



Ohio Medical Cannabis Act 2012  
(614) 300-529  
contact@omca2012.org  
www.omca2012.org

September 7, 2011

Hon. Mike DeWine  
Ohio Attorney General  
30 East Broad Street, 14<sup>th</sup> Floor  
Columbus, OH 43215

ATTORNEY GENERALS OFFICE

SEP - 7 2011

RECEIVED  
CONSTITUTIONAL OFFICES

Dear Attorney General DeWine,

Pursuant to Ohio Revised Code 3519.01, please find enclosed: 1.) 98 petitions containing 2,365 signatures of purported qualified Ohio electors, 2.) the full text of a Constitutional amendment (entitled the Ohio Medical Cannabis Amendment), and 3.) a proposed summary of the amendment for your examination and certification.

The Committee to Represent the Petitioners requests that a summary tally sheet be provided to its members showing the number of signatures submitted to each county board of election for verification and the number of signatures that each county board of election verified.

Please direct all correspondence related to the Petition to members of the Committee to Represent the Petitioners:

Dr. Robert Fittrakis, Esq.  
1021 East Broad Street  
Columbus, OH 43205

Theresa Gray  
11540 Lancaster Dr.  
Auburn Township, OH 44023

Connie Everett  
5717 Bromley Avenue  
Worthington, OH 43085

Mary Jane Borden  
175 Fairview Avenue  
Westerville, OH 43081

Don E Wirtshafter, Esq.  
6998 SR 329, Box 18  
Guysville, OH 45735

[contact@omca2012.org](mailto:contact@omca2012.org)

Sincerely,

Theresa Gray

Enclosures

Number \_\_\_\_\_

County \_\_\_\_\_

Issued to \_\_\_\_\_  
(NAME OF SOLICITOR)

Date of Issuance \_\_\_\_\_

INITIATIVE PETITION

Amendment to the Constitution

Proposed by Initiative Petition

To be submitted directly to the electors

**Amendment**

Title: The Ohio Medical Cannabis Amendment

SUMMARY

Be it resolved by the people of the State of Ohio: That the Constitution of the State of Ohio be amended by adopting a section to be designated as Section 12 of article XV thereof, to read as follows:

**Article XV: Section 12. Medical Cannabis**

This amendment is exclusive to medical cannabis and its regulation and control while all present laws against the possession, sale, and distribution of recreational marijuana and/or its products are left intact. The purpose of this Amendment is to protect Ohio's sick and dying and their practitioners and providers from arrest, prosecution, criminal, civil and other penalties for use, possession, distribution and cultivation of cannabis for the treatment or recommendation of such for a debilitating medical condition. Effective thirty days after its approval by the electors of Ohio, regulation and control of medical cannabis shall be implemented based upon existing laws that regulate and control wine vineyards, manufacture and distribution of wine. Measures are in place to ensure safety and compliance; to prevent diversion to the black market; to create revenue for the State; to establish an industry overseen by the Department of Commerce; and to legitimize cannabis as a medicine for those it is deemed to be helpful, only with a licensed practitioner's written recommendation.

Among other provisions, this Amendment to be enacted by adopting Article XV Section 12 of the Ohio Constitution will do the following:

- Provide comprehensive legal protection and exemption from the criminal code for qualified registered patients, their practitioners and providers;
- Create three new governmental bodies within the Department of Commerce to oversee patient certification and medical practitioners; to accept or deny applications for permits; and to regulate and control:

**Commission of Medical Cannabis Control:** The Commission shall ensure statewide compliance with the Amendment and provide fair and impartial hearings for the protection of the public and cardholders. It shall adopt and promulgate rules, standards, requirements, and orders necessary to carry out this Amendment, and shall work in conjunction with the Ohio Department of Commerce, the Superintendent of and the Division of Medical Cannabis Control, and the Ohio Department of Public Safety, Investigative Unit. The Commission shall consist of nine Commissioners, not more than five of whom shall be of the same political party, and include: two members submitted from lists presented by the presidents of at least seven of Ohio's medical colleges; two members presented by the Board of Governors of the Ohio State Bar Association from a list of qualified attorneys at law having a minimum of five years of active law practice; one member submitted by application from qualified patients to hold the position for a period of up to 365 days, after which the member is to be replaced by one member submitted by application from qualified Medical Cannabis Safety Compliance and Educational Facility permit holders; two members submitted by application from registered qualified patients; and two members submitted by application from registered qualified patients to hold their positions for a period of up to 365 days, after which they are to be replaced by two members submitted by application from qualified cultivation and operational permit holders. Approval or denial of any petition for the addition of a medical condition, or the denial of a permit, or renewal, is a final decision of the Commission subject to judicial review vested in the Franklin County Court of Common Pleas.

**Division of Medical Cannabis Control:** The Division shall control the cultivation, manufacture, distribution and sale of cannabis for medical purposes in this state; shall grant or refuse permits, and warn, fine, suspend, revoke and cancel permits, as authorized or required by the Commission. The Division shall provide for the custody, safekeeping, and deposit of all moneys, checks, and drafts received by it or any of its employees or agents prior to paying them to the treasurer of state. It is a financial necessity of the Division, for the thorough regulation and control of medical cannabis in the state, that



financial institutions licensed to conduct business in the state by the Ohio Department of Commerce, Division of Financial Institutions, open accounts, take deposits and provide cardholders the same services and benefits provided to other customers, except offering loans to permit holders which shall not be required.

**Superintendent of Medical Cannabis Control:** The Superintendent shall be appointed by the Director of Commerce, and is the head of the Division of Medical Cannabis Control. The Superintendent in accordance with the Commission may adopt and promulgate rules, standards, requirements, and orders governing the employees of the Division necessary to carry out the mission of this Amendment and in accordance with the Commission.

- Define debilitating medical conditions as all federally approved medical conditions for the use of medical cannabis covered under the federal Compassionate Investigational New Drug Study program, including but not limited to: multiple congenital cartilaginous exostosis, glaucoma, multiple sclerosis, nail-patella syndrome, positive status for human immunodeficiency virus and acquired immune deficiency syndrome; to which are here added any terminal patient or person with a terminal condition; agitation of Alzheimer's disease; amyotrophic lateral sclerosis; cancer; celiac disease; Crohn's disease; hepatitis C; mylomalacia; post traumatic stress; Rheumatoid arthritis; sickle cell anemia; injury or disease to the spinal cord, spinal column, or vertebra; or the treatment of these conditions; a chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe or chronic pain; severe or chronic nausea; seizures, including those characteristic of epilepsy; and severe or persistent muscle spasms. New medical conditions may be added by the Commission of Cannabis Control on their own initiative or by petition. Any citizen may petition the Commission to add a medical condition to the list of debilitating medical conditions. Also, a medical practitioner may petition the Commission to grant a confidential registry identification card to an individual patient under their care who does not qualify to become a registered qualified patient because their medical condition is not on the list of debilitating medical conditions.
- Define designated caretakers as a patient's family member, a person who lives in the same residence as the patient, a person holding the patient's medical power of attorney, or notarized statement that the person is the designated caretaker, who is age twenty-one years or older. A designated caretaker cannot be registered with more than two registered qualifying patients.
- Define designated cultivators a person who is at least twenty-one years of age; has not been convicted of an excluded felony offense; and holds a valid vendor's license and a cultivation permit issued from the Division authorizing the cultivation, possession, manufacture, transfer and sale of medical cannabis to any registered qualified patient, their designated caretaker and other permit holders.
- Protect patients' rights and confidentiality pursuant to the Health Insurance Privacy and Accountability Act of 1996.
- Prohibit discrimination against medical cannabis patients for the purposes of school enrollment, housing, medical treatment, custody and visitation, hiring and termination in employment, unless a failure to do so would cause the employer, landlord, or school to lose a monetary or licensing-related benefit under federal law or federal regulations.
- Require members of the Commission, the Superintendent and his/her chiefs, deputies and field agents in the Division and applicable employees of the Department, as well as commercial permit holders, to obtain a certificate of attendance and satisfactory completion for a course of study at a medical cannabis safety compliance and educational facility.
- Provide for Confidential Registry Identification Cards. Patients, caretakers, cultivators and permit holders will apply for and carry a confidential registry identification card. Patient applicants must submit a written recommendation issued by a practitioner, an application, and an application fee. Confidential registry identification cards shall be durable, wallet-size, and contain the name of the cardholder; a designation of whether the cardholder is a patient, caretaker, cultivator, or other permit holder; a random eleven-digit alphanumeric identification number; a color photograph of the cardholder; and the phone number and web address for the confidential registry verification system. The Division shall establish a secure web-based registry verification system for use by the Division, law enforcement personnel, and the registrar of motor vehicles licensing agencies, to verify information presented by qualified cardholders. The Division may contract with the Registrar of Motor Vehicles to process applications and issue confidential registry identification cards to patients, caretakers, and providers licensed by the Division.

This Amendment shall not authorize any person to engage in, and does not prevent the imposition of any civil, criminal, or other penalties for undertaking any task under the influence of cannabis, when doing so would constitute negligence or professional malpractice; possessing cannabis, or otherwise engaging in the medical use of cannabis in a school bus, on the grounds of any preschool or primary or secondary school, or in any correctional facility; smoking cannabis on any form of public transportation or at any location not authorized for smoking tobacco; operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or motorboat while under the influence of medical cannabis. Certain exceptions are allowed, such as a registered qualifying patient or visiting qualifying patient shall not be considered to be under the influence of cannabis solely because of the presence of metabolites or components of cannabis that appear in insufficient concentration to cause impairment, or in the case of a patient holding a valid confidential registry identification card, in no instance shall the presence of the confidential registry identification card be the sole cause to suspect the patient is operating a vehicle under



the influence. Additionally, other than patient registry, applicants must submit fingerprints and will undergo background checks; the amount of cannabis that may be purchased is limited; the Commission will ensure uniform and fair regulation; local option laws allow voters to ban cannabis retail establishments through a local ballot measure; and enforcement provisions of this Amendment to be provided by the Ohio Department of Public Safety.

Applications and permits other than for patients and caretakers are for designated cultivators, infused product manufacturers, agricultural cooperatives, scientific research laboratories, safety compliance and education facilities, and medical cannabis retail establishments. All contain rules and regulations. Designated cultivators are subject to an eight patient limit in areas zoned for agriculture, commercial or industrial purposes; Infused Product Manufacturers permits are for edible cannabis and subject to labeling and health inspection; Agricultural Cooperative means a group of registered patients, caretakers, individuals and volunteers who may form a state chartered, not for profit organization and may operate according to specific terms and conditions such as the amount of medical cannabis shall not exceed the amount allowed the sum of the organization's registered qualified patient and designated caretaker members; Scientific Research Laboratories are to permit the testing of purity and content and to provide research and development; Safety Compliance and Educational Facilities are for required education and continued education for permit holders, the commission, division, and superintendent; and Medical Cannabis Retail Establishment permits are for places where medical cannabis is sold and located by criteria based upon county and population.

All cultivation sites shall be registered with the Division. Registered qualified patients, registered designated caretakers and registered designated cultivators are permitted to cultivate up to 12 mature and 12 immature cannabis plants and possess up to 200 grams of usable medical cannabis in areas zoned residential. The cultivation of cannabis in areas zoned for agriculture, commercial enterprises or industrial activities shall be limited to the total number of cannabis plants allowed eight qualified registered patients, per the limits and requirements of the type of operating permit they obtain.

The Treasurer of the State of Ohio shall provide a loan of up to two million dollars to the Division for hiring qualified personnel, leasing quarters, obtaining the necessary equipment, and for any other purpose directly related to the start-up and fulfillment of the mission of this Amendment, to be paid back with interest to the treasury within thirty months of the effective date of this Amendment. All moneys collected under this act shall be paid by the Division into the state treasury to the credit of the Medical Cannabis Control Fund; amounts in the Medical Cannabis Control Fund shall be used to pay all expenses incurred by the Division and Commission. If the amount in the Medical Cannabis Control Fund is in excess of that needed to meet the maturing obligations of the Division, the director shall transfer the excess to the credit of the Ohio Medical Cannabis Research Foundation.

An excise tax equal to two per cent of the value of raw cannabis and one per cent of the value of all other cannabis products produced by a commercial cultivation permit holder for wholesale distribution, shall be levied by the Division upon commercial cultivation permit holders, together with all moneys received from application and permit fees, fines and all other moneys received, shall be paid to the credit of the medical cannabis control fund. Medical cannabis retail establishments are subject to sales tax.

\*end of summary\*

#### CERTIFICATION OF THE ATTORNEY GENERAL

This certification of the Attorney General, pursuant to Ohio Revised Code 3519.01(A), will be inserted when it is provided. It must be submitted with at least one thousand (1,000) valid signatures of Ohio electors before the Attorney General will issue that certification.

#### COMMITTEE TO REPRESENT THE PETITIONERS

The following people are designated as the committee to represent the petitioners in all matters relating to the petition or its circulation.

Dr. Robert Fittrakis, Esq.  
1021 East Broad Street  
Columbus, OH 43205

Theresa Gray  
11540 Lancaster Dr.  
Auburn Township, OH 44023

Connie Everett  
5717 Bromley Avenue  
Worthington, OH 43085

Mary Jane Borden  
175 Fairview Avenue  
Westerville, OH 43081

Don E Wirtshafter, Esq.  
6998 SR 329, Box 18  
Guysville, OH 45735



**NOTICE**

**Whoever knowingly signs this petition more than once; except as provided within section 3501.382 of the Revised Code, signs a name other than one's own on this petition; or signs this petition when not a qualified voter, is liable for prosecution.**

(Sign with ink. Your name, residence, and date of signing must be given.)

Signature	County	Township	Rural Route or Other Post-Office Address	Month/Day/Year
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(Voters who do not live in a municipal corporation should fill in the information called for by headings printed above.)  
 (Voters who reside in municipal corporations should fill in the information called for by headings printed below.)

	Signature	County	City or Village	Street and Number	Ward Pre-cinct	Month/Day/Year
1	Signature Print Name					
2	Signature Print Name					
3	Signature Print Name					
4	Signature Print Name					
5	Signature Print Name					
6	Signature Print Name					
7	Signature Print Name					
8	Signature Print Name					
9	Signature Print Name					
10	Signature Print Name					



Be it resolved by the people of the State of Ohio: That the Constitution of the State of Ohio be amended by adopting a section to be designated as Section 12 of Article XV thereof, to read as follows:

**Article XV: Section 12. Medical Cannabis.**

**Section 1. Title.**

This Amendment shall be known as the Ohio Medical Cannabis Amendment.

**Section 2. Definitions.**

**A. As used in this Amendment:**

- (1) "Debilitating medical condition" means one or more of the following:
  - (a) all federally approved medical conditions for the use of medical cannabis covered under the federal Compassionate Investigational New Drug Study program, including but not limited to: multiple congenital cartilaginous exostosis, glaucoma, multiple sclerosis, nail-patella syndrome, positive status for human immunodeficiency virus and acquired immune deficiency syndrome; to which are here added any terminal patient or person with a terminal condition; agitation of Alzheimer's disease; amyotrophic lateral sclerosis; cancer; celiac disease; Crohn's disease; hepatitis C; mylomalacia; post traumatic stress; rheumatoid arthritis; sickle cell anemia; injury or disease to the spinal cord, spinal column, or vertebra; Tourette syndrome; or the treatment of these conditions;
  - (b) a chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe or chronic pain; severe or chronic nausea; seizures, including those characteristic of epilepsy; severe or persistent muscle spasms;
  - (c) any other medical condition or its treatment added to this definition of a debilitating medical condition elected by the Commission, pursuant to Section 4 (A) of this Amendment.
- (2) "Cannabis" means marihuana as defined in Chapter 3719.01 of the Revised Code.
- (3) "Cannabis plant" means an individual of the cannabis genus or their cultivars.
- (4) "Cardholder" means a registered qualifying patient, a patient's designated caretaker, a designated registered cultivator, permit holder or an employee or volunteer of a permit holder, who is listed in the confidential registry and has been issued a durable, photographic, confidential registry identification card by the Ohio Division of Medical Cannabis Control or its contracted agency.
- (5) "Commission" means the Ohio Commission of Medical Cannabis Control.
- (6) "Confidential registry identification card" means a tamper-proof, wallet size, durable identification document that contains the cardholder's name and a photograph of the cardholder issued by the Division, or its contracting agency, identifying the cardholder as a registered qualifying patient, a registered designated caretaker, a registered designated cultivator, a permit holder and the classification of the permit held, or an employee or volunteer of a permit holder; also, the date of issue and expiration and an eleven-digit alphanumeric identification number that is unique to the cardholder.
- (7) "Confidential verification system" means a secure, confidential, web-based, data system established and maintained by the Division that is available to law enforcement personnel on a twenty-four-hour basis for verification of confidential registry identification cards.
- (8) "Department" means the Ohio Department of Public Safety, Investigative Unit.
- (9) "Designated caretaker" means a patient's family member, a person who lives in the same residence as the patient, a person holding the patient's medical power of attorney or notarized statement that the person is the designated caretaker, who is age twenty-one years or older, has been issued a confidential registry identification card and agrees to assist in the patient's preparation, use and administration of medical cannabis, including but not limited to obtaining, possessing and transporting paraphernalia, usable cannabis and cannabis plants in lawful amounts as described by this Amendment for a registered qualified patient under their care. A designated caretaker is not required to reside with the patient. A designated caretaker cannot be registered with more than two registered qualifying patients.
- (10) "Designated cultivator" means a person who is at least twenty-one years of age; has agreed to assist patients in their medical use of cannabis; has not been convicted of an excluded felony offense; holds a valid vendor's license and a cultivation permit issued from the Division authorizing the cultivation, possession, manufacture, transfer and sale of medical cannabis to any registered qualified patient, their designated caretaker and other permit holders.
- (11) "Division" means the Ohio Division of Medical Cannabis Control.
- (12) "Driver's license" means a class D license issued to any person to operate a motor vehicle or motor-driven cycle, other than a commercial motor vehicle, as defined in Chapter 4507.01 of the Revised Code.
- (13) "Enclosed locked facility" means a room, building, greenhouse, farm, garden, or parcel of land used for the cultivation of cannabis which shall be enclosed on all sides, excluding the necessity of a roof; to be equipped with locks and kept locked whenever the cardholder is away and, in the case of outdoor cultivation sites, is also screened to obstruct the view of cannabis plants from the outside at ground level.
- (14) "Excluded felony offense" means a crime classified as a felony in the jurisdiction where the person was convicted, not including:



- (a) a violation of a state or federal cannabis law that was classified as a felony in the jurisdiction where the person was convicted, if:
- (i.) an offense for which the sentence, including any term of probation, incarceration, or supervised release was completed ten or more years earlier; or
  - (ii.) an offense that consisted of conduct for which this Amendment would likely have prevented a conviction, but the conduct either occurred prior to the enactment of this Amendment; or
  - (iii.) an offense prosecuted by an authority in a state other than Ohio would be considered a misdemeanor in the state of Ohio.
- (b) a person having been convicted of an excluded felony offense may apply to the Division for consideration of a permit on a case-by-case basis; whereas, the Division shall forward the application to the Department of Public Safety, Investigative Unit's Investigative Services for review, following the same procedures governed by the Ohio Division of Liquor Control policy.
- (15) "Immature cannabis plant" means a cannabis plant that has not yet undergone botanical sexual differentiation and therefore is not a mature cannabis plant.
- (16) "Law enforcement personnel" has the same meaning as in Chapter 2901.01 of the Revised Code.
- (17) "Infused product" means a product infused with medical cannabis that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments and tinctures. These products, when manufactured, sold or used shall not be considered a food or drug for the purposes of the Ohio Pure Food and Drug Law, under Chapter 3715 of the Revised Code, and shall not be subject to food sampling conducted by the Director of Agriculture, or a representative the Director authorizes, to determine if a food product is misbranded or adulterated.
- (18) "Male plant" means a sexually differentiated mature male cannabis plant, designated by the cultivator for the sole purpose of pollination and genetic stock.
- (19) "Mature cannabis plant" means a cannabis plant that has undergone botanical sexual differentiation as shown by having flower buds that are readily observable by unaided visual examination; or, in the case of an observer who relies on eyeglasses or corrective lenses to see correctly, are readily observable by examination aided solely by the observer's eyeglasses or contact lenses.
- (20) "Medical use" means the acquisition, administration, cultivation or manufacture in an enclosed locked facility, delivery, possession, transportation, transfer, or use of medical cannabis or paraphernalia relating to the administration of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition. It does not include cultivation by a visiting qualifying patient or cultivation by a registered qualifying patient who has not registered their cultivation site with the Division.
- (21) "Mother plant" means a sexually differentiated mature female cannabis plant designated by the cultivator for the sole purpose of producing cuttings and genetic stock.
- (22) "Permit holder" means a person issued a document by the Division of Medical Cannabis Control granting the authority to cultivate, possess, manufacture, transport, distribute and sell usable cannabis, cannabis products, cannabis plants and paraphernalia to registered qualified patients under the conditions described by various permits and pursuant to this Amendment.
- (23) "Practitioner" means a person who is licensed with State Medical Board of Ohio to prescribe drugs to humans, including the following:
- (a) a dentist or oral surgeon licensed under Chapter 4715 of the Revised Code; (b) an optometrist who holds a therapeutic pharmaceutical agent's certificate issued under Chapter 4725.13 of the Revised Code; (c) a physician authorized under Chapter 4731 of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or pediatric medicine and surgery; (d) a psychiatrist authorized under Chapter 4731 of the Revised Code as it relates to the treatment of post traumatic stress or other debilitating psychological conditions which may be added by the Commission; (e) in relation to a visiting qualifying patient, "practitioner" means a person who is licensed with authority to prescribe drugs to humans in the state of the patient's residence.
- (24) "Qualifying patient" means a person who has been diagnosed by a practitioner within the physician's scope of practice as having a debilitating medical condition.
- (25) "Raw cannabis" means the dried, cured, flowering tops of the female cannabis plant.
- (26) "Registered cultivation sites" means the location, if any, at which a registered qualified patient, registered designated cultivator, or permit holder may cultivate cannabis under conditions described by a permit issued by the Division and pursuant to this Amendment.
- (27) "Registered qualifying patient" means a qualifying patient who holds a valid confidential registry identification card issued by the Division, or its contracted agency.
- (28) "Scientific research laboratory" means an entity issued a permit by the Division to provide one or more of the following services: testing cannabis produced for medical use for potency and contaminants; and for the research, development and distribution of new and useful cultivars of medical cannabis.
- (29) "Safety compliance and educational facility" means an entity issued a permit by the Division to provide educational services and training to prospective and current cardholders and employees of the Division, Superintendent and



Department. The training may include, but need not be limited to the safe and efficient cultivation, harvesting, packaging, labeling, and distribution of cannabis; security and safety accountability procedures and up-to-date scientific and medical research findings related to medical cannabis.

(30) "Seedling" means an immature cannabis plant with at least one cotyledon attached to the stem.

(31) "Superintendent" means the Superintendent of the Division of Medical Cannabis Control.

(32) "Terminal condition" means an irreversible and incurable condition caused by disease, illness, or injury, which will likely result in death. A terminal condition is one in which there can be no recovery, although there may be a period of remission.

(33) "Terminal patient" means a patient who is near the end of life.

(34) "Usable cannabis" means the dried and cured flowers of the female cannabis plant and any mixture, tincture, oil, reduction, compound, concentrate, infused product or preparation thereof. This does not include cannabis that is incidental to medical use including; seeds, seedlings, stalks or roots and the weight of any non-cannabis ingredients combined with cannabis, such as ingredients added to prepare a topical administration, food or drink.

(35) "Visiting qualifying patient" means a person diagnosed with a debilitating medical condition who possesses a valid registry identification card or its equivalent, that was issued pursuant to the laws of another state, district, territory, commonwealth, insular possession of the United States or country recognized by the United States that allows the person to use cannabis for medical purposes in the jurisdiction of issuance; and who is not a resident of Ohio or who has been a resident of Ohio for less than thirty days.

(36) "Written recommendation" means a document dated and signed by a practitioner, stating that in the practitioner's professional opinion the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition. A written recommendation shall be made only in the course of a bona fide practitioner-patient relationship after the practitioner has completed an assessment of the qualifying patient's medical history and a physical exam. The written recommendation shall specify the qualifying patient's debilitating medical condition.

### **Section 3. Protections for the Medical Use of Cannabis.**

(A) A registered qualifying patient or registered designated caretaker shall not be subject to arrest, prosecution, or denial of any right or privilege, including but not limited to civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for the medical use of cannabis pursuant to this Amendment, if the registered qualifying patient does not possess more than two hundred grams of usable cannabis, and twelve immature and twelve mature cannabis plants, or if the registered designated caretaker does not possess more than two hundred grams of usable cannabis, and twelve immature and twelve mature cannabis plants for more than two registered qualifying patients.

(B) A registered designated cultivator shall not be subject to arrest, prosecution, or denial of any right or privilege, including but not limited to civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau for assisting registered qualifying patients and their registered designated caretakers, and the registered qualifying patients to whom the designated cultivator is affiliated through the Division's registration process, with the medical use of cannabis; for supplying permit holders with usable cannabis, cannabis plants and cannabis products for medical use, if the registered designated cultivator does not possess more than two hundred grams of usable cannabis and twelve immature and twelve mature cannabis plants for each qualifying patient to whom he or she is connected through the Division's registration process; or for receiving compensation from registered qualifying patients, their designated caretakers and permit holders.

(C) A registered cardholder holding a valid commercial cultivation and/or operational permit issued by the Division shall not be subject to arrest, prosecution, or denial of any right or privilege, including but not limited to civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for activities and amounts of usable cannabis and cannabis plants authorized by the permit issued by the Division.

(D) All cannabis plants possessed pursuant to this Amendment must be kept in an enclosed locked facility, unless the cannabis plants are being transported because the cardholder is moving and has changed his or her designated registered cultivation site with the Division, a registered qualified patient changed their registered designated cultivator, or the plants are being transferred by a registered cardholder allowed to transfer cannabis plants pursuant to this Amendment and the terms cited for a valid permit issued by Division to a registered cardholder.

(E) A visiting qualifying patient shall not be subject to arrest, prosecution, or denial of any right or privilege, including but not limited to civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for the medical use of cannabis pursuant to this Amendment if the visiting qualifying patient does not possess more than two hundred grams of usable cannabis.

(F) There shall be a presumption that a qualifying patient is engaged in, or a registered cardholder is assisting with, the medical use of cannabis in accordance with this Amendment if the qualifying patient or registered cardholder:

(1) is in possession of a valid confidential registry identification card, or, in the case of a visiting qualifying patient, its equivalent; and

(2) is in possession of an amount of cannabis and/or cannabis plants that does not exceed the amount allowed under this Amendment or pursuant to the terms cited in the Division's issued permit held by a cardholder.



(3) The presumption may be rebutted by evidence that conduct related to cannabis was not for the purpose of treating or alleviating the qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition in compliance with this Amendment.

(G) A practitioner shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by the State Medical Board of Ohio or by any other occupational or professional licensing board or bureau solely for providing written recommendations or for otherwise stating that, in the practitioner's professional opinion, a patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's serious or debilitating medical condition or symptoms associated with the serious or debilitating medical condition, provided that nothing in this Amendment shall be deemed to release a practitioner from the duty to exercise a professional standard of care for evaluating a patient's medical condition.

(H) No person shall be subject to arrest, prosecution, or denial of any right or privilege, including but not limited to civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for selling cannabis paraphernalia to a cardholder upon presentation of a valid, unexpired confidential registry identification card in the recipient's name; being in the presence or vicinity of the medical use of cannabis as allowed under this Amendment; or assisting a registered qualifying patient with using or administering cannabis.

(I) Any cannabis, usable cannabis, cannabis plants, cannabis paraphernalia, licit property, or interest in licit property that is possessed, owned, or used in connection with the medical use of cannabis or as allowed under this Amendment, or acts incidental to such use, shall not be seized or forfeited. This Amendment shall not prevent the seizure or forfeiture of usable cannabis or cannabis plants which exceed the amounts allowed under this Amendment, nor shall it prevent seizure or forfeiture if the basis for the action is unrelated to the cannabis that is possessed, manufactured, transferred, sold or used pursuant to this Amendment.

(J) Mere possession of, or application for, a confidential registry identification card or permit from the Division shall not constitute probable cause or reasonable suspicion, nor shall it be used to support the search of the person, property, or home of the person possessing or applying for the confidential registry identification card. The possession of, or application for, a confidential registry identification card shall not preclude the existence of probable cause if probable cause exists on other grounds.

(K) For the purposes of Ohio state law, the medical use of cannabis by a registered qualifying patient shall be considered lawful as long as it is in accordance with this Amendment.

(L) Where a state-funded or locally funded law enforcement agency encounters an individual who, during the course of an investigation, credibly asserts that he or she is a registered cardholder, or encounters an entity whose personnel credibly assert that it is registered and permitted, the law enforcement agency shall not provide any information from any cannabis-related investigation of the person or entity to any law enforcement authority that does not recognize the protection of this Amendment and any prosecution of the individual, individuals, or entity for a violation of this Amendment shall be conducted pursuant to the laws of this state.

(M) Any individual, or recipient of any public assistance, including but not limited to need-based programs that provide cash assistance, medical assistance, housing assistance, food assistance, energy assistance, student housing, student scholarships or grants, welfare, unemployment benefits; or in the case of child custody, a parent or legal guardian; who is determined by chemical test conducted by an office or agency of the state, county or local government for any circumstance; or an individual suspect of a criminal act; or to obtain any benefit, privilege, or license offered by the state, county or local government, or an organization under contract by same; and found to have a concentration of medical cannabis cannabinoids or medical cannabis metabolites in the individual's person that equals or exceeds an applicable level established as a prohibited amount, shall not be determined to have a controlled substance in a prohibited amount if the individual obtained the medical cannabis pursuant to a written recommendation issued by a practitioner authorized to prescribe drugs, and shall have the same meaning as in section 4511.194 (E) of the Revised Code, which hereby applies.

#### **Section 4. Addition of Debilitating Medical Conditions.**

(A) Any citizen may petition the Commission to add a medical condition to the list of debilitating medical conditions listed and defined in Section 2 (A) (1)(a) and (b) of this Amendment. The Commission shall consider petitions in a manner set and published by the Commission, including public notice and hearings. The Commission shall approve or deny a petition within one hundred and twenty days of its submission.

(B) A practitioner may petition the Commission's patients medical conditions committee to grant a confidential registry identification card to a patient under their care who does not presently qualify to become a registered qualified patient by reason of their medical condition not presently being on the list of debilitating medication conditions as defined in Section 2 (A) (1)(a) and (b) of this Amendment, but feels their patient could benefit from the use of medical cannabis to treat their medical condition or symptom. The Commissioners may grant or deny such petition, or conditionally grant the request, require specific reporting terms to the Commission on the patient's progress or lack thereof, or handle the request in any manner deemed appropriate. The Commission shall approve or deny a petition within thirty days of its submission.

#### **Section 5. Discrimination Prohibited.**

(A) No school or landlord, for either public or private housing, for Section 8 or voucher housing, or for commercial real



estate, may refuse to enroll or lease to, or otherwise penalize, a person solely for his or her status as a registered qualifying patient or a registered cardholder, unless failing to do so would cause the school or landlord to lose a monetary or licensing-related benefit under federal law or regulations.

(1) For the purposes of medical care, including organ transplants, a registered qualifying patient's authorized use of cannabis in accordance with this Amendment shall be considered the equivalent of the authorized use of any other medication used at the direction of a physician and shall not constitute the use of an illicit substance or otherwise disqualify a qualifying patient from needed medical care.

(2) Unless a failure to do so would cause the employer to lose a monetary or licensing-related benefit under federal law or federal regulations, an employer may not discriminate against a person in hiring, termination, or any term or condition of employment, or otherwise penalize a person, if the discrimination is based upon the person's status as a cardholder.

(B) A person otherwise entitled to custody of or visitation or parenting time with a minor shall not be denied such a right, and there shall be no presumption of neglect or child endangerment for conduct allowed under this Amendment, unless the person's actions in relation to cannabis were such that they created an unreasonable danger to the safety of the minor as established by clear and convincing evidence.

(C) No school, landlord for either public or private housing, Section 8 or vouchers for housing, or commercial real estate, or employer may be penalized or denied any benefit under state law for enrolling, leasing to, or employing a cardholder.

(D) Notwithstanding Section 7 (C) of this Amendment, an employer shall not discriminate against a qualified registered patient in hiring, termination, or any term or condition of employment or otherwise penalize a qualified registered patient, provided the medical use of medical cannabis does not occur on the property or premises of the place of employment or during the hours of employment.

(E) It is a financial necessity of the Division, for the thorough regulation and control of medical cannabis in the state, that financial institutions licensed to conduct business in the state by the Ohio Department of Commerce, Division of Financial Institutions, shall open accounts, take deposits and provide cardholders the same services and benefits provided to other customers, except offering loans to permit holders shall not be required.

(F) A person who has suffered discrimination in violation of this section may institute and prosecute in his or her own name and on his or her own behalf a civil action for damages, injunctive relief, reasonable attorney's fees and costs, any other appropriate equitable relief to protect the peaceable exercise of the right or rights secured, and any other relief the court may deem proper.

#### **Section 6. Limitations.**

(A) This Amendment shall not authorize any person to engage in, and does not prevent the imposition of any civil, criminal, or other penalties for engaging in, the following conduct:

(1) undertaking any task under the influence of cannabis, when doing so would constitute negligence or professional malpractice;

(2) possessing cannabis, or otherwise engaging in the medical use of cannabis in a school bus, on the grounds of any preschool or primary or secondary school, or in any correctional facility;

(3) smoking cannabis on any form of public transportation or at any location not authorized for smoking tobacco;

(4) operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or motorboat while under the influence of medical cannabis, as defined in Chapters 4511.19 or 4511.194 of the Revised Code, relating to the operation of vehicles under the influence; except

(a) a registered qualifying patient or visiting qualifying patient shall not be considered to be under the influence of cannabis solely because of the presence of metabolites or components of cannabis that appear in insufficient concentration to cause impairment; or

(b) in the case of a patient holding a valid confidential registry identification card, then section 4511.194 (E) of the Revised Code hereby applies, where "the person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs" and shall have the same effect with the term "prescription" hereby changed, pursuant to this Amendment, to the term "written recommendation;" and

(c) until and unless the National Highway Traffic Safety Administration develops and mandates standardized tests for operating a vehicle under the influence of cannabis, a registered qualified patient shall fail a generally accepted field sobriety test given by law enforcement personnel, which shall be captured on a video recording device for court proceedings, before the patient can be suspect of driving under the influence; and

(d) in no instance shall the presence of a confidential registry identification card be the sole cause to suspect the patient is operating a vehicle under the influence.

#### **Section 7. Acts Not Required, Acts Not Prohibited.**

(A) Nothing in this Amendment requires:

(1) a government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of cannabis;

(2) any person or establishment in lawful possession of property to allow a guest, client, customer or other visitor to smoke cannabis on or in that property; or



(3) an employer to accommodate any use of medical cannabis in the workplace or to allow an employee to work while under the influence of cannabis, except that a registered qualifying patient shall not be considered to be under the influence of cannabis or impaired solely because of the presence of metabolites or components of cannabis that appear in insufficient concentration to cause impairment, and Section 6 (A)(4)(b) of this Amendment hereby applies.

(B) Nothing, in this section or by mandate, shall prohibit a private health insurer to reimburse a person for costs associated with the medical use of cannabis, or prohibit a private insurer from offering liability or commercial insurance to a cardholder.

(C) Nothing in this section prohibits an employer from terminating the employment of, or taking other corrective action against a qualified registered patient employee for using medical cannabis on the property or premises of any place of employment or during the hours of employment, or working impaired due to influence of cannabis, except that a registered qualifying patient shall not be considered impaired due to the influence of medical cannabis solely upon circumstances described in Section 6 (A)(4)(b) of this Amendment.

#### **Section 8. The Regulation and Control of Medical Cannabis in Ohio.**

(A) This Amendment requires the development of rules, regulations and enforcement procedures to allow for a safe and secure distribution system of medical cannabis for Ohio's sick and dying citizens. The present laws, rules and regulations governing Ohio's vineyards, and the manufacture, distribution and sale of wine shall serve as the model for the regulatory provisions of this Amendment. In addition to the provisions stated in this Amendment, applicable Chapters from the Ohio Revised Code 4301 and 4303 and Ohio Administrative Code 4301 and 4301:1 governing the Ohio Liquor Control Commission, Ohio Division of Liquor Control and Superintendent of Liquor Control, shall be adapted and modified, where applicable, to fulfill the mission of this Amendment.

(B) This Amendment creates the following governing bodies: the Ohio Medical Cannabis Control Commission; the Ohio Division of Medical Cannabis Control and the Superintendent of Medical Cannabis Control.

#### **Section 9. The Ohio Commission of Medical Cannabis Control.**

(A) The mission of the Commission shall be to ensure statewide compliance with this Amendment and to provide fair and impartial hearings for the protection of the public and cardholders. The Commission shall work in conjunction with the Ohio Department of Commerce, the Superintendent of and the Division of Medical Cannabis Control, and the Ohio Department of Public Safety, Investigative Unit.

(B) The Commission shall be modeled upon Chapter 4301.022 of the Revised Code, its rules modeled upon Chapter 4301.03 and its powers modeled upon Chapter 4301.04 and the following provisions:

(1) the Commission shall consist of nine Commissioners, not more than five of whom shall be of the same political party, who shall always be appointed by the governor from a list of qualified citizens submitted in the following manner for terms of four years, with replacements made for vacancies in the same manner.

(a) two members submitted from lists presented by the presidents of at least seven of Ohio's medical colleges, each to submit the name of at least one practitioner who has expertise in treating a chronic or debilitating disease or medical condition or its symptoms as listed in Section 2 (1)(a) and (b) of this Amendment or expertise in the field of cannabinoid medicine. The medical colleges include, but are not limited to, the following:

(i) Wright State University Boonshoft School of Medicine, (ii) Northeast Ohio Universities College of Medicine, (iii) Ohio State University College of Medicine, (iv) University of Cincinnati College of Medicine, (v) University of Toledo College of Medicine, (vi) Case Western Reserve University School of Medicine, and (vii) Ohio University College of Osteopathic Medicine

(b) two members submitted from a list of qualified attorneys at law having a minimum of five years of active law practice, who are experts in the field of government regulations and are presented by the Board of Governors of the Ohio State Bar Association;

(c) one member submitted by application from qualified patients to hold the position for a period of up to 365 days, after which the member is to be replaced by one member submitted by application from qualified Medical Cannabis Safety Compliance and Educational Facility permit holders;

(d) two members submitted by application from registered qualified patients; and

(e) two members submitted by application from qualified patients to hold their positions for a period of up to 365 days, after which they are to be replaced by two members submitted by application from qualified cultivation and operational permit holders.

(f) The chairman of the Commission shall be elected yearly by a majority of the Commissioners.

(C) The Commission shall create and seat, by an election of its members, the following committees;

(1) on patient medical conditions; to consider the inclusion of additional medical conditions to the list of debilitating medical conditions, to consider petitions by practitioners, and for other purposes;

(2) on cultivation; to adopt and promulgate rules, standards and guidelines for the safe and efficient cultivation of cannabis; to include but not limited to, the types of horticultural products used, to encourage the development of cannabinoid rich strains and to help ensure the highest quality, purity and safety of cannabis for the sick and dying. The committee may require the laboratory testing of cannabis dispensed in retail establishments;

(3) to hear and consider cardholder appeals;



(4) to choose applicants for various permits;

(5) to oversee and make grants from the Ohio Cannabis Research Foundation, pursuant to Section 16 (D) of this Amendment.

(D) Members of the Commission, the Superintendent and his/her chiefs, deputies and field agents in the Division and applicable employees of the Department shall, within one hundred and twenty days after accepting appointment or employment, obtain a certificate of attendance and satisfactory completion for a course of study at a medical cannabis safety compliance and educational facility, and thereafter, shall complete a continuing education course every two years.

(E) Each member of the Commission shall receive an amount fixed pursuant to Chapter 124.15 (J) of the Revised Code for each day employed in the discharge of official duties and his or her necessary expenses.

#### **Section 10. Rules of the Commission.**

(A) The Commission shall adopt and promulgate rules, standards, requirements, and orders necessary to carry out this Amendment:

(1) rules with reference to applications for and the issuance of permits for the cultivation, manufacture, distribution, transportation, and sale of cannabis for medical use; and rules governing the procedures used by the Division to issue fines, warnings, suspension, revocation, and cancellation of those permits;

(2) rules, orders and standards for commercial cultivation and operational permits authorized pursuant to this Amendment, with a view to ensuring compliance and good order in any place licensed under these permits;

(3) rules determining the nature, form, and capacity of all packages and containers to be used for containing cannabis, governing the form of all seals and labels to be used on those packages, and requiring the label on every package and container to state the ingredients in the contents;

(4) uniform rules governing advertising with reference to the sale and dispensing of cannabis throughout the state, and advertising upon and in the premises licensed by the Division;

(5) rules restricting and placing conditions upon the transfer of permits;

(6) rules and orders for the sale and dispensing of medical cannabis at retail establishments on Sundays and holidays; and with reference to the hours of the day; and rules with reference to the manner of sale and dispensing;

(7) rules governing the application and review process for citizens interested in obtaining a permit to cultivate and/or operate a medical cannabis business and the process to repeal, amend, or rescission permits;

(8) rules governing the need to create new rules and regulations, as deemed necessary from time to time; and for other purposes;

(9) rules governing the processing and hearing of appeals;

(10) every rule, regulation, standard, requirement, or order of the Commission shall be posted for public inspection in the principal office of the Commission and Division, and a certified copy of these documents shall be filed in the office of the Secretary of State.

#### **Section 11. Powers of the Commission.**

(A) The Commission has the following powers which it may exercise by the vote of a majority of the Commissioners:

(1) a majority of the Commissioners constitutes a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the Commission. No vacancy in the Commission shall impair the right of the remaining Commissioners to exercise all powers of the Commission. The act of a majority of the Commission, when in session, is the act of the Commission;

(2) to adopt, repeal, and amend bylaws in relation to its meetings and the transaction of its business and regulating its procedure on appeal;

(3) to consider and make recommendations upon any matter which the Superintendent submits to it for recommendation and determine any matter which the Superintendent submits to it for determination;

(4) to require of the Superintendent and of any officer, department, board, or commission of the state of any county, township, or municipal officer in this state, information with respect to the social and economic effects of this Amendment; and all such officers, departments, boards, and commissions shall furnish such information when requested in writing by the Commission;

(5) to consider, hear, and determine all appeals authorized by this Amendment, to be taken from any decision, determination, or order, and all complaints for the revocation of permits. The Division shall accord a hearing to any person appealing or complained against; at which such person has the right to be present, to be represented by counsel, to offer evidence, and to require the attendance of witnesses;

(6) except for the provisions set forth in this Amendment, to submit to the governor any new rules affecting the sale and dispensing of cannabis in this state when it deems desirable or necessary.

#### **Section 12. Jurisdiction.**

(A) No court, other than the Court of Common Pleas of Franklin County, has jurisdiction of any action against the Commission, enforcement agents of the Department of Public Safety, the Superintendent, or the Division, to restrain the exercise of any power or to compel the performance of any duty under this Amendment, its resulting rules or regulations.



(B) The approval or denial of any petition for the addition of a medical condition to the list of debilitating medical conditions listed and defined in Section 2 (A) (1)(a) and (b) of this Amendment is a final decision of the Commission subject to judicial review. Jurisdiction and venue are vested in the Franklin County Court of Common Pleas.

(C) Denial of a permit, or renewal, may be appealed to the Commission, and their decision is a final action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the Franklin County Court of Common Pleas.

(D) The suspension or revocation of a permit or confidential registry identification card may be appealed to the Commission, whose ruling is final, subject to judicial review. Jurisdiction and venue for judicial review are vested in the Franklin County Court of Common Pleas.

**Section 13. The Division of Medical Cannabis Control, Organization.**

(A) The Division consists of the Superintendent appointed by the Director of Commerce and such deputies, chiefs, agents, and employees as the Director of Commerce shall appoint to administer the various functions of the Division, including but not limited to the cultivation, manufacturing, distribution and dispensing of cannabis for medical purposes to Ohio's sick and dying citizens. The deputies and chiefs shall serve in the unclassified civil service.

(B) The Superintendent shall exercise all powers and perform all duties created and enjoined by this Amendment, except for the powers and duties vested in and enjoined upon the Commission by this Amendment and except for the powers and duties vested in the Department of Public Safety under Chapters 5502.13 to 5502.18 of the Revised Code.

(C) The Division shall compile and publish, in reasonable detail, information as to its financial and other operations; and the Commission shall hold not less than four public hearings annually for the purpose of hearing general complaints as to its policies under this Amendment, receiving suggestions with respect thereto, and for the dissemination of information to the public. All of the records of the proceedings of the Division shall be open to public inspection, except any information, record or data held in the Division's secure confidential registry verification system, in written recommendations, permits, or applications for permits, whether granted or denied, which exposure is hereby prohibited and exempt from all open records or sunshine laws.

(D) The Division shall do all of the following:

- (1) control the cultivation, manufacture, distribution and sale of cannabis for medical purposes in this state;
- (2) grant or refuse permits, and warn, fine, suspend, revoke and cancel permits, as authorized or required by this Amendment. A certificate, signed by the Superintendent and to which is affixed the official seal of the Division, which is hereby created, stating that it appears from the records of the Division that no permit has been issued to the person specified in the certificate, or that a permit, if issued, has been revoked, canceled, or suspended, shall be received as prima-facie evidence of the facts recited in the certificate in any court or before any officer of this state;
- (3) in determining the issuing of permits, the Division shall comply with the nondiscrimination provisions of Title VI of the Civil Rights Act of 1964, and any rules adopted under that act;
- (4) put into operation, manage, and control a system of permits authorizing the cultivation, manufacture, transportation, distribution and sale of medical cannabis, its sale in packages or containers, and labeling; a secure confidential verification system; an efficient and convenient means for qualified cardholders to apply for and obtain secure confidential registry identification cards; and in the rules promulgated by the Superintendent pursuant to this Amendment lease or in any manner acquire the use of any land or buildings required for any of those purposes; purchase any equipment that is required; and borrow money to carry on its business, and issue, sign, endorse, and accept notes, checks, and bills of exchange;
- (5) a finding, order, or decision of the Division to suspend a permit shall state and fix the effective date of the commencement and the period of duration of such suspension. Such finding, order, or decision of the Division to revoke or cancel a permit shall state and fix the effective date thereof;
- (6) enforce the administrative provisions of this Amendment, and the rules and orders of the Commission and the Superintendent relating to the cultivation, manufacture, transportation, distribution, and sale of medical cannabis. The attorney general, any prosecuting attorney, and any prosecuting officer of a municipal corporation or a municipal court shall, at the request of the Division, prosecute any person charged with the violation of any provision in this Amendment;
- (7) except for registered qualified patients with cultivation permits, conduct inspections of commercial cultivation and operation permit premises to determine compliance with the administrative provisions of this Amendment and the rules adopted under those provisions by the Commission;
- (8) except as otherwise provided in (D)(7) of this section, inspections of permit holder's facilities may be conducted only during those hours in which the permit holder is open for business and only by authorized agents or employees of the Division. Any inspection conducted pursuant to (D)(7) of this section is subject to all of the following requirements:
  - (a) other than property which is protected and made licit by this Amendment, the only property that may be confiscated is contraband, as defined in Chapter 2901.01 of the Revised Code, or property that is otherwise necessary for evidentiary purposes, excluding all manner of cannabis, paraphernalia and equipment made licit by this Amendment. In the case of a permit holder possessing amounts of usable cannabis, or numbers of plants, in excess of allowable amounts as stated in their permit, only the amount in excess of the permitted amounts shall be confiscated;



(b) a complete inventory of all property confiscated from the premises shall be given to the permit holder or the permit holder's agent or employee by the confiscating agent or officer at the conclusion of the inspection. At that time, the inventory shall be signed by the confiscating agent or officer, and the agent or officer shall give the permit holder or the permit holder's agent or employee the opportunity to sign the inventory;

(c) inspections conducted pursuant to Division (D)(7) of this section shall be conducted in a reasonable manner. A finding by any court of competent jurisdiction that an inspection was not conducted in a reasonable manner in accordance with this section, or any rules adopted by the Commission, may be considered grounds for suppression of evidence. A finding by the Commission that an inspection was not conducted in a reasonable manner, in accordance with this section or any rules adopted by it, may be considered grounds for dismissal of the Commission case;

(d) if any court of competent jurisdiction finds that property confiscated as the result of an administrative inspection is not necessary for evidentiary purposes and is not contraband, as defined in Chapter 2901.01 of the Revised Code, or made licit by this Amendment, the court shall order the immediate return of the confiscated property, provided that property is not otherwise subject to forfeiture, to the permit holder. However, the return of this property is not grounds for dismissal of the case. The Commission, likewise, may order the return of confiscated property if no criminal prosecution is pending or anticipated.

(9) delegate to any of its agents or employees any power of investigation that the Division possesses with respect to the enforcement of any of the administrative laws relating to medical cannabis in this Amendment, provided that this Amendment does not authorize the Division to designate any agent or employee to serve as an enforcement agent, except to mandate those agents and employees of the Department who shall have contact with cardholders shall obtain training at a medical cannabis safety compliance and educational facility. Otherwise, the employment and designation of enforcement agents shall be within the exclusive authority of the Director of Public Safety pursuant to Chapters 5502.13 to 5502.19 of the Revised Code;

(10) establish a secure, password protected, confidential registration verification system pursuant to the secure confidential identification registry defined in Section 19 of this Amendment;

(11) establish a method for qualified patients, designated caretakers, designated cultivators, permit holders and their employees or volunteers to apply for a confidential registry identification card by the internet or by mail;

(12) enter into a contract with the registrar of motor vehicles to provide confidential registry identification cards, containing a photograph of the qualified cardholder, to qualified cardholders and to assist the Division in carrying out the mission of this Amendment;

(E) Permit holders are subject to reasonable inspection by a representative of the Division. The Division shall give a reasonable notice of an inspection under this paragraph and inspections shall mirror the rules and regulations used by the Ohio Division of Liquor Control for the regulation of vineyards and the manufacture, distribution and sale of wine.

(F) The Division may do all of the following:

(1) sue, but may be sued only in connection with the execution of leases of real estate and the purchases and contracts necessary to fulfill the mission of this Amendment;

(2) enter into leases and contracts of all descriptions and acquire and transfer title;

(3) terminate at will any lease entered into pursuant to (F)(2) of this section upon first giving ninety days' notice in writing to the lessor of its intention to do so;

(G) The Division shall compute an anticipated gross profit from the proceeds of registration fees, permit fees, fines and excise taxes, which shall be at least sufficient to provide in each calendar year all costs and expenses of the Commission and Division and also an adequate working capital reserve for the Division.

#### **Section 14. The Superintendent of Medical Cannabis Control.**

(A) The Superintendent in accordance with the Commission may adopt and promulgate rules, standards, requirements, and orders governing the employees of the Division and any contracting agency, necessary to carry out the mission of this Amendment. The Superintendent shall make recommendations to the Commission for guidelines, standards, rules and regulations governing the management of cultivation and operational permits, for registering cardholders and the manner of conducting them; and to enforce, and abide by, the rules and regulations set forth by the Commission.

#### **Section 15. The Commission and Division to be Self Supporting.**

(A) Notwithstanding Section 37 (A) of this Amendment, all financial obligations of the Commission and Division created under authority of this Amendment shall be a charge only upon the moneys received by the Division from the excise tax on cannabis, fees on the issuance of confidential registry identification cards, fees for permits, fines and its other business transactions in connection with the business of medical cannabis, and shall not be general obligations of the state.

#### **Section 16. Custody, Safekeeping and Deposit of Funds.**

(A) The Division shall provide for the custody, safekeeping, and deposit of all moneys, checks, and drafts received by it or any of its employees or agents prior to paying them to the treasurer of state as provided by Chapter 113.08 of the Revised Code.



(B) All moneys collected under this Amendment shall be paid by the Division into the state treasury to the credit of the Medical Cannabis Control Fund, which is hereby created. Amounts in the Medical Cannabis Control Fund shall be used to pay all expenses incurred by the Division and Commission.

(C) An excise tax equal to two per cent of the value of raw cannabis and one per cent of the value of all other cannabis products produced by a commercial cultivation permit holder for wholesale distribution, shall be levied by the Division upon commercial cultivation permit holders, together with all moneys received from application and permit fees, fines and all other moneys received, shall be paid to the credit of the Medical Cannabis Control Fund.

(D) Whenever, in the judgment of the director of budget and management, the amount in the Medical Cannabis Control Fund is in excess of that needed to meet the maturing obligations of the Division, as working capital for its further operations and to pay the operating expenses of the Commission, the director shall transfer the excess to the credit of the Ohio Medical Cannabis Research Foundation, which is hereby created.

#### **Section 17. Registration of Qualifying Patients and Designated Caretakers.**

(A) The Division shall issue confidential registry identification cards to qualifying patients and/or designated caretaker who submit the following, in accordance with this Amendment, in person at any participating registrar of motor vehicles licensing agency, performing as an agent for the Division, or by means of the internet, or by mail, by submitting:

- (1) a written recommendation issued by a practitioner within 90 days immediately preceding the date of an application;
- (2) the application or renewal fee; fee not to exceed double the cost of a driver's license;
- (3) the name, address, and date of birth of the qualifying patient;
- (4) the name, address, and telephone number of the qualifying patient's practitioner; and
- (5) if the qualifying patient's practitioner states in the written recommendation the patient suffers from a terminal condition, the patient shall be released from the responsibilities of annual renewal and the word "permanent" shall be used in place of an expiration date on the confidential registry identification card;
- (6) the name, address, and date of birth of a designated caretaker and/or designated cultivator, if any;
- (7) if the qualifying patient designates a designated cultivator and/or designated caretaker, a signed statement from the designated cultivator and/or designated caretaker agreeing to be the patient's designated cultivator and/or designated caretaker;
- (8) if the qualifying patient chooses to cultivate their own cannabis, the applicant shall provide the address of his or her cultivation site;

(B) If applying by mail or the internet, the qualifying patient and/or designated caretaker shall also submit a passport-size, two inch by two inch, color photograph taken within thirty days of the application date, with their application.

(C) For a terminal patient, or one with a terminal condition, or one who is incapable due to their medical condition from applying in person, or filling out the required application, a family member, a person who lives in the same residence as the patient, or one who possesses the patient's medical power of attorney, age twenty-one years or older, may apply for the qualified patient and apply to be their designated caretaker.

(D) The Division shall not issue a confidential registry identification card to a qualifying patient who is younger than 18 years of age unless:

- (1) the qualifying patient's practitioner has explained the potential risks and benefits of the medical use of cannabis to the custodial parent or legal guardian with responsibility for health care decisions for the qualifying patient; and
- (2) the custodial parent or legal guardian with responsibility for health care decisions for the qualifying patient consents in writing to:
  - (a) allow the qualifying patient's medical use of cannabis;
  - (b) serve as the qualifying patient's designated caretaker;
  - and (c) control the acquisition of the cannabis, the dosage, and the frequency of the medical use of cannabis by the qualifying patient.

(E) The Division shall issue confidential registry identification cards to qualifying designated caretakers who submit the following, in accordance with this Amendment, in person at any participating registrar of motor vehicles licensing agency, performing as an agent for the Division, or by means of the internet, or by mail, by submitting:

- (1) the name, address, and date of birth of the qualifying designated caretaker;
- (2) the application or renewal fee; fee not to exceed double the cost of a driver's license;
- (3) the name, address, and date of birth of the qualifying or registered qualifying patient under their care;
- (4) the relationship to the patient: a patient's family member, a person who lives in the same residence as the patient, a person holding the patient's medical power of attorney, or a notarized statement that the applicant is the qualified registered patient's designated caretaker;
- (5) a statement signed by the qualifying designated caretaker, pledging not to divert cannabis to anyone who is not allowed to possess cannabis pursuant to this Amendment.

#### **Section 18. Registration of Qualifying Designated Cultivators and Commercial Permit Holders.**

(A) To qualify to become a registered designated cultivator or commercial permit holder, an interested individual, age twenty-one years or older, who is free from excluded felony convictions, as defined in Section 2 (A)(14) of this Amendment, shall submit an application to the Division by mail, or internet, containing all of the following:

- (1) a filled out application form and application fee;



- (2) proof of submission to the Ohio Bureau of Criminal Investigations and Federal Bureau of Investigations for criminal background checks, together with a full set of fingerprints;
  - (3) a valid vendor's license, where applicable, pursuant to the Division's permit classification;
  - (4) a qualified designated cultivator shall provide the name and eleven-digit alphanumeric identification number for each patient they wish to register to their designated cultivator's permit;
  - (5) an individual employed by, or volunteering for, a commercial permit holder, who has any access to medical cannabis, shall be qualified and apply, using the same provisions listed in Section 18 (A) (1) and (2), but not Section 18 (A)(3) or (4), of this Amendment for a confidential registry identification card, the fee for which shall not exceed double the cost of a driver's license.
- (B) The Division shall design and publish appropriate registered designated cultivator and commercial permit applications and annual renewal forms adapted from and similar in content, language, size and length as those used by the Ohio Division of Liquor Control for permits regulating vineyards and the manufacture, distribution and sale of wine.
- (C) The Division will either approve or deny the application using the same criteria employed by the Ohio Division of Liquor Control to approve or deny permits regulating vineyards and the manufacture, distribution and sale of wine.
- (1) If approved, and once the applicant has paid all fees required, the Division shall mail the appropriate permit document to the applicant, which permit shall then be used by the applicant to obtain a confidential registry identification card, and thereafter, the permit document issued is to be kept at the location listed on the permit;
  - (2) To obtain a confidential registry identification card, a registered designated cultivator or permit holder shall apply in person at a participating registrar of motor vehicles licensing agency, performing as an agent for the Division, and submit the following:
    - (a) the mailed permit, proof of identity, and an annual fee for the confidential registry identification card; fee not to exceed double the cost of a driver's license;
    - (b) the permit issued by the Division shall be checked against the secure, confidential registry verification system to confirm the information contained is accurate and matches the identity of the license or permit holder.

**Section 19. A Secure Confidential Registry Verification System.**

- (A) Within one hundred and twenty days of the effective date of this Amendment, the Division shall establish and have operational a secure, password-protected, web-based confidential registry verification system for use on a twenty-four hour basis by the Division, Department, law enforcement personnel and the registrar of motor vehicles licensing agency, performing as an agent for the Division.
- (B) Acting as an agent for the Division, registrar of motor vehicles licensing agency's personnel shall have access to the secure confidential registry verification system to verify and confirm information presented by and for data input on qualified cardholders.
- (C) The secure confidential registry verification system shall allow law enforcement personnel to enter a registry identification number to determine whether or not the number corresponds with a current, valid confidential registry identification card. The secure confidential registry verification system shall only disclose whether the identification card is valid; whether the cardholder is a registered qualifying patient, a registered designated caretaker, a registered designated cultivator, a permit holder and if so the permit classification, or an employee or volunteer of a permit holder; whether the cardholder is permitted to cultivate under this Amendment and if an address is a registered cultivation site.
- (D) The Division shall, with a cardholder's written permission, confirm his or her status as a registered qualifying patient or registered designated caretaker, or registered designated cultivator or permit holder to a landlord, employer, school, medical professional, or court.
- (E) The Division may disclose the names of any person whose confidential registry identification card was revoked to any court where the person is seeking to assert the protections of Section 3 of this Amendment.
- (F) The Division shall establish a secure confidential registry verification system with data security features; and shall update its secure confidential registry verification system and verify its accuracy weekly. The confidential registry shall be available to law enforcement personnel twenty-four hours each day.
- (G) Law enforcement personnel shall access and use the secure confidential registry verification system to verify the status of an individual or address during an investigation and before initiating a raid, arrest or other law enforcement action concerning cannabis.
- (H) Once the secure confidential registry verification system is accessed by law enforcement personnel, and if the object of an investigation is discerned to be a cardholder, or the address of a location at which cannabis is being cultivated is a permitted cultivation site, no further action shall be initiated except on issuance of a signed warrant based upon other evidence of suspected wrong doing.

**Section 20. Confidentiality.**

- (A) All information, data and records received and kept by the Division, or its contracted agency, for the purpose of administrating this Amendment, are strictly confidential and not subject to disclosure to any individual, or public or private entity, except as necessary for authorized employees of the Division, Department or law enforcement personnel to perform official duties for the Division pursuant to this Amendment.



(B) Any Division data storage mediums or other data recording media shall be kept in a secure location, accessible only to personnel of the Division. Any Division data storage mediums or other data recording media that are no longer in use and that contain cardholder or permit information must be destroyed. The Division shall retain a signed statement from a Division employee confirming the destruction.

(C) Data and records subject to this section shall not be combined or linked in any manner with any other list or data base and they shall not be used for any purpose not specifically provided for in this Amendment.

(D) If any employee of the Division, its contracted agency, or law enforcement knowingly divulges any information contained in the secure confidential registry verification system to unauthorized persons, it shall be a crime of a third degree misdemeanor. If the information divulged pertains to a practitioner or patient's data covered under the Health Insurance Portability and Accountability Act, the crime shall be a second degree misdemeanor. If the information divulged leads to any harm to a cardholder's person or property the crime shall be a first degree misdemeanor and added to other criminal penalties associated with the harm caused.

(E) A person who has suffered any harm in violation of this section may institute and prosecute in his or her own name and on his or her own behalf a civil action for damages, injunctive relief, reasonable attorney fees and costs, any other appropriate equitable relief to protect the peaceable exercise of the right or rights secured, and any other relief the court may deem proper.

(F) The confidential registry verification system shall not be used to compile and/or aggregate data on any individual or group of individuals contained therein.

(G) Nothing in this section precludes the following notifications:

(1) Division employees may notify the Department about falsified information submitted to the Division if the employee who suspects that false or fraudulent information has been submitted has first conferred with his or her supervisor and both agree that the circumstances warrant reporting;

(2) the Division may notify the Department about apparent criminal violations of this Amendment if the employee who suspects the offense has conferred with his or her supervisor and both agree that the circumstances warrant reporting;

(3) nothing in this section precludes the submission of an annual report to the Ohio General Assembly.

#### **Section 21. Confidential Registry Identification Cards.**

(A) Confidential registry identification cards shall be durable, wallet-size, and contain all of the following:

(1) the name of the cardholder and a designation of whether the cardholder is a qualified patient, designated caretaker, designated cultivator, or permit holder identified by the permit classification, or employee or volunteer of a permit holder;

(2) the date of issuance and expiration date of the confidential registry identification card;

(3) a random eleven-digit alphanumeric identification number, containing at least four numbers and at least four letters, that is unique to the cardholder;

(4) a color photograph of the cardholder; and

(5) the phone number and web address for the confidential registry verification system.

(B) The expiration date shall be one year after the date of issuance, except if the practitioner stated in the written recommendation that the qualifying patient has a terminal condition, the word "permanent" shall replace the expiration date.

(C) The fee for a confidential registry identification card shall not exceed double the cost of a driver's license.

(D) Qualified patients and designated caretakers may also apply by mail or the internet, if they so choose, for a confidential registry identification card, which card shall then be sent by mail from the Division; and in processing the application, the Division shall:

(1) verify the information contained in an application, or renewal submitted pursuant to this Amendment, and shall approve or deny an application or renewal within fifteen days of receiving a completed application or renewal application;

(2) issue confidential registry identification cards to a qualifying patient and his or her designated caretaker, if any, within five days of approving the application or renewal.

#### **Section 22. Denial of Confidential Registry Identification Cards.**

(A) The Division may deny an application or renewal of a qualifying patient's or qualified designated caretaker's registry identification card only if the applicant did not provide the required information and materials; previously had a registry identification card revoked; or provided false or falsified information.

(B) The Division may deny an application or renewal for a designated cultivator, chosen by a qualifying patient whose confidential registry identification card was granted, only if the designated cultivator does not meet the requirements of Section 2(A)(10) of this Amendment; the applicant did not provide the information required; the designated cultivator previously had a confidential registry identification card revoked; or the applicant or the designated cultivator provides false or falsified information.

(C) The Division shall notify the registered qualifying patient who has designated someone to serve as their designated cultivator if a confidential registry identification card will not be issued to the designated cultivator.

#### **Section 23. Notifications to the Division and Responses.**

(A) The following notifications and Division responses are required:



- (1) a cardholder shall notify the Division of any change in his or her name or address; or if the registered qualifying patient ceases to have his or her debilitating medical condition; or if the designated cultivator becomes aware the registered qualifying patient passed away, within thirty days of the change;
- (2) before a registered qualifying patient changes his or her designated cultivator, the qualifying patient must notify the Division;
- (3) if a cardholder loses their confidential registry identification card, he or she shall notify the Division within thirty days of becoming aware the card has been lost.

(B) When a cardholder notifies the Division of items listed in subsection (A), but remains eligible under this section, the Division shall issue the cardholder a new confidential registry identification card with a new random eleven-digit alphanumeric identification number within thirty days of receiving the updated information and a fee not greater than the cost of a driver's license. If the person notifying the Division is a registered qualifying patient, the Division shall also issue his or her registered designated caretaker, and or registered designated cultivator, if any, a new confidential registry identification card within thirty days of receiving the updated information.

(C) If a registered qualifying patient ceases to be a registered qualifying patient or changes his or her registered designated cultivator, the Division shall promptly notify the designated cultivator.

(D) A cardholder who fails to notify the Division, as required by this section is subject to a fine no more than six times the cost of a driver's license, payable to the Division.

(E) If the registered qualifying patient's certifying practitioner notifies the Division in writing that either the registered qualifying patient has ceased to suffer from a debilitating medical condition or that the practitioner no longer believes the patient would receive therapeutic or palliative benefit from the medical use of cannabis, the card shall become null and void and the registered qualifying patient shall have fifteen days to dispose of his or her cannabis.

#### **Section 24. Affirmative Defense.**

(A) Except as provided in Section 6, an individual may assert an affirmative defense to any prosecution of an offense involving cannabis whereas compliance or non-compliance of this Amendment is placed into question. This defense shall be presumed valid and the prosecution shall be dismissed where the evidence confirms compliance.

#### **Section 25. The Cultivation of Medical Cannabis in Ohio.**

(A) The cultivation of all cannabis for medical purposes in Ohio shall be regulated by permits issued and enforced by the Division. A cultivation fee schedule not to exceed Chapter 4303 of the Revised Code, unless otherwise noted in this Amendment, shall be determined by the Commission and published by the Division.

(B) Except for qualifying patients and their designated caretakers, applications and annual renewals for cultivation permits shall be filled out on forms to be designed and published by the Division and mailed, or e-mailed through the internet, to the Division; if granted, an issued cultivation permit document shall be returned by mail.

(C) A cultivation permit document issued by the Division shall be conspicuously displayed at the specified cultivation site.

(D) The cultivation of cannabis in areas zoned residential shall be limited the number of immature and mature cannabis plants allowed two registered qualified patients and an amount of usable cannabis equal to the amount allowed two registered qualified patients.

(E) The cultivation of cannabis in areas zoned for agriculture, commercial enterprises or industrial activities shall be limited to the total number of cannabis plants allowed eight qualified registered patients, whether immature or mature, and an amount of usable cannabis equal to the amount allowed eight qualified registered patients. The Commission is authorized to increase the amount of plants allowed.

(F) All cannabis shall be cultivated in an enclosed locked facility, as defined in Section 2 (A)(13) of this Amendment.

(G) The location of each permitted cultivation site shall be recorded in the Division's secure, confidential registry verification system and law enforcement personnel shall have access to this confidential information to verify whether a person is a cardholder and whether the address of a location at which cannabis is cultivated is a permitted cultivation site.

#### **Section 26. Commercial Cultivation Permits.**

(A) An individual, age twenty-one years or older, free of any excluded felony convictions, as defined in Section 2 (A)(14) of this Amendment, and holding a valid vendor's license, may apply to the Division for an annual permit to cultivate cannabis, in the following classes:

(1) designated cultivator's permit: Pursuant to Sections 25 (D) and (E) of this Amendment; and, in addition to other information contained on the face of this permit document, the eleven-digit alphanumeric identification numbers for each patient registered to the designated cultivator shall also be listed. The fee for this permit shall be double the cost of a driver's license for each registered qualified patient the designated caretaker registers under their permit.

(2) a cannabis-infused product manufacturer's cultivation permit: Pursuant to Sections 25 (D) and (E) of this Amendment, the holder of this permit may cultivate a maximum number of mature cannabis plants equal to the number allowed eight qualified registered patients, and/or contract with the holder of a cultivation permit to obtain sufficient amounts of cannabis to manufacture their cannabis-infused products. The fee for this permit shall not exceed double the cost of a driver's license.



(3) an agricultural cooperative: The holder of this permit allows a state chartered, not-for-profit organization to cultivate cannabis plants and distribute usable cannabis only to the registered qualified patient and/or registered designated caretaker members of the cooperative, and as an organization shall not possess more usable cannabis nor cultivate more mature cannabis plants than allowed the sum of its registered qualified patient and registered designated caretaker membership. The fee for this permit shall not exceed double the cost of a driver's license.

(4) a scientific research laboratory cultivation permit: For testing cardholders cannabis for purity and cannabinoid content and for the research and development of new and useful cultivars of cannabis to supply the needs of cardholders with quality genetic stock. The holder of this permit shall not cultivate more mature female cannabis plants for the purpose of seed production than the total amount of plants allowed eight qualified registered patients; nor cultivate more mother plants than the total amount of plants allowed four qualified registered patients; nor cultivate more mature male plants than the total amount of plants allowed four qualified registered patients. The holder of this permit may cultivate an amount of immature cannabis plants required to meet the needs of the cardholders they serve. The fee for this permit shall not exceed double the cost of a driver's license.

(5) a safety compliance and educational facility cultivation permit: For educational and training purposes, the holder of this permit shall not cultivate more mature cannabis plants than allowed eight qualified registered patients, and may cultivate an amount of immature cannabis plants required to meet the educational needs of the students they serve. The fee for this permit shall not exceed double the cost of a driver's license.

(6) a medical cannabis retail establishment cultivation permit: This permit follows the same rule required of vineyards by the Ohio Division of Liquor Control, whereas the permit holder shall cultivate no less than sixty percent of the usable cannabis they dispense to patients and may obtain a maximum of forty percent of their usable cannabis by contracting with other cultivation permit holders. The fee for this permit shall be equal to the fee for a B-5 permit, as provided in Chapter 4303.10 of the Revised Code, for each address to which this permit is issued.

(7) The Commission shall not change any of these classifications of permits, but may add new ones to improve upon the intent of this Amendment.

(B) All contracts for the sale of medical cannabis made between permit holders shall be registered with the Division under rules set by the Commission and upon forms designed and published by the Division. An excise tax equal to two per cent of the value of the raw cannabis, and one per cent of the value of all other cannabis products, exchanged shall be applied to each transaction and made payable to the Division on a quarterly basis.

(C) All commercial permit holders are required to obtain a certificate of attendance and satisfactory completion from a medical cannabis safety compliance and educational facility every two years. Initial applicants are not required to have obtained a certificate at the time of application, but must receive certification within six months of approval of application.

(D) All permit application fees are to be resubmitted to the Division on an annual basis.

(E) Notwithstanding Section 30 (B) and Section 31 (B) of this Amendment and to help control the possibility of diversion, cultivation permit holders may gift, dispense, transfer or sell medical cannabis to any registered qualified patient or registered designated caretaker who presents a valid confidential registry identification card, if the amount exchanged does not exceed sixty grams of raw cannabis per transaction, in any twenty-four hour period.

#### **Section 27. Applying for Commercial Cultivation and Operational Permits.**

(A) The cultivation, manufacture, distribution and sale of cannabis for medical purposes in Ohio shall be regulated by the Division. The rules, regulations, application forms, fees and fines used by the Ohio Division of Liquor Control for the regulation of vineyards and the manufacture, distribution and sale of wine shall be used and adapted by the Commission to regulate the business of medical cannabis.

(B) Applications and annual renewals for commercial cultivator and operational permits shall be filled out on forms to be designed and published by the Division, pursuant to Section 18 (B) of this Amendment, then mailed or e-mailed by the internet to the Division's central office with an application fee attached, if required. If granted, and once permit fees are paid in full, an issued permit document shall be returned by mail and thereafter shall be conspicuously posted at the specified location on the permit.

(C) Unless otherwise noted, the following types of enterprises shall be permitted to obtain commercial cultivators and operational permits; sole-proprietor, partnership, a state chartered not-for-profit corporation, an Ohio corporation or other entities added by the Commission.

(D) All persons associated with an enterprise holding a commercial cultivator and or operational permit, including employees and volunteers, shall be age twenty one years or older, free of excluded felony convictions, and shall obtain an appropriate confidential registry identification card if they have access to cannabis.

(E) All application forms for commercial cultivation and operational permits shall include, at a minimum, all of the following:

(1) legal name of proposed entity, if any;

(2) name, address, date of birth and proof of Ohio Bureau of Criminal Investigations and Federal Bureau of Investigations background checks and fingerprints for all permit holders, principal officers, board members and key employees, in the same manner as required by the Ohio Division of Liquor Control for a permit;

(3) the physical address of the proposed enterprise;

(4) copies of all required documents and special licenses, if any, including a vendor's license.



- (F) Application fees shall not be required for permits with a fee costing less than four times the cost of a driver's license, in which case, the full permit fee shall be remitted to the Division when applications are filed. Application fees, where applicable, shall not exceed four times the cost of a driver's license.
- (G) The Commission may require the Division to develop, adopt and use an electronic, web-based application procedure for commercial cultivation and operational permit applications and renewals.
- (H) If the Commission feels it necessary for the better regulation of medical cannabis in the state, it may issue new classifications of commercial permits. The Commission is forbidden from modifying existing permits pursuant to this initiative.
- (I) A permit holder, or applicant for a permit, may apply for and obtain more than one permit and conduct activities allowable under all the permits they hold.
- (J) All initial applications for commercial cultivation and operational permits shall include a certificate of attendance and satisfactory completion for a course of study from a medical cannabis safety compliance and educational facility. Thereafter, applicants for renewal permits shall complete continuing education coursework and provide an attendance and satisfactory completion certificate with their renewal application every two years.

**Section 28. Operational Permit, Medical Cannabis-Infused Products Manufacturers.**

- (A) A medical cannabis-infused product manufacturer's permit may be issued to an Ohio corporation, a state chartered not-for-profit organization, a partnership, sole-proprietor, or individual; pursuant to the following terms and conditions:
- (1) medical cannabis-infused products shall be prepared on a premises inspected for cleanliness and sanitation by a local department of public health for the preparation of foods. A copy of the Ohio Department of Agriculture license, if any, and copy of the local health department site inspection is required to be attached to the application for a medical cannabis-infused product manufacturers operational permit; restaurants may be established with rules to be set by the Commission and may be adjoined to a medical cannabis retail establishment.
  - (2) a medical cannabis-infused product manufacturer shall also obtain a cultivating permit, and may contract with a cultivation permit holder to obtain the cannabis required to manufacture medical cannabis-infused products;
  - (3) medical cannabis-infused products shall not be exempt from sales taxes;
  - (4) medical cannabis-infused products shall be sealed and the product labeled with a list of all ingredients used in the manufacture of the product. Conspicuously placed on the label shall be a notice that reads, "This Product Contains Medical Cannabis";
  - (5) medical cannabis-infused products, when manufactured, sold or used shall not be considered a food or drug for the purposes of the Ohio Pure Food and Drug Law, under Chapter 3715 of the Revised Code and shall not be subject to food sampling conducted by the Director of Agriculture, or representative the Director authorizes, to determine if a food product is misbranded or adulterated;
  - (6) The annual fee for this permit shall be equal to the fee for an A-2 permit, as provided in Chapter 4303.03 of the Revised Code, for each address to which this permit is issued.

**Section 29. Operational Permit, Medical Cannabis Agricultural Cooperative.**

- (A) An organization may do any of the following: acquire, cultivate, possess, dispense, transport and deliver usable cannabis, cannabis plants, and manufacture paraphernalia for their qualified registered patient members to treat or alleviate their debilitating medical conditions or symptoms associated with the debilitating medical condition;
- (1) Agricultural cooperatives may obtain a medical cannabis-infused product manufacturers permit;
  - (2) the annual fee for this permit shall be equal to the fee for a D-4 permit, as provided in Chapter 4303.17 of the Revised Code, for each address to which this permit is issued.

**Section 30. Operational Permit, Medical Cannabis Scientific Research Laboratory.**

- (A) A scientific research laboratory permit allows the testing of cardholders samples of cannabis for purity, cannabinoid content, horticultural residue and other compounds and contaminants of interest, and/or the research and development of new and useful cultivars of cannabis for cardholders. The holder of this permit may do all of the following:
- (1) obtain, possess, deliver, transport and receive cannabis, cannabis plants and cannabis products from cardholders for the purpose of testing;
  - (2) cultivate cannabis plants, and sell, dispense, transfer or gift cannabis seeds, germplasm, cuttings, clones and immature plants to cardholders.
- (B) This permit shall not allow the sale, dispensing, transfer or gifting of raw cannabis to cardholders. Instead, a scientific research laboratory permit holder may contract with a permitted medical cannabis-infused product manufacturer to take the refuse of the deseeded cannabis they cultivate.
- (C) The annual fee for this permit shall be equal to the fee for a D-8 permit, as provided in Chapter 4303.184 of the Revised Code, for each address to which this permit is issued.

**Section 31. Operational Permit, Medical Cannabis Safety Compliance and Educational Facility.**

- (A) A medical cannabis safety compliance and educational facility allows the permit holder to do any and all things allowed under this Amendment, including the use of medical cannabis by registered qualified patients on the permit holder's registered premises.
- (B) The following activities are prohibited under this permit: sell, dispense, transfer or gift usable cannabis, or cannabis plants to qualified registered patients or their designated caretakers. A medical cannabis safety compliance and educational



facility permit holder shall contract with a permitted medical cannabis retail establishment, a scientific research laboratory, or medical cannabis-infused product manufacturer, to obtain useable cannabis and plants for demonstration and educational purposes.

(C) A medical cannabis safety compliance and educational facility shall be operated by an Ohio corporation, or a state chartered, not-for-profit organization.

(D) The permit review and granting process shall be designed and published by the Division, using similar criteria used to select applicants for medical cannabis retail establishments. At least three permits shall be issued within one hundred and twenty days from the passage of this Amendment. All interested permit holders, and certain employees of the Division and Department, shall be required to obtain a certificate of attendance and satisfactory completion from a medical cannabis safety compliance and educational facility. Employees of the Commission, Division, Department and Superintendent are required to obtain a certificate of attendance and satisfactory completion from a medical cannabis safety compliance and educational facility every two years.

(E) The annual fee for this permit shall be equal to the fee for a B-5 permit, as provided in Chapter 4303.10 of the Revised Code, for each address to which this permit is issued.

### **Section 32. Operational Permit, Medical Cannabis Retail Establishments.**

(A) The retail sale of all cannabis for medical purposes in Ohio shall be regulated by the Division and enforced by the Department. In addition to the provisions in this Amendment, guidelines, standards, rules, regulations, application forms, fee and fine schedules presently used by the Ohio Division of Liquor Control for the regulation of vineyards and the manufacture, distribution and sale of wine, shall be adapted by the Commission for the Commission and Division to regulate medical cannabis retail establishments.

(B) A medical cannabis retail establishment may sell paraphernalia and therapeutic products, horticultural products, educational information and provide any manner of services for the benefit of registered qualified patients and their registered designated caretakers.

### **Section 33. Application Process for Medical Cannabis Retail Establishments Permits.**

(A) Interested qualified individuals may apply to the Division for a permit to operate a medical cannabis retail establishment by providing, in addition to the provisions described in Section 26 of this Amendment, a plan that includes the following:

- (1) the physical address of the proposed medical cannabis retail establishment and the physical address of any additional locations where cannabis will be cultivated, as sixty percent of the cannabis sold must be cultivated by the establishment.
- (2) proposed operating bylaws that include procedures for the oversight of the medical cannabis retail establishment and procedures to ensure accurate record keeping, security measures and plans to prevent diversion that are in accordance with the regulations issued by the Division pursuant to this Amendment. The application shall include a description of the enclosed locked facility where medical cannabis will be cultivated, harvested, packaged, labeled, or otherwise prepared for distribution and sale.

(B) Proposals submitted by applicants for a medical cannabis retail establishment permit will be reviewed, examined and weighed by the Division in the same manner used by the Ohio Division of Liquor Control to evaluate permit applications, using an impartial and numerically scored competitive bidding process developed by the Division and in accordance with this Amendment, to discern the best possible outcome for registered qualified patients and to ensure the best security arrangements possible. Considerations for applications shall consist of the following criteria:

- (1) the suitability of the proposed location or locations, including compliance with any local zoning laws and the geographic convenience to patients from throughout the county to the medical cannabis retail establishment if the applicant were approved;
- (2) the principal officers, board members and key employees' character and relevant experience, including any training or professional licensing related to health, medicine, natural treatments, botany, or cannabis cultivation and preparation, and their experience running businesses or not-for-profit corporations;
- (3) the proposed medical cannabis retail establishment's plan for operations and services, including its staffing and training plans and proof of its ability to provide an adequate supply of medical cannabis, pursuant to Section 26 of this Amendment, to the registered qualified patients in their county;
- (4) the sufficiency of the applicant's plans for safety, security, and the prevention of diversion, including proposed locations and security devices employed;
- (5) the applicant's plan for making medical cannabis available on an affordable basis to registered qualifying patients enrolled in Medicaid or receiving Supplemental Security Income or Social Security Disability Insurance;
- (6) the applicant's plan for safe and accurate packaging and labeling of medical cannabis, including the applicant's plan for ensuring that all medical cannabis offered is free of contaminants;
- (7) the procedures for oversight and to ensure accurate recordkeeping;
- (8) appropriate security measures to deter and prevent theft of cannabis and unauthorized entrance into areas containing cannabis.

(C) Once the Division has reviewed and scored each application and along with any recommendations, they shall present the applications to the Commission for commissioners to choose which applications will be granted a permit.



**Section 38. Enforcement of this Amendment.**

(A) If the Director of the Department of Commerce, Commission or Division fails to adopt regulations to implement this Amendment within the times provided for in this Amendment, any citizen may commence an action in the Franklin County Court of Common Pleas to compel the Director of the Department of Commerce, Commission or Division to perform the actions mandated pursuant to the provisions of this Amendment.

(B) If the Division fails to issue a valid confidential registry identification card in response to a valid application or renewal submitted pursuant to this Amendment within twenty days of its submission, the confidential registry identification card shall be deemed granted, and a copy of the confidential registry identification application or renewal shall be deemed a valid confidential registry identification card.

(C) If at any time after the one hundred and twenty days following the effective date of this Amendment the Division has not established a process for accepting and approving or denying applications, a notarized statement by a qualifying patient containing the information required in an application pursuant to Section 17, together with a written recommendation issued by a practitioner within ninety days immediately preceding the notarized statement, shall be deemed a valid confidential registry identification card for all purposes under this Amendment.

**Section 39. Severability.**

Any section of this Amendment being held invalid as to any person or circumstance shall not affect the application of any other section of this Amendment that can be given full effect without the invalid section or application. All citations to the Ohio Revised Code in this Amendment shall not be subject to subsequent revisions of the Ohio Revised Code, with the exception of those citations pursuant to the price of permits offered.

**Section 40. Date of Effect.**

This Amendment shall take effect thirty days after its approval by the electors of the state.

\*End of full text of amendment\*

**STATEMENT OF CIRCULATOR**

I, \_\_\_\_\_, declare under penalty of election falsification that I am the circulator of the foregoing petition containing the signatures of \_\_\_\_\_ electors, that the signatures appended hereto were made and appended in my presence on the date set opposite each respective name, and are the signatures of the persons whose names they purport to be or of attorneys in fact acting pursuant to section 3501.382 of the Revised Code, and that the electors signing this petition did so with knowledge of the contents of same. I am employed to circulate this petition by \_\_\_\_\_ (Name and address of employer).

*(The preceding sentence shall be completed as required by section 3501.38 of the Revised Code if the circulator is being employed to circulate the petition.)*

I further declare under penalty of election falsification in accordance with section 3501.38 of the Revised Code that I witnessed the affixing of every signature to the foregoing petition paper, that all signers were to the best of my knowledge and belief the signature of the person whose signature purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

(signed) \_\_\_\_\_

(address of circulator's permanent address in this state) \_\_\_\_\_

**WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.**