

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT RESOLUTION NO. 4

BY STATE AFFAIRS COMMITTEE

A JOINT RESOLUTION

1
2 STATING FINDINGS OF THE LEGISLATURE; PROPOSING AN AMENDMENT TO SECTION 26,
3 ARTICLE III, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE
4 LEGALIZATION OF CERTAIN CONTROLLED SUBSTANCES IN IDAHO; STATING THE
5 QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE
6 COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE
7 SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY
8 LAW.

9 Be It Resolved by the Legislature of the State of Idaho:

10 SECTION 1. That the Legislature finds that:

11 (1) Section 24, Article III, of the Constitution of the State of Idaho
12 affirms that the "first concern of all good government is the virtue and so-
13 briety of the people, and the purity of the home";

14 (2) Sound public policy promotes the health, safety, and welfare of the
15 citizens of Idaho through a drug-free environment where children, families,
16 businesses, and communities can flourish;

17 (3) Neighboring states have legalized controlled substances to the
18 detriment of their citizens;

19 (4) The legalization of certain controlled substances would be harmful
20 to Idaho citizens;

21 (5) The Constitution of the State of Idaho also states that the Legisla-
22 ture "should further all wise and well directed efforts for the promotion of
23 temperance and morality"; and

24 (6) Therefore, a constitutional amendment addressing these findings is
25 hereby declared to be reasonable and necessary.

26 SECTION 2. That Section 26, Article III, of the Constitution of the
27 State of Idaho be amended to read as follows:

28 Section 26. POWER AND AUTHORITY OVER INTOXICATING LIQUORS
29 AND CONTROLLED SUBSTANCES. (1) From and after the thirty-first day
30 of December in the year 1934, the legislature of the state of Idaho
31 shall have full power and authority to permit, control and regulate
32 or prohibit the manufacture, sale, keeping for sale, and trans-
33 portation for sale, of intoxicating liquors for beverage purposes.

34 (2) A controlled substance, or any mixture thereof, can be re-
35 moved from schedule I or schedule II of the Idaho uniform controlled
36 substances act as it existed on July 1, 2021, or made lawful for pur-
37 poses of the production, manufacture, transportation, sale, deliv-
38 ery, dispensing, administering, distribution, possession, or use
39 thereof, only if such removal or lawfulness is approved by at least
40 two-thirds (2/3) of all members of each of the two (2) houses of the
41 legislature, voting separately, and enacted into law, the vote not

1 being subject to the majority vote provisions of section 15 of this
2 article.

3 (3) Nothing in subsection (2) of this section prohibits the pro-
4 duction, manufacture, transportation, sale, delivery, dispensing,
5 administering, distribution, possession, or use of a controlled
6 substance to the extent that such activity was lawful for a particu-
7 lar controlled substance as of July 1, 2021.

8 SECTION 3. The question to be submitted to the electors of the State of
9 Idaho at the next general election shall be as follows:

10 "Shall Section 26, Article III, of the Constitution of the State of
11 Idaho be amended to prohibit the legalization of unlawful drugs unless ap-
12 proved by two-thirds of the Idaho Legislature?"

13 SECTION 4. The Legislative Council is directed to prepare the state-
14 ments required by Section 67-453, Idaho Code, and file the same.

15 SECTION 5. The Secretary of State is hereby directed to publish this
16 proposed constitutional amendment and arguments as required by law.