pursuant to this ~~Article~~ article to a consumer. The Legislature ~~is authorized to~~ may adjust this rate after November 3, 2024.

The ~~Department~~ department shall by rule establish a procedure for the collection of this tax and shall collect the tax. The tax revenue shall collected under this section shall be ~~disbursed~~ appropriated to the ~~Department~~ department to cover reasonable costs incurred by the ~~Department~~ department in carrying out its duties under this ~~Article~~ article. ~~The remainder of the~~ Fifty percent of the remaining

revenue collected shall be disbursed in equal portions to appropriated by the Legislature for the support of South Dakota public schools and to the remainder shall be deposited into the state general fund.

~~§8.~~ §12. Procedure

~~(a)~~ Any rule adopted by the ~~Department~~ department pursuant to this ~~Article~~ article must comply with the South Dakota Administrative Procedure Act, S.D. ~~§ 1-26-2.1.~~ chapter 1-26 of the South Dakota Codified Laws.

~~(b)~~ The ~~Department~~ shall establish a procedure for those persons and parties affected by decisions of the ~~Department~~ to protest and appeal those decisions. Any person or party affected by a final decision of the ~~Department~~ may commence a mandamus action in circuit court.

Any person aggrieved by a decision of the department is entitled to appeal the decision in accordance with chapter 1-26 of the South Dakota Codified Laws.

~~(c)~~ If by April 1, 2022, the ~~Department~~ department fails to adopt regulations to implement promulgate rules required by this ~~Article~~ by November 3, 2021 article, or if the department adopts regulations rules that are unreasonable or that are not consistent inconsistent with this ~~Article~~ article, any ~~citizen~~ resident of the state may commence a mandamus action in circuit court to compel ~~the Department to perform~~ the actions mandated by performance by the department in accordance with this Article article.

~~§9.~~ §13. Annual Statement

The ~~Department~~ department shall ~~submit~~ publish an annual report to the Governor that shall be made available to the public and shall include that includes the number and type of licenses issued, demographic information on licensees, a description of any enforcement and or disciplinary actions action taken against licensees, a statement of revenues and expenses of the ~~Department~~ department related to the implementation, administration, and enforcement of this ~~Article~~, and article, a statement of taxes collected in accordance with this article, and an accounting for how those revenues were disbursed.

~~§10.~~ §14. Legislative Expansion

Not later than ~~November 3, 2021~~ April 1, 2022, the Legislature shall pass laws to:

~~(a)~~ (1) Ensure access to marijuana beyond what is set forth in this ~~Article~~ by article for persons who have been diagnosed by a ~~physician with~~ healthcare provider, acting within the provider's scope of practice, as having a serious and debilitating medical condition and who are likely to receive therapeutic or palliative benefit from marijuana; and

~~(b)~~ (2) Regulate the cultivation, processing, and sale of hemp.

~~§11.~~ Severability

This Article shall be broadly construed to accomplish its purposes and intents. Nothing in this Article purports to supersede any applicable federal law, except where allowed by federal law. If any provision in this Article or the application thereof to any person or circumstance is held invalid or unconstitutional,

such invalidity or unconstitutionality shall not affect other provisions or applications of the Article that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Article are severable.

§13. Effective

This Article is self-executing and shall take effect thirty (30) days after approval. Each provision shall be judiciable and enforceable by any circuit court.

Section 4. In the event that this measure and another initiated constitutional amendment concerning the legalization, control, regulation, or taxation of marijuana appear on the same statewide election ballot, the provisions of the other initiated constitutional amendment shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other initiated constitutional amendment shall be null and void.