

By Senator Bracy

11-01397-19

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Senate Joint Resolution

A joint resolution proposing the creation of Section 28 of Article I of the State Constitution to establish the right of persons over a specified age in this state to possess, use, and cultivate cannabis.

Be It Resolved by the Legislature of the State of Florida:

That the following creation of Section 28 of Article I of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE I

DECLARATION OF RIGHTS

SECTION 28. Adult right to cannabis.-

(a) As used in this section, the term:

(1) "Cannabis" means all parts of any plant of the genus *Cannabis*, whether growing or not, and the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin.

(2) "Cultivation" means the planting, tending, improving, or harvesting of crops or plants and the preparation of ground or growing medium to promote their growth.

(3) "Possession" means having, owning, or controlling cannabis. The term includes actual and constructive possession and sole and joint possession, including the joint control with any other person.

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30 (4) "Use" means the application, ingestion, consumption, or
31 inhalation of cannabis including, but not limited to, eating,
32 drinking, vaporizing, and smoking.

33 (b) Any person in this state of twenty-one years of age or
34 older has the right to the possession of, the use of, and the
35 cultivation of cannabis. This right may not be infringed, except
36 that the transfer of cannabis by purchase or sale may be
37 regulated by law as necessary to ensure public health and
38 safety.

39 (c) If any provision of this section or its application to
40 any person or circumstance is held invalid, the invalidity does
41 not affect the remaining provisions or applications of this
42 section which can be given effect without the invalid provision
43 or application, and to this end the provisions of this section
44 are severable.

45 BE IT FURTHER RESOLVED that the following statement be
46 placed on the ballot:

47 CONSTITUTIONAL AMENDMENT

48 ARTICLE I, SECTION 28

49 ESTABLISHING ADULT RIGHT TO CANNABIS.—Proposing an
50 amendment to the State Constitution to establish the right for
51 persons in this state who are 21 years of age or older to
52 cultivate, possess, or use cannabis. The amendment specifies
53 that the right to cannabis may not be infringed, except that the
54 transfer of cannabis by purchase or sale may be regulated by
55 law.