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January 22, 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 January 13, 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 all of the counties 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 Saturday, January 23, 2016. Therefore, my determination is due Monday, January 25, 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 6 defines a "qualified medical patient" as, among other attributes, a person "at least twenty-one (21) years of age." In contrast, subsection 18 of section 28 of the proposed amendment defines a "[q]ualifying medical patient" as a person who is, among other attributes, "at least eighteen years of age."
- The summary in section 12 exempts information kept by the Ohio Medical Control Commission from the "Freedom of Information Act" except for disclosures to Ohio law

enforcement and Ohio courts. In contrast, section 12 of the proposed amendment permits the OMCC to disclose information only to a “law enforcement official,” with no allowance for Ohio courts.

- The summary in section 17 states that the Ohio Medical Cannabis Commission “shall be permitted to confirm a cardholder status to an employer, school, court, [or] Ohio Enforcement Officials.” However, section 12 of the proposed amendment permits the OMCC to confirm a cardholder’s status only “with his/her permission.”
- Section 22 of the summary allows medical testing facilities, dispensaries, and CCCs to display signage that “shall be limited to the use of a cannabis leaf or a green cross.” In contrast, section 5 of the proposed amendment states that each of these facilities “may display a cannabis leaf or green cross” but provides no such limitation.
- The summary in section 27 defines “medical use” to mean “using cannabis, dried plant from a cannabis living plant of the genus cannabis.” In contrast, the proposed amendment in section 27 defines “medical use” as “the acquisition, possession, administration, cultivation in an enclosed and locked facility, delivery, transportation, transfer, or use of medical cannabis or medical cannabis accessories or supplies relating to the administration of cannabis to treat or alleviate a patient’s qualifying medical condition.”

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

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