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March 2, 2020

The Honorable Dave Yost
Ohio Attorney General
30 E. Broad Street
Columbus, Ohio 43215

Via Hand Delivery

Re: An Amendment to Regulate Marijuana Like Alcohol

Dear Attorney General Yost:

On behalf of my clients, petition committee members Anthony D. Riley, Carrie N. Beebe, Evan P. Spencer, and Mark A. Welty, and pursuant to R.C. 3519.01(A), I am hereby filing with your office a petition to approve a summary of a constitutional amendment to be proposed by initiative petition titled An Amendment to Regulate Marijuana Like Alcohol. The petition contains the signatures of more than 1,000 qualified electors, the full text of the proposed amendment, and a summary of it.

Please contact me at 614-263-7000 or dmctigue@electionlawgroup.com if you have any questions. Thank you.

Very truly yours,



Donald J. McTigue

County: Union

Number: _____

PETITION

To the Attorney General of Ohio: Pursuant to Ohio Revised Code § 3519.01(A), the undersigned electors of the State of Ohio, numbering in excess of one thousand, hereby submit to you the full text of a proposed Amendment to the Ohio Constitution and a summary of the same.

TITLE

An Amendment to Regulate Marijuana Like Alcohol

SUMMARY

The Amendment would add a new Section 12 to Article XV of the Ohio Constitution to make legal the possession of marijuana by individuals 21 years of age or older and to regulate the production and sale of marijuana. Specifically, the Amendment would:

Set forth the intent of the Amendment to, among other purposes, allow for the efficient use of law enforcement resources, enhance revenue for public purposes, reduce marijuana arrests, which have had a racially disparate impact, and protect individual freedom, all while protecting the health and public safety of our citizenry.

Allow persons 21 years of age or older to do the following:

- Possess, consume (including by combustion or smoking), use, purchase, transport, or transfer without remuneration to other persons 21 years of age or older up to 1 ounce of marijuana, 8 grams of which could be in the form of marijuana concentrate, provided that nothing in the Amendment shall permit consumption that is conducted openly and publicly or in a manner that endangers others.
- Possess, use, display, manufacture, purchase, store, and transport marijuana accessories, and to sell marijuana accessories to other persons 21 years of age or older, provided that a person 18 years of age or older may be employed by a business engaged in the manufacture or sale of marijuana accessories.
- Possess, grow, process, or transport up to 6 marijuana plants per household, with 3 or fewer being mature, flowering plants, provided that the growing takes place in an enclosed, locked space, is not conducted openly or publicly, and is not made available for sale. Subject to these conditions, the Amendment would allow for the possession of marijuana produced by the plants on the premises where the plants are grown.
- Assist another person 21 years of age or older in any of the preceding acts.

Authorize the establishment of marijuana cultivation facilities, marijuana processing facilities, retail marijuana stores, and marijuana testing facilities (collectively, "marijuana establishments"), all of which would be licensed and regulated by the State, and allow the holder of a current, valid license to operate such an establishment to do the following:

- For a retail marijuana store: to possess, display, or transport marijuana or marijuana products; purchase marijuana from marijuana cultivation facilities; purchase marijuana or marijuana products from marijuana processing facilities; sell marijuana or marijuana products to consumers; transfer inventory between retail marijuana stores with identical ownership; and deliver marijuana, marijuana products, or marijuana accessories to a consumer's residence.
- For a marijuana cultivation facility: to cultivate, harvest, process, package, transport, display, and possess marijuana; deliver or transfer marijuana to marijuana testing facilities; sell marijuana to other marijuana establishments, except to marijuana testing facilities; and purchase marijuana from marijuana cultivation facilities.
- For a marijuana processing facility: to package, process, transport, manufacture, display, and possess marijuana or marijuana products; deliver or transfer marijuana or marijuana products to marijuana testing facilities; sell marijuana or marijuana products to retail marijuana stores and marijuana processing facilities; purchase marijuana from marijuana cultivation facilities; and purchase marijuana or marijuana products from marijuana processing facilities.
- For a marijuana testing facility: to possess, cultivate, process, repackage, store, transport, display, and transfer marijuana or marijuana products.

Provide that any person may lease or allow the use of property owned, occupied, or controlled by any person, corporation, or other entity for any of the activities that the Amendment authorizes for the holder of a current, valid license to operate a marijuana establishment.

Direct the Ohio Department of Commerce ("Department") to adopt regulations necessary for implementation of the Amendment, provided that such regulations shall not prohibit the operation of marijuana establishments, either expressly or through regulations that make their operation unreasonably impracticable. Such regulations shall include:

- Procedures for the issuance, renewal, suspension, and revocation of a license to operate a marijuana establishment, which may include limitations on the total number of licenses issued, provided that such procedures shall be subject to Chapter 119 of the Ohio Revised Code or any successor provision;
- A schedule of application, licensing and renewal fees, with the application fee initially capped at \$5,000 though subject to annual adjustments for inflation, unless the Department determines that a greater fee is necessary;
- Qualifications for licensure that are demonstrably related to the operation of a marijuana establishment;
- Security requirements for marijuana establishments;
- Requirements to prevent the sale or diversion of marijuana and marijuana products to persons under the legal age of use;
- Packaging and labeling requirements for marijuana and marijuana products;
- Health and safety regulations and standards for the manufacture of marijuana products and the cultivation of marijuana;
- Equivalency standards between marijuana and marijuana products, for the purpose of ensuring that sales do not exceed marijuana possession limits;
- Testing standards for marijuana and marijuana products;
- Restrictions on the advertising and display of marijuana and marijuana products, including regulations to ensure that advertising and marketing is not targeted to minors; and
- Civil penalties for the failure to comply with regulations made pursuant to this Amendment.

Require the Department to, prior to January 1, 2026, not issue more than one retail marijuana store license for every 60,000 residents in the state. Also require the Department to limit the total cultivation area collectively among marijuana cultivation facilities that were not granted the ability to cultivate marijuana pursuant to the provision summarized in the following paragraph to 1.5 million square feet of cultivation area. The Department may issue additional retail marijuana store licenses and permit any marijuana cultivation facility to add additional cultivation area in excess of these limits if licensed marijuana establishments are able to engage in interstate commerce, or if the Department determines that the limitations will not result in a significant excess supply of marijuana in Ohio.

Beginning July 1, 2021, allow entities that have been licensed to cultivate, process, dispense, or test medical marijuana under Chapter 3796 of the Ohio Revised Code, and are still operating under those licenses as of July 1, 2021, to conduct those activities for the benefit of all individuals 21 years of age or older, provided that localities in which retail dispensaries are located can prohibit those dispensaries from selling marijuana and marijuana products to individuals who are not medical marijuana patients or caregivers. Entities operating under these conditions shall be treated as if licensed by the Department to be a marijuana establishment.

Direct the Department to, prior to July 1, 2021, issue regulations necessary for the implementation of the provision described in the preceding paragraph, provided that such regulations shall not prohibit the activities for the benefit of all individuals 21 years of age or older, either expressly or through regulations that make conducting the activities unreasonably impracticable.

Direct the Department to take steps to ensure that an adequate supply of medical marijuana and marijuana can be produced to serve patients and individuals 21 years of age or older after July 1, 2021.

Direct the Department to not require a consumer to provide a retail marijuana store with personal information other than government-issued identification to determine the consumer's age, and to not require a retail marijuana store to acquire and record personal information other than information typically required in a financial transaction conducted at a retail liquor store.

Allow the General Assembly to enact a special sales tax on the sale of marijuana and marijuana products to consumers and to establish procedures for the collection of such tax, provided that the revenue from the sales tax is allocated in the following manner:

- At least one-quarter of the revenue raised from any such sales tax shall be placed in a special fund and used to establish a Commission on Expungement, Criminal Justice, Community Investment, and Cannabis Industry Equity and Diversity, which shall provide recommendations regarding the allocation of the remaining revenue in the fund;
- At least one-half of the revenue raised from any such sales tax shall be allocated to the State Local Government Fund or any successor fund dedicated to a similar purpose; and
- At least one-tenth of the revenue raised from any such sales tax shall be returned to the municipal corporations or townships in which the retail sales occurred in proportional amounts based upon the sales taxes remitted.

Allow a locality to enact ordinances or regulations, not in conflict with the Amendment or with laws or regulations enacted pursuant to the Amendment, governing the time, place, manner and number of marijuana establishment operations, establishing civil penalties for violations of such ordinances and regulations, and establishing a schedule of annual operating fees for marijuana establishments.

Allow a locality to prohibit the operation of marijuana establishments through the enactment of an ordinance or through an initiated or referred measure; provided that such an initiated or referred measure appears on a general election ballot during an even numbered year.

Give localities sole and exclusive authority over matters related to zoning for marijuana establishments and the operation of marijuana establishments as it specifically relates to zoning.

Direct the Department to conduct a study, prior to the issuance of marijuana establishment licenses, to determine whether there has been discrimination in past licensing processes, including whether the effects of marijuana prohibition have contributed to a lack of participation by racial minorities in Ohio's medical marijuana industry, and to take steps to address any identified discrimination when issuing marijuana establishment licenses.

Set forth procedures for the application process and issuance of annual licenses to operate marijuana establishments, including but not limited to the following: license applications shall be submitted to the Department; the Department shall begin to accept and process such applications following the adoption of the regulations required by the Amendment; upon receipt of an application, the Department shall immediately forward a copy of the application to the locality in which the applicant desires to operate; the Department shall issue an annual license to the applicant, unless the Department finds that the applicant is not in compliance with the regulations enacted pursuant to the Amendment, the applicant has not been selected to operate based on a selection process established in accordance with the Amendment, or the Department is notified by the relevant locality that the applicant is not in compliance with the local ordinances and regulations made pursuant to the Amendment that are in effect at the time of the application; and, upon denial of an application, require the Department to notify the applicant in writing of the specific reason for its denial.

Nothing in the Amendment shall be construed to: require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale or growing of marijuana in the workplace or affect the ability of employers to have policies restricting the use of marijuana by employees; allow driving under the influence of marijuana or supersede statutory laws related to driving under the influence of or while impaired by marijuana, or prevent the State from enacting and imposing penalties for such conduct; permit the transfer of marijuana to persons under 21 or allow persons under 21 to purchase, possess, use, transport, grow, or consume marijuana; prohibit those who own, occupy, or control a property to prohibit or otherwise regulate the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in that property; prevent state or local administrative agencies from regulating or prohibiting the use of marijuana on a commercial property as a condition of licensure; or limit any privilege or right of a medical marijuana patient or caregiver as provided under the Ohio Medical Marijuana Control program.

Protect against denial of custody, visitation, or any other parental right or responsibility for conduct that is permitted under the Amendment, unless the person's behavior is such that it creates an unreasonable danger to the minor that can be clearly articulated and substantiated.

Establish that the issues addressed by the Amendment are matters of statewide concern, except where specified otherwise.

Provide that all provisions of the Amendment are severable and self-executing except as specified otherwise, and that the Amendment shall supersede all conflicting state and local laws except as otherwise indicated.

Clarify that marijuana, as defined in the Amendment, would not include hemp or hemp products.

Set forth certain purposes and findings that are relevant to the Amendment, and define certain terms, including "consumer," "cultivation area," "department," "hemp," "hemp product," "locality," "marijuana," "marihuana," "marijuana accessories," "marijuana concentrate," "marijuana cultivation facility," "marijuana establishment," "marijuana processing facility," "marijuana products," "marijuana testing facility," "Ohio Medical Marijuana Control Program," "openly and publicly" "person," "persons," "retail marijuana store," "unreasonably impracticable," and "holder of a current, valid license."

COMMITTEE TO REPRESENT THE PETITIONERS

The following persons are designated as a committee to represent the petitioners in all matters relating to the petition or its circulation:

| | |
|------------------|---|
| Anthony D. Riley | 5252 Jameson Dr., Columbus, Ohio 43232 |
| Carrie N. Beebe | 1489 Pepper Ln., Marysville, Ohio 43040 |
| Evan P. Spencer | 790 Kerr St., Columbus, Ohio 43215 |
| Mark A. Welty | 470 Main St., Zoar, Ohio 44697 |

FULL TEXT OF PROPOSED AMENDMENT

Be it Resolved by the People of the State of Ohio that Article XV of the Ohio Constitution is hereby amended to add the following Section:

Section 12. Personal use and regulation of marijuana.

(A) Purpose and findings.

- (1) In the interest of allowing for the efficient use of law enforcement resources; enhancing revenue for public purposes; reducing marijuana arrests, which have had a racially disparate impact; and protecting individual freedom, the people of the state of Ohio find and declare that the use of marijuana should be legal for persons twenty-one years of age or older.
- (2) In the interest of the health and public safety of our citizenry, the people of the state of Ohio further find and declare that the production and sale of marijuana should be regulated so that:
 - (a) Individuals will have to show proof of age before purchasing marijuana;
 - (b) Selling, distributing, or transferring marijuana to minors and other individuals under the age of twenty-one will remain illegal, unless authorized by the Ohio General Assembly or the Department;
 - (c) Driving under the influence of marijuana will remain illegal;
 - (d) Legitimate, taxpaying businesspeople will conduct sales of marijuana, likely generating thousands of new jobs in the state; and
 - (e) Marijuana sold in this state will be labeled and subject to additional regulations to ensure that consumers are informed and protected.
- (3) The people of the state of Ohio further find and declare that it is necessary to ensure consistency and fairness in the application of this Section 12 throughout the state and that, therefore, the matters addressed by this Section 12 are, except as specified herein, matters of statewide concern.

(B) Definitions. As used in this Section 12, unless the context otherwise requires,

- (1) "Consumer" means a person twenty-one years of age or older who purchases marijuana or marijuana products for personal use by persons twenty-one years of age or older, but not for resale to others.
- (2) "Cultivation area" means the boundaries of the enclosed areas in which marijuana is cultivated during the vegetative stage and flowering stage of the cultivation process. For purposes of calculating the marijuana cultivation area square footage, enclosed areas used solely for the storage and maintenance of mother plants, clones, or seedlings shall not be included.
- (3) "Department" means the Ohio Department of Commerce or its successor agency.
- (4) "Hemp" shall have the meaning provided in Chapter 928 of the Ohio Revised Code or any successor provision.

- (5) "Hemp product" shall have the meaning provided in Chapter 928 of the Ohio Revised Code or any successor provision.
- (6) "Locality" means a county, municipal corporation, or township.
- (7) "Marijuana" or "marihuana" means all parts of the plant of the genus cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including hashish or marihuana concentrate. "Marijuana" or "marihuana" does not include hemp or hemp products, nor does it include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.
- (8) "Marijuana accessories" means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.
- (9) "Marijuana concentrate" means the resin extracted from any part of the plant of the genus cannabis and every compound, manufacture, salt, derivative, mixture, or preparation of that resin but shall not include the weight of any other ingredient combined with marijuana concentrate to prepare marijuana products.
- (10) "Marijuana cultivation facility" means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana processing facilities, and to other marijuana cultivation facilities, but not to consumers.
- (11) "Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana processing facility, or a retail marijuana store.
- (12) "Marijuana processing facility" means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.
- (13) "Marijuana products" means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.
- (14) "Marijuana testing facility" means an entity licensed to analyze and certify the safety and potency of marijuana.
- (15) "Ohio Medical Marijuana Control Program" means the program established under Section 3796.02 of the Ohio Revised Code.
- (16) "Openly and publicly" means the use of marijuana in a venue, area, or space that is open to the public without restriction, including age restrictions.
- (17) "Person" or "persons" means an individual, corporation, limited liability company, business trust, estate, trust, partnership, or association.

(18) "Retail marijuana store" means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana processing facilities and to sell and deliver marijuana and marijuana products to consumers.

(19) "Unreasonably impracticable" means that the measures necessary to comply with the regulations require such a high investment of risk, money, time, or any other resource or asset that the operation of a marijuana establishment is not worthy of being carried out in practice by a reasonably prudent businessperson.

(C) Personal use of marijuana. Notwithstanding any other provision of law, the following acts are not unlawful and shall not be an offense under Ohio law or the law of any locality within Ohio or be a basis for seizure or forfeiture of assets under Ohio law for persons twenty-one years of age or older:

- (1) Possessing, using, displaying, purchasing, or transporting marijuana accessories or one ounce or less of marijuana, with no more than eight grams of that one ounce being in the form of marijuana concentrate.
- (2) Possessing, growing, processing, or transporting no more than six marijuana plants per household, with three or fewer being mature, flowering plants, and possession of the marijuana produced by the plants on the premises where the plants were grown, provided that the growing takes place in an enclosed, locked space, is not conducted openly or publicly, and is not made available for sale.
- (3) Transfer of one ounce or less of marijuana without remuneration to a person who is twenty-one years of age or older.
- (4) Consumption of marijuana, including without limitation by combustion or smoking, provided that nothing in this Section 12 shall permit consumption that is conducted openly and publicly or in a manner that endangers others.
- (5) Assisting another person who is twenty-one years of age or older in any of the acts described in paragraphs (1) through (4) of this subsection (C).

(D) Lawful operation of marijuana-related facilities. Notwithstanding any conflicting provision of the Ohio Revised Code, or the law of any locality:

- (1) Any person twenty-one years of age or older may manufacture, purchase, store, and transport marijuana accessories and sell marijuana accessories to a person who is twenty-one years of age or older, provided that a person eighteen years of age or older may be employed by a business engaged in the manufacture or sale of marijuana accessories.
- (2) The holder of a current, valid license to operate a retail marijuana store license may:
 - (a) Possess, display, or transport marijuana or marijuana products;
 - (b) Purchase marijuana from a marijuana cultivation facility;
 - (c) Purchase marijuana or marijuana products from a marijuana processing facility;
 - (d) Sell marijuana or marijuana products to consumers;

- (e) Transfer inventory between retail marijuana stores with identical ownership; and
 - (f) Deliver marijuana, marijuana products, or marijuana accessories to a consumer's residence.
- (3) The holder of a current, valid license to operate a marijuana cultivation facility may:
- (a) Cultivate, harvest, process, package, transport, display, and possess marijuana;
 - (b) Deliver or transfer marijuana to a marijuana testing facility;
 - (c) Sell marijuana to another marijuana cultivation facility;
 - (d) Sell marijuana to a marijuana processing facility;
 - (e) Sell marijuana to a retail marijuana store; and
 - (f) Purchase marijuana from a marijuana cultivation facility.
- (4) The holder of a current, valid license to operate a marijuana processing facility may:
- (a) Package, process, transport, manufacture, display, and possess marijuana or marijuana products;
 - (b) Deliver or transfer marijuana or marijuana products to a marijuana testing facility;
 - (c) Sell marijuana or marijuana products to a retail marijuana store;
 - (d) Sell marijuana or marijuana products to a marijuana processing facility;
 - (e) Purchase marijuana from a marijuana cultivation facility; and
 - (f) Purchase marijuana or marijuana products from a marijuana processing facility.
- (5) The holder of a current, valid license to operate a marijuana testing facility may possess, cultivate, process, repackage, store, transport, display, and transfer marijuana or marijuana products.
- (6) Where the "holder of a current, valid license" is used in this subsection (D), that phrase includes those persons acting in their capacity as an owner, employee, or agent of the respective licensed marijuana cultivation facility, retail marijuana store, marijuana processing facility, or marijuana testing facility.
- (7) Any person may lease or allow the use of property owned, occupied, or controlled by any person, corporation, or other entity for any of the activities conducted lawfully in accordance with paragraphs (1) through (5) of this subsection (D).
- (8) The activities described in paragraphs (1) through (5) of this subsection (D) shall not be unlawful and are not an offense under Ohio law, and shall not be a basis for seizure or forfeiture of assets under Ohio law for persons twenty-one years of age or older.

(E) Regulation of marijuana.

- (1) The Department shall adopt regulations necessary for implementation of this Section 12. Such regulations shall not prohibit the operation of marijuana establishments, either expressly or through regulations that make their operation unreasonably impracticable. Such regulations shall include:
 - (a) Procedures for the issuance, renewal, suspension, and revocation of a license to operate a marijuana establishment, which may include limitations on the total number of licenses issued, with such procedures subject to all requirements of Chapter 119 of the Ohio Revised Code or any successor provision;
 - (b) A schedule of application, licensing, and renewal fees, provided, application fees shall not exceed five thousand dollars, with this upper limit adjusted annually for inflation, unless the Department determines and demonstrates that a greater fee is necessary to carry out its responsibilities under this Section 12;
 - (c) Qualifications for licensure that are directly and demonstrably related to the operation of a marijuana establishment;
 - (d) Security requirements for marijuana establishments;
 - (e) Requirements to prevent the sale or diversion of marijuana and marijuana products to persons under the legal age of use;
 - (f) Packaging and labeling requirements for marijuana and marijuana products sold or distributed by a marijuana establishment;
 - (g) Health and safety regulations and standards for the manufacture of marijuana products and the cultivation of marijuana;
 - (h) Equivalency standards between marijuana and marijuana products, based on delta-9 tetrahydrocannabinol content, for the purpose of ensuring that sales do not exceed marijuana possession limits;
 - (i) Testing standards for marijuana and marijuana products;
 - (j) Restrictions on the advertising and display of marijuana and marijuana products, including regulations to ensure that advertising and marketing is not targeted to minors; and
 - (k) Civil penalties for the failure to comply with regulations made pursuant to this Section 12.
- (2) When issuing licenses in accordance with paragraph (1)(a) of this subsection (E), the Department shall, in the interest of preventing an excess supply of marijuana:
 - (a) Prior to January 1, 2026, not issue more than one retail marijuana store license for every sixty thousand residents in the state; and

- (b) Limit the total cultivation area collectively among marijuana cultivation facilities that were not granted the ability to cultivate marijuana in accordance with paragraph (3)(a) of this subsection (E) to one million five hundred thousand square feet of cultivation area.
- (3) In order to most efficiently and effectively initiate the process of eliminating the illicit market for marijuana and marijuana products in Ohio, while protecting the rights of medical marijuana patients under Ohio law:
- (a) Beginning on July 1, 2021, all entities that have received a license to cultivate, process, dispense, or test medical marijuana under Chapter 3796 of the Ohio Revised Code and are operating under those licenses as of July 1, 2021, being similarly situated and having been previously vetted and approved to operate by the state, may conduct those activities for the benefit of all individuals twenty-one years of age or older, subject to the regulations issued pursuant to paragraph (3)(b)(i) of this subsection (E), and shall be treated as if issued a license under regulations promulgated pursuant to paragraph (1)(a) of this subsection (E), provided that a locality may prohibit a retail dispensary from selling marijuana and marijuana products to individuals who are not registered patients or caregivers under the Ohio Medical Marijuana Control Program; and
- (b) Prior to July 1, 2021, the Department shall:
- (i) Issue regulations necessary for the implementation of paragraph (3)(a) of this subsection (E), ensuring that the regulations do not prohibit the activities for the benefit of all individuals twenty-one years of age or older, either expressly or through regulations that make conducting the activities unreasonably impracticable; and
- (ii) Take steps to ensure that an adequate supply of medical marijuana and marijuana can be produced to serve medical marijuana patients under the Ohio Medical Marijuana Control Program and individuals twenty-one years of age or older subsequent to July 1, 2021.
- (4) In order to ensure that individual privacy is protected, notwithstanding paragraph (1) of this subsection (E), the Department shall not require a consumer to provide a retail marijuana store with personal information other than government-issued identification to determine the consumer's age, and a retail marijuana store shall not be required to acquire and record personal information about consumers other than information typically required in a financial transaction conducted at a retail liquor store.
- (5) The General Assembly may enact a special sales tax to be levied upon marijuana and marijuana products sold at retail marijuana stores or other entities that may be authorized to sell marijuana or marijuana products to consumers and, if such a sales tax is enacted, shall direct the Department to establish procedures for the collection of all taxes levied. Provided, at least one-quarter of the revenue raised from any such sales tax shall be placed in a special fund and used to establish a Commission on Expungement, Criminal Justice, Community Investment, and Cannabis Industry Equity and Diversity, which shall provide recommendations regarding the allocation of the remaining revenue in the fund; at least one-half of the revenue raised from any such sales tax shall be allocated to the State Local Government Fund or any successor fund dedicated to a similar purpose; and at least one-tenth of the revenue raised from any such sales tax shall be returned to the municipal corporations or townships in which the retail sales occurred in proportional amounts based upon the sales taxes remitted.

- (6) A locality may enact ordinances or regulations, not in conflict with this Section 12 or with regulations or legislation enacted pursuant to this Section 12, governing the time, place, manner, and number of marijuana establishment operations; establishing a schedule of annual operating fees for marijuana establishments; and establishing civil penalties for violation of an ordinance or regulation governing the time, place, and manner of a marijuana establishment that may operate in such locality. A locality may prohibit the operation of marijuana cultivation facilities, marijuana processing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or through an initiated or referred measure; provided, any initiated or referred measure to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores must appear on a general election ballot during an even numbered year.
- (7) On matters related to zoning for marijuana establishments and the operation of marijuana establishments as it specifically relates to zoning established by local ordinances, localities shall have sole and exclusive authority.
- (8) Prior to issuing marijuana establishment licenses under this Section 12, the Department shall:
 - (a) Conduct a study to determine whether there has been prior discrimination in the issuance of marijuana-related licenses in Ohio, including whether the effects of marijuana prohibition have contributed to a lack of participation by racial minorities in Ohio's medical marijuana industry; and
 - (b) Take necessary and appropriate steps to address any identified discrimination when issuing marijuana establishment licenses.
- (9) Each application for an annual license to operate a marijuana establishment shall be submitted to the Department. The Department shall:
 - (a) Begin accepting and processing applications following the adoption of regulations described in paragraph (1) of this subsection (E);
 - (b) Immediately forward a copy of each application to the locality in which the applicant desires to operate the marijuana establishment;
 - (c) Issue an annual license to the applicant unless the Department finds the applicant is not in compliance with regulations enacted pursuant to paragraph (1), the applicant has not been selected to operate based on a selection process established in accordance with paragraph (1) of this subsection (E), or the Department is notified by the relevant locality that the applicant is not in compliance with ordinances and regulations made pursuant to paragraph (6) of this subsection (E) and in effect at the time of application; and
 - (d) Upon denial of an application, notify the applicant in writing of the specific reason for its denial.
- (10) The Department may issue retail marijuana store licenses in excess of the number permissible under paragraph (2)(a) of this subsection (E) and may permit any marijuana cultivation facility to add additional cultivation area notwithstanding paragraph (2)(b) of this subsection (E):
 - (a) If licensed marijuana establishments in Ohio are able to engage in interstate commerce;
or

- (b) If the Department determines, based on articulable economic data and after considering existing and anticipated future consumer demand, that increasing the limitations will not result in a significant excess supply of marijuana in Ohio.

(F) Employers, driving, minors, and property rights.

- (1) Nothing in this Section 12 is intended to require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace or to affect the ability of employers to have policies restricting the use of marijuana by employees.
- (2) Nothing in this Section 12 is intended to allow driving under the influence of marijuana or driving while impaired by marijuana or to supersede statutory laws related to driving under the influence of marijuana or driving while impaired by marijuana, nor shall this Section 12 prevent the state from enacting and imposing penalties for driving under the influence of or while impaired by marijuana.
- (3) Nothing in this Section 12 is intended to permit the transfer of marijuana, with or without remuneration, to a person under the age of twenty-one or to allow a person under the age of twenty-one to purchase, possess, use, transport, grow, or consume marijuana.
- (4) Nothing in this Section 12 shall prohibit a person, employer, school, hospital, detention facility, corporation, or any other entity who occupies, owns, or controls a property from prohibiting or otherwise regulating the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in that property.
- (5) Nothing in this Section 12 shall prevent a state or local administrative agency from regulating or prohibiting the use or consumption of marijuana on a commercial property as a condition for commercial licensure at that property.
- (6) A person charged with the well-being of a minor shall not be denied custody, visitation, or any other parental right or responsibility for conduct that is permitted by this Section 12, unless the person's behavior is such that it creates an unreasonable danger to the minor that can be clearly articulated and substantiated.

(G) Medical marijuana provisions unaffected. Nothing in this Section 12 shall be construed to limit any privilege or right of a medical marijuana patient or caregiver as provided under the Ohio Medical Marijuana Control program.

(H) Self-executing, severability, conflicting provisions. All provisions of this Section 12 are self-executing except as specified herein, are severable, and, except where otherwise indicated in the text, shall supersede conflicting state statutory, local charter, ordinance, or resolution, and other state and local provisions.

STATEMENT OF CIRCULATOR

I, Megan Colliflower, declare under penalty of election falsification that I am the circulator of the foregoing petition paper containing the signatures of 1 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

Pure Ohio Wellness 4020 Dayton Springfield Rd Springfield, OH 45502
(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 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 qualified to sign, and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

Megan Collyer
(Signed)

4211 Wood Acre Dr
(Address of circulator's permanent residence)
Number and Street, Road or Rural Route

Bellbrook
City, Village or Township

Ohio 45305
State Zip Code

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