

The Personal Responsibility Amendment (Michigan 2000, 2001)

Ballot initiative petition drive to amend the constitution of the state of Michigan

Summary

- A) to allow compassionate medical use of marijuana for specified serious ailments under a doctors care;
- B) to establish a Right to Farm industrial non-intoxicating hemp for the sake of the farm economy and environment, forest and soil conservation, renewable fuels, canvass, rope, birdseed, fiber, construction materials, paint, oil, food, clothing, and medicine;
- C) to abolish marijuana prohibition and forfeitures regarding the limited personal use and possession of small amounts of home-grown cannabis, by adults over 21, in the privacy of the home and so long as the marijuana is kept safely and responsibly away from kids, cars, and the public. This will destroy drug trafficking by eliminating the economic incentives and opportunities that marijuana prohibition laws create for illegal drug dealers;
- D) to earmark all asset forfeiture proceeds for funding voluntary Personal Responsibility Education Programs for domestic violence, gambling, drug, alcohol, and tobacco abuse awareness and treatment. This will take the corrupting financial incentive out of forfeiture law abuse, and will shift the financial burden of treatment off taxpayers and onto drug peddlers;
- E) to provide fair standards and jury trials for innocent owners in asset forfeiture cases;
- F) to provide strong incentives for enforcement of, and compliance with, this amendment.

Text of Proposed Amendment to the Michigan Constitution: Article 1, New Section 25:

- A) Compassionate medical use of marijuana (genus cannabis) shall not be prohibited by law for treatment of persistent nausea, vomiting, wasting syndrome or loss of appetite associated with chemotherapy or radiation cancer therapy, or the treatment of acquired immune deficiency syndrome, where swallowed medicine might be impractical, or in reducing intraocular pressure associated with glaucoma, or for controlling seizures, pain, or persistent spasms associated with debilitating diseases, such as epilepsy, multiple sclerosis and other similar conditions, so long as it is in private and directly pursuant to a treating physician's direction and with written consent of a custodial parent or guardian in the case of a minor or incompetent person. Neither medical professionals nor patients may be constrained to accept or reject marijuana use as medicine. Use, possession, and dispensing of marijuana may be subject to public safety regulations.
- B) The right to farm non-intoxicating industrial hemp crops for intrastate markets shall never be prohibited. The State of Michigan shall encourage and promote the cultivation of non-intoxicating industrial hemp, defined as cannabis sativa hemp containing less than .07% THC (Delta-9 tetrahydrocannabinol), for the sake of forest and soil conservation and the farm economy. Hemp crops can produce much more paper per acre each year than

trees which take decades to grow. Hemp is a renewable source for fuel, and produces canvass, rope, birdseed, fiber, construction materials, paint, oil, food, clothing, and medicine. Michigan members of the United States Congress shall use their best efforts to end federal prohibitions against industrial non-intoxicating hemp in Michigan, and until such time as they are successful in this effort there shall be placed on the ballot, next to an incumbent candidate's name, the following statement, "Notice: This candidate failed to obtain legal status for the Right to Farm industrial non-intoxicating hemp for the sake of the farm economy and environment, forest and soil conservation, and renewable fuels despite the specific direction of the Personal Responsibility Amendment approved by the citizens of Michigan".

C) The People of Michigan resolve to destroy drug trafficking by eliminating the economic incentives and opportunities that marijuana prohibition laws create for illegal drug dealers and, therefore, the private adult use of marijuana is decriminalized, subject to public safety regulations and child welfare restrictions. Criminal prohibitions, asset forfeitures, license and other legal sanctions are hereafter abolished with respect to the limited use and possession of marijuana, by competent adults over 21 years old, for personal amounts not exceeding 3 mature plants, seedlings, and 3 ounces of dried usable marijuana preparation, kept within a private residence not readily accessible by or visible to minor children. The immunities established by this subsection do not apply to any incident involving operation of any motor vehicle or dangerous machine, any commercial activity or private agreement, any claim of injury to the person or property of another, to any incarcerated person or to any parole, probation, or bond condition.

D) Education is the key to preventing substance abuse. Personal Responsibility Education Programs for domestic violence, gambling, drug, alcohol, and tobacco abuse awareness and voluntary treatment shall receive the gross proceeds of crime-related asset forfeitures, cannabis taxes, and federal funds or other federal government resources derived from or relating to illicit drug law enforcement, which proceeds or resources (except record access) shall never be used by or for state or local law enforcement or prosecuting agencies.

E) Crime-related civil asset forfeitures shall be subject to the right to a jury trial. To sustain such a proceeding, the government shall prove factual allegations beyond a reasonable doubt. The right of a sworn claimant to contest a civil asset forfeiture shall not be subject to any indemnity bond or other financial precondition. Property damage, loss of use, actual attorney fees, and restitution may be recovered by any claimant against the responsible seizing and prosecuting government agencies as a consequence for proceeding with an unsustained forfeiture.

F) It is not the proper role of a limited government to interfere with the discretion of adults exercising informed personal judgment, but only to prevent and redress acts of injustice to others through reasonable regulations. To secure this principle, and to honor the private jurisdiction of the individual and family, it is decreed that this section and all laws of the State of Michigan shall be strictly construed in the interest of personal responsibility, private liberty and the preservation of truth and the rule of law. The Attorney General shall use best efforts to defend and promote the principles and immunities established in the provisions of this section, which are severable; if any provision or its application to any person or circumstance is held invalid, the remainder or the application of the provision to other persons or circumstances is not affected. Any person may obtain injunctive relief in Circuit Court to enforce this section, and costs and actual attorney fees shall be taxed against the defendant if such injunctive relief is granted.

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