

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT RESOLUTION NO. 3

BY STATE AFFAIRS COMMITTEE

A JOINT RESOLUTION

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

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

9 SECTION 1. That the Legislature finds that:

10 (1) A primary legislative responsibility as stated in Section 24, Arti-  
11 cle III of the Constitution of the State of Idaho is that the "first concern  
12 of all good government is the virtue and sobriety of the people, and the pu-  
13 rity of the home" and that the "legislature should further all wise and well  
14 directed efforts for the promotion of temperance and morality";

15 (2) The legalization and normalization of unlawful drug use produces  
16 negative health consequences, including but not limited to impaired fetal  
17 and youth brain development, increases in addiction, psychosis, overdoses,  
18 hospitalizations, and drug treatment services;

19 (3) The legalization and normalization of unlawful drug use produces  
20 negative community health consequences, including but not limited to the  
21 presence of cartels, increased human trafficking, more impaired drivers and  
22 workers, and increased public consumption of drugs;

23 (4) The legalization and normalization of unlawful drug use produces  
24 negative environmental health consequences, including but not limited to  
25 illegal black market grow sites, trespassing on public and private lands,  
26 and contamination of soil, water, and air from chemicals used in the growing  
27 or manufacturing of unlawful drugs;

28 (5) The legalization and normalization of unlawful drug use produces  
29 negative economic health consequences, including but not limited to in-  
30 creases in workplace injuries, an increased burden on law enforcement, more  
31 government bureaucracy, and potential government subsidies to protect legal  
32 markets from the "black market";

33 (6) The decriminalization of unlawful drugs leads to de-facto legal-  
34 ization that, in turn, can harm personal and public health, the environment,  
35 the community, and the economy;

36 (7) In 2023, there were 105,700 drug overdose deaths in the United  
37 States;

38 (8) Sound public policy promotes the health, safety, and welfare of the  
39 citizens of Idaho through a drug-free environment where children, families,  
40 businesses, and communities can thrive; and

41 (9) An amendment to the Constitution of the State of Idaho must be pre-  
42 sented to citizens for a vote.

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

3 Section 26. POWER AND AUTHORITY OVER INTOXICATING LIQUORS  
4 AND UNLAWFUL DRUGS. (1) From and after the thirty-first day of De-  
5 cember in the year 1934, the legislature of the state of Idaho shall  
6 have full power and authority to permit, control and regulate or  
7 prohibit the manufacture, sale, keeping for sale, and transporta-  
8 tion for sale, of intoxicating liquors for beverage purposes.

9 (2) An unlawful drug in the state of Idaho can be made lawful  
10 for purposes of growing, producing, manufacturing, transporting,  
11 selling, delivering, dispensing, administering, prescribing, dis-  
12 tributing, possessing, or using only if such lawfulness is approved  
13 by at least two-thirds (2/3) of all members of each of the two (2)  
14 houses of the legislature, voting separately, and enacted into law,  
15 the vote not being subject to the majority vote provisions of sec-  
16 tion 15 of this article.

17 (3) Nothing in subsection (2) of this section shall prohibit:

18 (a) Research on any lawful or unlawful drug as provided by  
19 law;

20 (b) The provision of an investigational drug to a terminally  
21 ill patient as provided by law; or

22 (c) A law enforcement agency, testing laboratory, court, or  
23 prosecuting attorney from holding an unlawful drug in evi-  
24 dence with proper documentation for purposes relating to a  
25 criminal prosecution.

26 (4) For the purposes of this section, the term "unlawful drugs"  
27 means drugs, substances, or chemicals with no legal medical use  
28 pursuant to Idaho law.

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

31 "Shall Section 26, Article III of the Constitution of the State of Idaho  
32 be amended to prohibit the legalization of unlawful drugs unless approved by  
33 two-thirds of the Idaho Legislature and enacted into law? For the purpose of  
34 this question, the term "unlawful drugs" means drugs, substances, or chemi-  
35 cals with no legal medical use pursuant to Idaho law."

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

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