



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

Administration
30 E. Broad St., 17th Floor
Columbus, OH 43215
614-728-5458
614-466-5087 Fax

www.OhioAttorneyGeneral.gov

February 23, 2015

Via email to dmctigue@electionlawgroup.com

Donald J. McTigue
McTigue McGinnis & Colombo LLC
545 East Town Street
Columbus, Ohio 43215

Re: “Medical Marijuana and Personal Use Amendment” submitted by Responsible Ohio

Dear Mr. McTigue,

In accordance with the provisions of Ohio Revised Code (ORC) Section 3519.01(A), on February 13, 2015, I received a written petition proposing to add the Medical Marijuana and Personal Use Amendment to Ohio’s Constitution and a summary of the proposed amendment. One of my statutory duties as Attorney General is to send all of the part-petitions to the appropriate county boards of elections for signature verification. With Cuyahoga County reporting back, at least 1,000 signatures have already been verified.

Pursuant to ORC Section 3519.01(A), I must examine the summary and determine whether it is a fair and truthful statement of the proposed amendment. If I conclude that the summary is fair and truthful, I must certify that fact to the Secretary of State within ten days of receiving it. In this instance, the tenth day falls on February 23, 2015.

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 have concluded that I am unable to certify your summary as a fair and truthful representation of the proposed amendment. The following examples are a non-exhaustive list of the ways in which the summary materially deviates from the amendment:

For example, the summary states at paragraph 9 that it will be lawful for persons over the age of 21 “to purchase, possess, transport, and use marijuana of one ounce or less or its equivalent in marijuana-infused products, as determined by the Commission, and marijuana accessories.” This summary omits that section D of the proposed amendment also allows those persons to share with another person 21 years of age or older specified amounts of marijuana. This is a material omission that does not reflect the full breadth of the amendment’s provisions.

Further, paragraph 7 of the summary provides that 15% of the proposed special tax will go to the Marijuana Control Commission Fund and lists how and the order in which that portion will be distributed. However, there are significant incongruities between the summary language and the distribution scheme in section (E)(3) of the proposed amendment.

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Furthermore, it has come to my attention that at least one of the properties listed in section F of the proposed amendment may be within 1,000 feet of a house of worship and/or a public playground. This would appear to directly conflict with paragraph 10 of the summary, which provides that no marijuana establishment shall be within 1,000 feet of such locations. The other deficiencies with your summary make it unnecessary for me to validate this claim. If it is true, it would be yet another reason for me to find that the summary is not fair and truthful.

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 is not intended to be an exhaustive list of all defects in the submitted summary.

Very respectfully yours,



Mike DeWine

Ohio Attorney General

cc: Committee to Represent the Petitioners

Taylor Deutschle
903 Clayton Dr.
Worthington, OH 43085

Patrick T. McHenry
317 N. Main St.
Waynesville, OH 45068

Rosemary Robinson
16608 Walden Ave.
Cleveland, OH 44128

Barbara Gould
8525 Camargo Club Dr.
Cincinnati, OH 45243

Robert J. Letourneau
7461 Fitzroy Ct.
Cincinnati, OH 45241