



# MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

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

[www.OhioAttorneyGeneral.gov](http://www.OhioAttorneyGeneral.gov)

March 18, 2016

*Via regular mail and email*

Sandra Kay Riggs  
Executive Director  
Ohio Medical Cannabis Care LLC  
P. O. Box 783  
Brice, Ohio 43109  
omcc2016@gmail.com

Re: Ohio Medical Cannabis Amendment

Dear Ms. Riggs,

In accordance with the provisions of Ohio Revised Code (ORC) Section 3519.01(A), on March 8, 2016, I received a written petition proposing to add the Ohio Medical Cannabis Amendment to Ohio's Constitution and a summary of the proposed amendment. One of my statutory duties as Attorney General is to send all of the part-petitions to the appropriate county boards of elections for signature verification. With the Franklin County Board of Elections reporting back, at least 1,000 signatures already have been verified.

Pursuant to ORC 3519.01(A), I must examine the summary and determine whether it is a fair and truthful statement of the proposed amendment. If I conclude that the summary is fair and truthful, I must certify that fact to the Secretary of State within ten days of receiving it. In this instance, the tenth day falls on Friday, March 18, 2016.

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

There are a number of discrepancies between the summary and the proposed amendment:

- The summary in section 1 states that the amendment "provides for Medical Cannabis only for individual [sic] with a qualified medical condition." In contrast, section 27(17) of the proposed amendment does not limit qualifying medical patients to those with a qualified medical condition as enumerated in section 27(16), but more broadly to those "with a disease or pain from a disease."
- The summary in section 2 states that the remaining two of seven OMCC commissioners shall be appointed "by the first five (5) appointed commissioners." This provision does

not appear in section 2(e) of the proposed amendment, which provides only that the final two commissioners shall be appointed “after the first five commissioners have been appointed.” The amendment itself does not specify who will appoint those two commissioners.

- The summary in section 5 provides that “[t]his Amendment *shall not allow a display of signage shall be limited to the use of a cannabis leaf or a green cross[.]*” (Emphasis added). This language does not match section 5 of the proposed amendment, which states that “[d]isplay of signage shall be limited to the use of a cannabis leaf or a green cross[.]”
- The summary in section 14 provides that “[a]ll registration fees will be paid to the OMCC for their operational expenses after that it will be paid to the Ohio Department of Medical Cannabis.” In contrast, section 14(6) of the proposed amendment provides that “[a]ll Registration fees shall be paid to the Commission ("OMCC") for operating expenses, and the enforcement for of this Amendment.” In addition, outside of this reference, the summary fails to make clear that section 2(i) of the proposed amendment creates a new department known as the Ohio Department of Medical Cannabis.
- The summary in section 15 states that “[t]he number of patients having a *qualified medical* shall be unlimited.” (Emphasis added.) This terminology does not correspond with section 15(a) of the proposed amendment: “No limit to patients with a medical condition as recommended by their doctor/practitioner for the use of medical cannabis.”
- The summary in section 17 states that the Ohio Medical Cannabis Commission “shall have the right to inspect all locations for CCC at any time[.]” In contrast, section 4(a) of the proposed amendment only provides that right “before issuing a registry card/registry certificate.”
- The summary in section 18 provides that “[a]nyone over the age of 21 years of age . . . must first obtain a registration card and certificate from the OMCC” in order to “grow medical cannabis.” Section 6 of the proposed amendment, however, provides that “[a]ll medical patients over the age of twenty-one (21) years of age shall possess the right to grow medical cannabis[.]” Section 27(17) of the proposed amendment defines a “patient” as “an individual who has been diagnosed by a doctor /practitioner as having (a) qualifying medical condition,” and does not include a requirement of a registration card or certificate.
- The summary in section 22 provides that the amendment “shall not require any County or State Medical Assistance Program or a Private Insurance Company to reimburse a patient for cost accumulated or associated with the Medical Use of Cannabis.” The corresponding section in the proposed amendment, section 22(d), does not include any reference to County Medical Assistance Programs.

- The summary in section 24 requires that “[a]ll agents or persons transporting useable cannabis or cannabis products must have documentation and a registry card from the OMCC.” The corresponding section in the proposed amendment, section 24(a), does not include any requirement of a registry card.
- The summary does not include any reference to section 27(21) of the proposed amendment, which provides that “[d]ispensaries and CCC will be the only companies that will be allowed to have a sign on their outside building with a green cross or cannabis leaf, per local code.”

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

Very respectfully yours,



Mike DeWine  
Ohio Attorney General

cc: Committee to Represent the Petitioners

Tonya D. Davis  
4524 Croftshire Dr.  
Kettering, OH 45440

Carlis E. McDerment, Jr.  
1933 Surrey Rd.  
Blacklick, OH 43004

Maryella R. Carpenter  
571 Winchester Pike  
Canal Winchester, OH 43110

Eric Richard Young  
215 Eastmoor Ave.  
Circleville, OH 43113