



# MIKE DEWINE

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August 12, 2013

*Via U.S. Mail and Electronic Mail*

Don McAdams  
8952 Selma Road  
South Charleston, Ohio 45368  
[info@responsibleohioans.org](mailto:info@responsibleohioans.org)

RE: Proposed Initiated Constitutional Amendment Submitted by  
Responsible Ohioans for Cannabis

Dear Mr. McAdams,

On August 2, 2013, in accordance with Ohio Revised Code (ORC) Section 3519.01(A), I received a written petition containing 1) a copy of a proposed initiated constitutional amendment, "The End Ohio Cannabis Prohibition Act of 2012," and 2) a summary of the same measure.

It is my statutory duty to determine whether the submitted summary "is a fair and truthful statement of the measure to be referred." ORC 3519.01(A). If I conclude that the summary is fair and truthful, I am to certify it as such within ten days of receipt of the petition. In this instance, the tenth day falls on Monday, August 12, 2013.

The Ohio Supreme Court has defined "summary" relative to an initiated petition as "a short, concise summing up," which properly advises potential signers of a proposed measure's character and purport. *State ex rel. Hubbell v. Bettman*, 124 Ohio St. 24 (1931). After reviewing the submission, I conclude that I am unable to certify your summary as a fair and truthful representation of the proposed amendment.

Importantly, the summary omits an important piece of information contained in Section 10 of the proposed amendment. Section 10 provides that "the People of Ohio hereby repudiate and challenge Federal cannabis prohibitions that conflict with this article." However, the summary contains no mention of Ohio's repudiation of federal law. In light of this omission, I cannot find the summary fair and truthful.

Moreover, the summary lists an item that is not specifically addressed in the proposed amendment. Specifically, the summary inaccurately states that the "medical harms or benefits from the personal use of cannabis products" will be a classroom subject along with three other subjects. However, the authority to teach this specific type of subject is not included in the amendment. In order for the summary to be fair and truthful, either this item should be specifically included in the amendment or it should be removed from the summary.

Additionally, the summary fails to address a significant change in the law that is mandated by the proposed amendment. Specifically, the amendment requires that "[n]o person shall be considered under the influence of cannabis products for personal use solely because of the presence of metabolites or components of cannabis in his or her body." Section 1(C); see also Section 4(A)(6).

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This new change in the law is omitted from the summary. This point would need to be included in the summary in order to provide a fair and truthful account of the proposed amendment.

Finally, the summary fails to address numerous items that are contained in Section 4 of the proposed amendment. Specifically, this Section permits the legislature to confer new duties and responsibilities on two public offices, the Ohio Department of Agriculture and the Ohio Department of Commerce. Section 4 allows the legislature to vest these agencies with the power to license the commercial production of cannabis and requires compliance with specific licensing timelines and fee structures. This new authority for the Ohio Department of Agriculture and the Ohio Department of Commerce is not mentioned in the summary. Because these new duties effect an important change in state government, they should be included in the summary to advise potential signers of the content of the proposed amendment.

For these reasons, I am unable to certify the summary as a fair and truthful statement of the proposed amendment. However, I must caution that this letter is not intended to represent an exhaustive list of all defects in the submitted summary.

Very respectfully yours,



Mike DeWine  
Ohio Attorney General

Enclosure: Tally Sheet of Signatures by County

cc: Committee to Represent the Petitioners:

David Taylor  
1500 Lucas Drive  
Springfield, Ohio 45506

Tonya Davis  
4524 Croftshire Drive  
Kettering, Ohio 45440

**Signatures by County  
End Ohio Cannabis Prohibition**

County	Part Petitions	Valid Signatures	Invalid Signatures
Ashland County Board of Elections	2	8	3
Ashtabula County Board of Elections	2	4	5
Athens County Board of Elections	1	7	7
Butler County Board of Elections	1	0	1
Champaign County Board of Elections	1	13	13
Clark County Board of Elections	2	26	16
Clinton County Board of Elections	1	3	0
Cuyahoga County Board of Elections	3	40	33
Delaware County Board of Elections	3	30	33
Erie County Board of Elections	1	2	2
Fairfield County Board of Elections	2	31	17
Franklin County Board of Elections	12	556	421
Geauga County Board of Elections	2	8	1
Greene County Board of Elections	3	107	57
Guernsey County Board of Elections	1	4	1
Hamilton County Board of Elections	2	4	10
Hancock County Board of Elections	1	5	6
Holmes County Board of Elections	1	2	3
Huron County Board of Elections	1	3	1
Knox County Board of Elections	1	5	6
Lake County Board of Elections	3	8	5
Licking County Board of Elections	3	39	15
Logan County Board of Elections	1	6	3
Lorain County Board of Elections	3	10	9
Lucas County Board of Elections	1	2	1
Madison County Board of Elections	1	4	1
Mahoning County Board of Elections	1	2	1
Marion County Board of Elections	1	8	5
Medina County Board of Elections	5	59	45
Meigs County Board of Elections	1	1	0
Miami Coutu Board of Elections	1	14	11
Montgomery County Board of Elections	2	51	40
Morrow County Board of Elections	1	5	4
Muskingum County Board of Elections	2	8	7
Ottawa County Board of Elections	1	1	2
Pickaway County Board of Elections	2	7	9
Portage County Board of Elections	2	4	3
Richland County Board of elections	3	12	5
Ross County Board of Elections	2	2	7
Sandusky County Board of Elections	2	16	4

Scioto County Board of Elections	1	1	1
Seneca County Board of Elections	2	84	30
Shelby County Board of Elections	1	9	11
Stark County Board of Elections	2	7	2
Summit County Board of Elections	4	20	13
Trumbull County Board of Elections	2	7	3
Tuscarawas County Board of Elections	1	2	0
Union County Board of Elections	2	10	7
Warren County Board of Elections	2	7	0
Washington County Board of Elections	1	2	1
Wayne County Board of Elections	1	27	24
Wood County Board of Elections	1	3	2
Wyandot County Board of Elections	1	3	1

<b>TOTALS</b>	<b>1299</b>	<b>908</b>
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