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Hon. Rob Bonta
Attorney General
California Department of Justice
1300 I Street, 17th Floor
Sacramento, CA 95814

Dec 04 2023

Attn: Anabel Renteria, Initiative Coordinator

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary for the "Cognitive Freedom Initiative of 2024"

Dear Ms. Renteria:

Pursuant to Section 9002(b) of the California Elections Code, please find attached the text of the above-entitled initiative measure. We hereby request that your office prepare a title and summary for the initiative. Our addresses as registered voters, the required proponent affidavits required by Sections 9001 and 9608 of the Elections Code, and a check for \$2,000.00 are enclosed.

Please direct any correspondence to:

Steve Churchwell
Buchalter
500 Capitol Mall, Ste. 1900
Sacramento, CA 95814
(916) 945-5168

Sincerely,



David Hodges, Proponent

Tomas Garrett, Proponent

Chelsea Candelaria, Proponent

Carsten Fisher, Proponent

Encl. (4 affidavits)

Psychedelic Wellness and Healing Initiative of 2024

Version 5 – Updated 12/4/2023

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Title, Statement of Purposes, and Findings and Declarations.

Title. This initiative measure shall be known, and may be cited as, “The Psychedelic Wellness and Healing Initiative of 2024.”

Statement of Purpose. The purposes of this measure are as follows:

1. To ensure that Californians have the right to obtain and use psychedelics for medicinal, therapeutic and spiritual purposes where the use is deemed appropriate and has been recommended by a medicinal professional.
2. To give physicians, therapists, naturopathic doctors, and certified mental health specialists the right to recommend psychedelics to patients suffering from debilitating symptoms of addiction, anxiety, chronic pain, depression, migraines, obsessive-compulsive disorder (OCD), postpartum depression, post-traumatic stress disorder (PTSD), suicidal ideation, traumatic brain injury, and many others.
3. To make Californians safer by cutting off the profits to criminal gangs that thrive with the increasing rates of addiction and mental illness in our communities.
4. To ensure mothers have the right to use psychedelics in treatment of postpartum depression to foster a sense of “reconnection” for the mother, while allowing for improved mood and maternal sensitivity towards the infant, which can positively impact maternal role gratification and the mother-infant relationship.
5. To alleviate the immense burdens placed on state and local governments, first responders, and community members from the wide reaching impacts of poor mental health treatment outcomes in California.
6. To address factors that render California’s current system of treatment options for mental illness ineffective when dealing with everything from mass shootings, homelessness, violence, substance abuse, to the unparalleled rates of depression and anxiety and more.
7. To implement a comprehensive, statewide framework authorizing and regulating the possession, use, cultivation, production, processing, and distribution of entheogenic plants and substances for medicinal and therapeutic use.

Findings and Declarations.

The People of the State of California find and declare as follows:

1. Psychedelics have proven to relieve people suffering from certain conditions such as depression, post-traumatic stress disorder (PTSD), traumatic brain injury, and many addictive personality traits.
2. Any benefits to society of a prohibition on the use of psychedelics are vastly outweighed by the costs of investigating, arresting, prosecuting, and incarcerating otherwise law-abiding citizens.
3. Indigenous cultures throughout the world have used psychedelics for religious and spiritual purposes for longer than any recorded history.

4. The direct and indirect costs of prohibition are wide reaching, and serve to compound the expanding mental health crisis in California. These costs are particularly significant given the state's large population and high rates of homelessness, crime, and mental illness.
5. Each year over 500,000 women experience postpartum depression in the United States alone. Mothers deserve the right to use psychedelics in treatment of postpartum depression. Psychedelics can foster a sense of 'reconnection' for the mother, can allow for improved mood and maternal sensitivity towards the infant, which can positively impact maternal role gratification and the mother-infant relationship. Furthermore, the potential to enhance maternal bonding through just a single dose of psilocybin could lay the foundation for a generation of children with secure attachment styles.
6. Regulating psychedelics will improve harm reduction outcomes by creating a culture that understands how to use psychedelics safely and responsibly. It will also ensure that first responders, college safety officers, and everyone involved when responding to people having difficulties with psychedelics will know what to do.
7. Regulated entheogenic businesses will allow for greater access to education and counseling services for those who are considering using psychedelics, so that users can make informed decisions about their own safety and the risks associated with psychedelic use.
8. Regulating psychedelic substances will make Californians safer by cutting off the profits to criminal gangs and by creating a culture that understands how to use psychedelics safely and responsibly.
9. In November of 2019 the Food and Drug Administration awarded its coveted Breakthrough Therapy Designation to multiple psychedelic therapies including 3,4-methylenedioxymethamphetamine (MDMA) for PTSD and psilocybin for treatment-resistant depression and major depressive disorder. Studies have shown that psychedelic therapies hold the potential for immediate and long lasting symptom relief of depression with as little as 1 dose for up to 1 year.
10. Therapeutic use of psychedelics can prevent suicide by addressing both PTSD and depression. Suicide rates, particularly among veterans and first responders, underline the urgency. California is home to nearly 2 million veterans, with many of them suffering from PTSD, substance use disorder, anxiety and depression. An average of 40 veterans die every day in the United States from suicide or self-injury, and suicide has become the second leading cause of death among firefighters. Young adults and children are not spared from this crisis. The Centers of Disease Control reported that 44% of adolescents felt "persistently sad or hopeless," nearly 20% had seriously contemplated suicide, and 9% had attempted suicide. Suicidal thoughts in children, some as young as five years old, have increased nearly 60% since the COVID-19 pandemic.
11. Homelessness has reached alarming proportions, with more than 75% of the homeless struggling with mental health issues. The overdose crisis adds to the gravity of the situation, contributing to nearly 300 Americans dying every day from opioid-related overdoses. In August 2023, the Drug Enforcement Administration declared fentanyl the number one cause of death for Americans under 50 years old.
12. The lack of effective mental health treatments has enormous costs for Californians. The true economic cost of mental healthcare is a complex figure to pinpoint, but we all pay for this, through our suffering and through our taxes. The cost of substance use disorder alone in California was estimated at \$172.6 billion in 2010. The opioid epidemic is just one of many mental health issues facing the country. According to the most recent data from the CDC (2017), the cost of this specific crisis was estimated at \$1,021 billion in the U.S., with California's cost being \$61 billion.
13. Even a modest 10% success rate in treating opioid use disorder in California could save nearly \$6 billion annually

SEC. 2. Division 10, Chapter 6, Article 7.5 (commencing with Section 11395.100) is added to the Health and Safety Code, to read:

Article 7.5. Psychedelic Wellness and Healing Program.

11395.100. For purposes of this Article 7.5, the following definitions shall apply:

- (a) “Adult” means an individual 18 years of age or older.
- (b) “Endanger others” does not mean and shall not include lawfully using, ingesting, possessing or cultivating entheogenic plants or substances within the same residence or adjoining outhouses and rooms or in a commercial building of any type, unless additional conduct is demonstrated by clear and convincing evidence that such acts have in fact become imminently dangerous to human safety, in addition to mere lawful use, ingestion, possession, or cultivation.
- (c) “Entheogenic business” is a California for-profit or nonprofit entity or individual that is a resident of California that possesses, cultivates, manufactures, processes, delivers, wholesales, or retails entheogenic plants or substances for medicinal and therapeutic use, and includes, but is not limited to, manufacturers, distributors, retailers, delivery services, therapy centers, retreat centers, analytical laboratories that test entheogenic plants or substances, and medicinal entheogenic plant or substance organizations. An “entheogenic business” may include commercial cannabis activity involving medicinal cannabis or medicinal cannabis products sold under an “M-license”, as defined in paragraph (1) of subdivision (al) of Section 26001 of the Business and Professions Code. Businesses that have an M-license shall qualify as an entheogenic business. It shall not be required to have an M-license to qualify as an entheogenic business.
- (d) “Entheogenic plant” means any plant or fungus that contains an entheogenic substance.
- (e) “Entheogenic substances” mean all the parts, contents, components, and compounds of those controlled substances with the potential for medicinal, therapeutic or spiritual use specified in subdivision (d) of Section 11054, and of MDMA (3,4-methylenedioxymethamphetamine) and the chemical compounds contained therein.
- (f) “Excessive” means any requirement or fee that exceeds a normal, usual, or reasonable requirement based on expenses incurred.
- (g) “Impaired” refers to significantly diminished physical or mental capabilities to the extent a person cannot safely operate a motor vehicle.
- (h) “Individual” means a natural person.
- (i) “Indoors” means within a fully enclosed and secure structure that can only be entered through a locked door that requires a key or combination to open and which is secure against unauthorized entry. This shall not require a permanent foundation, so long as safety and security are maintained.
- (j) “Manufacture” means the manufacture, planting, cultivation, growing, harvesting, production, preparation, propagation, compounding, conversion or processing of any entheogenic plant or substance product, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the product or labeling or relabeling of its container.
- (k) “Minor” means an individual under 18 years of age.
- (l) “Outdoors” means any location that is not “indoors” as defined in this section.
- (m) “Qualified healthcare practitioner” means any physician, nurse practitioner, naturopathic doctor, or therapist who possesses a current and valid license to practice in the State of California.

(n) “Qualified patient” means an individual who has been recommended to use entheogenic plants or substances by a qualified healthcare practitioner, or minor who meets the requirements of Section 11395.150, subdivision (d).

11395.105. Notwithstanding any other provision of law, no qualified healthcare practitioner in this state shall be punished, or denied any right or privilege, for having recommended entheogenic plants or substances to a person whose health would benefit from the treatment of a variety of mental health conditions and health disorders, including, but not limited to: post-traumatic stress disorder, depression, anxiety, addiction, suicidality, personal or spiritual development, obsessive-compulsive disorder (OCD), Parkinson's disease, chronic and acute pain (including those caused by cancer, phantom limb, headaches, fibromyalgia and musculoskeletal disorders), inflammatory disorders, Alzheimer's disease, traumatic brain injury, migraines, other diseases, or conditions that may be improved or treated with psychedelic therapies, to promote overall wellbeing, or any other physical or mental illness for which entheogenic plants or substances can provide relief.

11395.120. The medicinal and therapeutic use of entheogenic plants and substances by adults, including but not limited to the cultivation, manufacturing, processing and production of entheogenic plants or substances, edible products and extracts (with or without solvents) derived from entheogenic plants or substances, and the distribution, transportation, possession, storage, consumption, social consumption, on-site consumption, and retail sale, whether or not for profit, shall be lawful in this State and is a matter of statewide concern.

11395.130. It shall be lawful and not a violation of California law, for an Adult:

- (a) To use and share entheogenic substances in one's home or on any privately owned property with the owner's consent, in a manner that does not endanger others or violate this Article;
- (b) To possess as much entheogenic substances as is needed for one's own annual personal use;
- (c) To be under the influence of entheogenic plants or substances, except as provided in this Article and as provided in subdivision (f) of section 647 of the Penal Code; and
- (d) To cultivate entheogenic plants indoors or outdoors, on private property to which access is restricted by fencing and where such cultivation is not visible from outside such property, and with the consent of the owner of such property. Such defined cultivation shall not automatically be deemed a violation of any local or state nuisance regulations. Nuisance regulations shall not be based solely on the presence or cultivation of entheogenic plants, nor crafted to primarily target entheogenic plant cultivation or possession. No local regulation shall make it impracticable for adults to cultivate entheogenic plants indoors or outdoors as otherwise authorized in this section.

11395.140. (a) This Article 7.5 shall implement a comprehensive, statewide framework authorizing and regulating the possession, use, cultivation, production, processing and distribution of entheogenic plants and substances for medicinal and therapeutic use. The subjects addressed by this Article are a matter of statewide concern.

(b) The California Department of Public Health may promulgate regulations to implement, clarify and make specific this Article. However, the rulemaking process shall not unreasonably delay implementation of this Article.

(c) The California Department of Public Health shall coordinate the collection, review, and publishing of treatment guidelines, dosing information, therapeutic guidelines, and rules to prevent exploitation during guided treatments. Information may be sourced from harm reduction organizations, industry groups, public colleges, spiritual groups, and entheogenic businesses. This information shall be provided to the general public in a section on the California Department of Public Health website.

(d) The California Department of Public Health shall maintain a list of all entheogenic plants and substances approved for medicinal and therapeutic use. This list shall include all entheogenic plants and substances where medicinal research papers, studies, or clinical trials have shown a potential for medicinal or therapeutic use.

11395.141. (a) Entheogenic businesses may sell, provide, administer, deliver, or gift entheogenic plants and substances only to qualified patients and their primary caregivers. Entheogenic businesses may sell, provide, administer, deliver, or gift medicinal cannabis products produced for an M-license, as defined in paragraph (1) of subdivision (al) of Section 26001 of the Business and Professions Code.

(b) No license, fee, fine, or tax, on an entheogenic business shall exceed the amount charged or assessed for comparable non-entheogenic plant or substance related businesses unless otherwise authorized by this Article.

(c) No individual, informal group, collective or legal entity, shall be required to register for permission to comply with this Article, nor obtain or pay for any license, permit, or meet any other requirement for activity consistent with section 11395.130 of this Article.

(d) Entheogenic plants, substances and entheogenic businesses shall be regulated as closely as practicable to non-psychoactive agriculturally produced products, except as defined in section 11395.180, provided that no regulation shall make it impracticable for entheogenic businesses to operate and earn a profit, unless otherwise authorized herein.

(e) The State of California and its agencies and employees shall not disclose and shall protect the identities of all persons, individuals, and legal entities engaged in entheogenic plant or substance commerce or use unless there is a court order or search warrant expressly authorizing the release of such information on a case by case basis.

(f) Any individual or business exercising the activities allowed by this Article shall not be arrested, or prosecuted. Such activities shall not be grounds for probable cause to detain, search, arrest, or prosecute.

(g) Any entheogenic plant or substance packaged for retail sale must provide a list of active substances.

(h) Any entheogenic plant or substance packaged for wholesale must only be provided to Entheogenic Businesses.

11395.150. (a) The State of California and its agencies shall allow research into the therapeutic and medicinal applications of entheogenic plants and substances.

(b) Qualified healthcare practitioners may use entheogenic plants and substances for research, treatment, and personal development purposes.

(c) Entheogenic plant or substance-assisted therapy may be delivered by qualified practitioners who have obtained specialized training certifications to administer Entheogenic Plants and Substances.

(d) Qualified healthcare practitioners may recommend entheogenic plants or substances for use in minors for the treatment of specific and appropriate indications of severe and life threatening conditions, with the consent of the parent or legal guardian and his or her primary care physician.

(e) Engaging in entheogenic plant and substance-assisted therapy shall not be grounds for revocation of the license of a licensed healthcare professional.

(f) The California Health and Human Services Agency shall review all qualification requirements and protocols for entheogenic plant or substance-assisted therapy created by professional certifying bodies and adopt and implement the best standards.

11395.160. Starting January 1, 2025, any entheogenic business operating on land that is zoned for commercial agricultural production and approved by the California Department of Food and Agriculture for food production may cultivate, manufacture and distribute entheogenic plants or substances as a wholesaler. Starting April 19, 2025, any business that is incorporated in California and possesses a California Seller's Permit may begin retail sales of entheogenic plants or substances to qualified patients.

11395.180. The packaging of an entheogenic substance product shall include all of the following:

(a) The following symbol and statement in at least 6 point font, in a contrasting color, in English and Spanish:



WARNING: Keep out of reach of children and animals. Consumption of entheogenic substances impairs your ability to drive and operate machinery. Please use extreme caution.



ADVERTENCIA: Mantener fuera del alcance de los niños y los animales. El consumo de sustancias enteogénicas afecta la capacidad para conducir y utilizar maquinaria. Por favor tenga extrema precaución.

(b) The entheogenic substance content of the product expressed as micrograms per package, and micrograms per serving, with a serving size defined by the manufacturer.

(c) A quick-response (QR) code linked to a unique public product webpage maintained by the manufacturer, with additional product information that is too extensive to be listed on the original packaging, and can be amended as future regulations and testing technology evolve.

11395.190. Violations of any statute or regulation enacted or promulgated to implement this Article shall not constitute a public offense and shall not be punished by incarceration or imprisonment, except as provided in this Article.

11395.200. A city or county may ban or limit the number of entheogenic businesses within its boundaries if such a restriction has been placed on the ballot by petition in accordance with the procedures for an initiative, or by the city council or board of supervisors, and approved by the voters within that jurisdiction at a statewide election held in November. However, no city, county or special district shall ban individual or group activities granted by this Article.

11395.210. This section shall not apply to employers or employees in safety-sensitive occupations covered by U.S. Department of Transportation regulations (49 CFR Part 40). Except as provided in this Article, no person shall refuse to provide services or benefits or increase the charge for services or benefits, based on the lawful use, cultivation, possession, storage, or sales of entheogenic plants or substances including, but not limited to, the following:

- (a) A license, permit, or other entitlement for use including all business, professional, trade, and land use licenses and permits, and all other entitlements for use, and all entitlements for land use, all contracts and all franchises;
- (b) Utility services.

11395.220. (a) Unless the health or wellbeing of a minor is in danger as a result of the cultivation of entheogenic plants or substances in compliance with this division, the mere presence of one or more minors in a household shall not render such cultivation unlawful, per se, nor shall such cultivation be used to make a jurisdictional determination of the risk of harm to a child in the state of California, nor shall such cultivation diminish parental rights or justify the removal of a child from the home, even temporarily.

(b) If a minor is found to be cultivating, extracting, manufacturing, distributing, transporting, in possession of, or consuming entheogenic plants or substances without parental consent, the maximum penalty for such offense shall be no greater than a mandatory drug education program, and no conviction shall remain on the juvenile record of such a minor.

(c) If a parent or guardian is found to be providing entheogenic plants or substances to a minor who is not a qualified patient, the parent or guardian is guilty of a misdemeanor and shall be punished as follows:

- (1) A fine of not more than one thousand five hundred dollars (\$1,500.00), upon a finding that a first offense has been committed, and must successfully complete a parenting class.
- (2) A fine of not more than three thousand dollars (\$3,000.00), or by imprisonment in a county jail for a period of not more than 10 days, or both, upon a finding that a second or subsequent offense has been committed.

11395.230. A local excise tax of not more than ten percent (10%) may be applied to purchasers of entheogenic plants or substances sold for medicinal or therapeutic use, if approved by a majority of the voters voting on a local initiative measure appearing on the ballot of local election consolidated with a statewide general election held in November of an even-numbered year.

11395.240. No conduct deemed lawful by this initiative shall constitute the basis for detention, search or arrest. Entheogenic plants or substances involved in any way with conduct deemed lawful by this initiative are not contraband nor subject to seizure.

11395.250. No information that is provided to any State or local governmental agency by this division, or in connection with any activity regulated by this division, may be provided to an agency or agent of the federal government in connection with a federal investigation or prosecution of a person for any activity that is lawful under California law. This shall not prevent any defendant of a federal investigation or prosecution from presenting information the defendant provided to any State or local governmental agency in connection with this division as evidence during a trial or investigation to prove their actions have been authorized and are legal in the State of California.

11395.270. (a) A person currently serving a sentence for a conviction, whether by trial or by open or negotiated plea, who would not have been guilty of an offense, or who would have been guilty of a lesser offense under the Psychedelic Wellness and Healing Initiative of 2024 had that measure been in effect at the time of the offense, shall be granted a recall or dismissal of sentence before the trial court that entered the judgment of conviction in their case for resentencing or dismissal in accordance with Sections 11350, 11357, 11358, 11359, 11360, 11362.1, 11362.2, 11362.3, 11362.4 or 11366.5.

(b) The court shall presume the person satisfies the criteria in subdivision (a), unless a party opposing the resentencing or dismissal proves by clear and convincing evidence that the person does not satisfy the criteria. If the person satisfies the criteria in subdivision (a), the court shall grant the recall of the sentence or dismiss the sentence because it is legally invalid, unless the court determines that granting so would pose an unreasonable risk of danger to public safety.

(1) In exercising its discretion, the court may consider, but shall not be limited to evidence provided for in subdivision (b) of Section 1170.18 of the Penal Code.

(2) As used in this section, "unreasonable risk of danger to public safety" has the same meaning as provided in subdivision (c) of Section 1170.18 of the Penal Code.

(c) A person who is serving a sentence and is resentenced pursuant to subdivision (b) shall be given credit for any time already served and shall be subject to supervision for one year following completion of their time in custody or shall be subject to whatever supervision time they would have otherwise been subject to after release, whichever is shorter, unless the court, in its discretion, as part of its resentencing order, releases the person from supervision. Such person is subject to parole supervision under Section 3000.08 of the Penal Code or post-release community supervision under subdivision (a) of Section 3451 of the Penal Code by the designated agency and the jurisdiction of the court in the county in which the offender is released or resides, or in which an alleged violation of supervision has occurred, for the purpose of hearing petitions to revoke supervision and impose a term of custody.

(d) Under no circumstances shall resentencing under this section result in the imposition of a term longer than the original sentence, or the reinstatement of charges dismissed pursuant to a negotiated plea agreement.

(e) A person who has completed their sentence whether by trial or open or negotiated plea, who would not have been guilty of the conviction offense under the Psychedelic Wellness and Healing Initiative had that measure been in effect at the time of the offense, shall be granted a recall or dismissal of sentence within 180 days of filing an application, on a form provided by the Judicial Council, in the trial court that entered the judgment of conviction in their case to have the conviction dismissed and sealed because the prior conviction is now legally invalid or redesignated as a misdemeanor or infraction in accordance with Sections 11350, 11357, 11358, 11359, 11360, 11362.1, 11362.2, 11362.3, and 11362.4 or 11366.5.

(f) The court shall presume the person satisfies the criteria in subdivision (e), unless the party opposing the resentencing or dismissal proves by clear and convincing evidence that the person does not satisfy the criteria in subdivision (e). Once the person satisfies the criteria in subdivision (e), the court shall redesignate the conviction as a misdemeanor or infraction or dismiss and seal the conviction and all files and records shall be amended and then destroyed as legally invalid as now established under the Psychedelic Wellness and Healing Initiative of 2024.

(g) Unless requested by the person, no hearing is necessary to grant or deny a resentencing or dismissal.

(h) Any felony conviction that is recalled and resentenced under subdivision (b) of this section or designated as a misdemeanor or infraction under subdivision (f) of this section shall be considered a misdemeanor or infraction for all purposes. Any misdemeanor conviction that is recalled and resentenced under subdivision (b) or designated as an infraction under subdivision (f) shall be considered an infraction for all purposes.

(i) If the court that originally sentenced the person is not available, the presiding judge shall designate another judge to rule on the resentencing or dismissal.

(j) Nothing in this section is intended to diminish or abrogate any rights or remedies otherwise available to the person.

(k) Nothing in this and related sections is intended to diminish or abrogate the finality of judgments in any case not falling within the purview of the Psychedelic Wellness and Healing Initiative of 2024.

(l) A resentencing hearing ordered under the Psychedelic Wellness and Healing Initiative of 2024 shall constitute a “post-conviction release proceeding” under paragraph (7) of subdivision (b) of Section 28 of Article I of the California Constitution (Marsy’s Law).

(m) The provisions of this section shall apply equally to juvenile delinquency adjudications and dispositions under Section 602 of the Welfare and Institutions Code if the juvenile would not have been guilty of an offense or would have been guilty of a lesser offense under the Psychedelic Wellness and Healing Initiative of 2024.

(n) The Judicial Council shall promulgate and make available all necessary forms to enable the resentencing or dismissal provided in this section.

11395.230. (a) Nothing in this Article shall allow for the sale or use of any endangered species or threatened species of any plant, fungus or animal, or any part or product thereof, unless the producer can demonstrate that the species, or part or product thereof, was farmed in a sustainable way and not harvested in the wild, and that it was not produced in a way that will negatively affect the species in its natural habitat.

11395.270. (a) Entheogenic businesses with fifty (50) or more employees shall hold a vote available to all employees, via secret ballot, at least annually, asking whether the business shall adopt a labor peace agreement. The measure shall be deemed adopted if two-thirds (2/3) of the employees voting, vote to approve it. The entheogenic business shall abide by the terms of any labor peace agreement.

(b) An Entheogenic business of any size including clinic's, distributor, delivery, or any other establishment covered under this initiative, shall be required to recognize any Bonafide Labor Organization as its Employees Exclusive Bargaining Representative, once the Labor Organization has been able to prove a two-thirds (2/3) majority of union authorization cards by using SMCS or any other state sanctioned agency.

(c) If voted on and approved by the employees of an Entheogenic business, the maintenance of a labor peace agreement with a bona fide labor organization shall be an ongoing material condition of the establishment's license.

(d) For the purposes of this section, all of the following shall apply:

(1) "Employee" as defined by the National Labor Relations Act "NLRA"(2) As used in this subsection, "bona fide labor organization" means a labor organization of any kind or employee representation committee, group, or association, in which employees participate and which exists and is constituted for the purpose, in whole or in part, of collective bargaining or otherwise dealing with employers concerning grievances, labor disputes, terms or conditions of employment, including wages and rates of pay, or other mutual aid or protection in connection with employment, and are characterized by: In this State or another state; it having a written constitution or bylaws in the three immediately preceding years; it filing the annual financial report required of labor organizations pursuant to subsection (b) of 29 U.S.C. s.431, or it having at least one audited financial report in the three immediately preceding years; it being affiliated with any regional or national association of unions, including but not limited to state and federal labor councils; or it being a member of a national labor organization that has at least 500 general members in a majority of the 50 states of the United States.

(3) Exclusive Bargaining Representative- An employee organization identified by the as the sole, official representative to bargain collectively for the employees in a bargaining unit. The exclusive bargaining representative is usually referred to as the "union."

11395.280. (a) Nothing in this Article shall apply to adult-use cannabis or adult-use cannabis products as defined in Subdivision (b)(2) of Section 26000 of the Business and Professions Code.

11395.290. (a) Nothing in this Article shall prevent any church, spiritual organization, indigenous group, or any individual from using entheogenic plants or substances as a sacrament in their own religious or spiritual practice, nor shall it prevent them from using or sharing their sacrament within their group.

SEC. 3. Sections 11390 and 11391 of the Health and Safety Code are repealed.

SEC. 4. Amendment.

(a) After the effective date of this initiative measure, the Legislature may amend this initiative measure by a statute passed in each house of the Legislature by rollcall vote entered into the journal, two-thirds of the membership concurring, provided the statute is consistent with, and furthers the purpose of, this initiative measure. No bill seeking to amend this initiative measure after the effective date may be passed or ultimately become a statute, unless the bill has been printed and distributed to members, and published on the Internet, in its final form, for at least 12 business days prior to its passage in each house of the Legislature.

(b) No statute enacted after December 31, 2023, but prior to the effective date of this initiative measure, that would constitute an amendment of it, shall be operative after the effective date of this initiative measure, unless the statute was passed in accordance with the requirements of subdivision (a) of this section.

SEC. 5. Severability.

The provisions of this initiative measure are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word or application of this Article is for any reason held to be invalid by a decision of a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this initiative measure. The People of the State of California hereby declare that they would have adopted this initiative measure and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word and application not declared invalid or unconstitutional without regard to whether any other portion of this initiative measure or application thereof would be subsequently declared invalid.

SEC. 6. Conflicting Measures.

(a) If this initiative measure and another statewide initiative measure or measures addressing the same subject or subjects shall appear on the same statewide election ballot, the other ballot measure or measures shall be deemed to be in conflict with this measure. In the event that this initiative measure receives a greater number of affirmative votes, this measure, and all of its provisions, shall prevail in their entirety, and the other measure or measures, and all of the provisions thereof, shall be null and void.

(b) If this initiative measure is approved by the voters but superseded in whole or in part by any other conflicting ballot measure approved by the voters at the same election, and such conflicting measure is later held invalid, this measure shall be self-executing and given full force and effect.

SEC. 7. Legal Defense.

(a) If this initiative measure is approved by the voters of the State of California and thereafter subjected to a legal challenge that attempts to invalidate, or limit the scope or application of this initiative measure in any way, or alleges this initiative measure violates any local, state or federal law in whole or in part, and both the Governor and Attorney General refuse to defend it, then the following actions shall be taken:

(1) Notwithstanding anything to the contrary contained in Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code or any other law, the Attorney General shall appoint independent counsel to faithfully and vigorously defend this initiative measure on behalf of the State of California.

(2) Before appointing or thereafter substituting independent counsel, the Attorney General shall exercise due diligence in determining the qualifications of independent counsel and shall obtain written affirmation from independent counsel that independent counsel will faithfully and vigorously defend this Act. The written affirmation shall be made publicly available upon request.

(b) In order to support the defense of this initiative measure in instances where the Governor and Attorney General fail to do so despite the will of the voters, a continuous appropriation is hereby made from the General Fund to the Controller, without regard to fiscal years, in an amount necessary to cover the costs of retaining independent counsel to faithfully and vigorously defend this initiative measure on behalf of the State of California.

SEC. 8. Liberal Construction.

This initiative measure shall be liberally construed to effectuate its purposes.