

# Lawsuit Challenges Medical Cannabis on Nebraska's 2024 Ballot

## Nebraska Court to Rule on Lawsuit Challenging Medical Cannabis Ballot Measures

A ruling is expected this week in a lawsuit questioning the validity of signatures gathered for two medical cannabis measures set to appear on Nebraska's November ballot. The lawsuit could have significant implications for the state, which remains one of only three in the U.S. without any form of legal cannabis.

### Legal Challenge Over Medical Cannabis Measures

On Friday, September 20, 2024, a District Court judge in Nebraska held an initial hearing concerning a lawsuit filed on September 12. The lawsuit challenges the legitimacy of signatures collected to support two medical cannabis initiatives: the **Nebraska Medical Cannabis Regulation Act** and the **Nebraska Medical Cannabis Patient Protection Act**. These measures, if passed, would legalize medical cannabis in the state, create the [Nebraska Medical Cannabis Commission](#) by July 2025, and define the legal frameworks for obtaining and using medical cannabis.

The plaintiffs, led by former state senator John Kuehn, are contesting the process by which signatures were gathered for these petitions. They argue that several of the signatures were counted illegally due to various infractions. Among the complaints are allegations that some petition circulators did not disclose whether they were paid or unpaid, while others gathered signatures from individuals who were not registered voters. The lawsuit seeks to have these disputed signatures invalidated, potentially disqualifying the measures from the November ballot.

### Judge Signals Ruling May Come Soon

Judge Susan Strong, who is presiding over the case, expressed a desire to resolve the matter quickly, ideally before the November election. "Hopefully we can all work together and resolve these claims as expeditiously as possible," Judge Strong stated during Friday's briefing. She also indicated that her decision on a recently filed motion to dismiss the lawsuit could come by the end of this week.

While a swift ruling is anticipated, Judge Strong emphasized that the court was not legally obligated to resolve the case before the election. The case has drawn significant attention, as the outcome could determine whether Nebraskans will get the chance to vote on medical cannabis this year.

### Ballot Measures Certified by Secretary of State

Despite the ongoing legal battle, Nebraska Secretary of State Bob Evnen certified the two medical cannabis initiatives on September 13. The **Patient and Caregiver Protection Act** was assigned **ballot initiative number 437**, while the **Medical Cannabis Regulation Act** was designated as **ballot initiative number 438**. Certification by the Secretary of State confirmed that enough signatures were initially validated to place the

measures before voters, though the current lawsuit seeks to reverse that decision.

## **Campaign Efforts Led by Nebraskans for Medical Cannabis**

The campaign to get these medical cannabis measures on the ballot was spearheaded by the registered committee **Nebraskans for Medical Marijuana (NMM)**. The group has been at the forefront of advocating for medical cannabis access in Nebraska for several years. By the signature deadline on July 3, NMM reported that it had gathered 114,000 signatures, well above the required number for certification.

This year marks the third time medical cannabis advocates have attempted to place the issue before Nebraska voters. A 2020 ballot initiative was blocked by a lawsuit, and a 2022 initiative also failed to make it onto the ballot. Despite these setbacks, supporters of medical cannabis remain optimistic.

## **Long Road to Medical Cannabis in Nebraska**

At the announcement of the measures' certification, **NMM campaign manager Crista Eggers** praised the efforts of advocates and expressed confidence in Nebraskans' support for medical cannabis. "Today we celebrate, along with Nebraska patients and caregivers, in this significant milestone of ballot certification," said Eggers. "Many years of hard work, along with Nebraska's unwavering and overwhelming support, has made this day possible. We are confident that come November, Nebraskans will once and for all have the ability to vote FOR safe and compassionate medical cannabis access and regulation."

Nebraska remains an outlier in cannabis policy, with only two other states—Idaho and Kansas—having similarly restrictive laws. If approved by voters, Nebraska would join 38 other states that allow some form of medical cannabis use.

## **Broader Context: Cannabis Measures on Ballots Nationwide**

Nebraska is not alone in considering cannabis legalization measures this November. Voters in **Florida** and **South Dakota** will also have the opportunity to weigh in on cannabis-related initiatives. These measures, like Nebraska's, are closely watched as more states move toward relaxing cannabis restrictions either for medical or recreational use.

As the legal process plays out in Nebraska, advocates and opponents alike are waiting to see whether the state's voters will have a chance to decide on medical cannabis in this election. The court's ruling, expected later this week, could either clear the way for the ballot initiatives or halt the process entirely, marking another chapter in Nebraska's ongoing debate over cannabis legalization.

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