

County: Stark

Number: 76

David Yost  
Ohio Attorney General  
30 East Broad Street, 16th floor  
Columbus, Ohio 43215

Ohio Attorney General  
Constitutional Offices Section  
RE: Petition & Summary for Proposed Amendment to the Ohio Constitution

Pursuant to R.C. § 3519.01 (A), enclosed herewith is petition to amend the Ohio Constitution by initiative submitted by myself, Cody MiCiquemani, and Timothy Kerby and as members of the petition committee. The petition contains the signatures of approximately 1248 qualified electors, as well as the full text of the amendment to be proposed and a summary of that text.

Please do not hesitate to contact me if you have any questions regarding this filing.

Sincerely,



Chad Alan Spohn

**RECEIVED**

MAR 17 2020

Ohio Attorney General  
Constitutional Offices Section

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

INITIATIVE PETITION  
Amendment to the Constitution Proposed by Initiative Petition  
To be submitted directly to the electors  
Amendment  
TITLE: Marijuana Rights and Regulations

PROPOSED SUMMARY

Ohio Attorney General  
Constitutional Office Section

This amendment will add a new Section 24 to Article 1 of the Ohio Constitution to endow the Rights of persons in Ohio age 21 years and older to possess, use, transport, purchase and share marijuana in Ohio; and the laws, rules, regulations, ordinances and resolutions created under this amendment shall place limitations on those Rights in residences, public spaces, and commerce; and

Will give authority to the General Assembly to create laws concerning impairment by marijuana that are similar to those for alcohol, laws concerning marijuana use in public spaces that are similar to those for alcohol and tobacco, and laws restricting access for minors that are similar to those for alcohol; and gives the General Assembly and local governments the authority to enforce violations of the laws, rules and regulations or ordinances and resolutions, respectively, created under this amendment; and

Will authorize the General Assembly to modify certain sub-sections and provisions in the amendment; and

Will protect employers concerning employee marijuana use, allow employers to maintain drug free work place policies that exclude marijuana and to enjoy the benefits of workers compensation insurance reductions such policies may bring, and the amendment will not interfere with federal restrictions on employment; and

Will give authority to municipal and township governments to create ordinances and resolutions, respectively, for zoning of marijuana businesses in voting precincts that approve the amendment and to limit marijuana production and processing for personal adult use; and

Will give authority to the Non-Profit, My Free Ohio, to regulate marijuana commerce through

County: Stark

Number: 76

license of marijuana businesses, through requirement of newly built structures to produce marijuana, through regulation of pesticides and contaminants, through regulation of processing, through a permit system with 2 years of residency required, for the first seven years, for all persons engaged in marijuana commerce and with exclusions for certain criminal offenses and exceptions for certain marijuana offenses, through a consumer protection system that may include mandatory testing of marijuana crops and products, through a tracking system for marijuana products, through regulation of advertising and packaging and the authority to tax retail sale of marijuana and marijuana products, and require all marijuana businesses to provide security for premises, employees and products and to provide secure and documented transportation for products; and

Will give the Supreme Court of Ohio exclusive, original jurisdiction in all cases challenging laws, rules, regulations, ordinances or resolutions in conflict with the statement of Rights, and matters of taxation, and the amendment will supersede conflicting state and local laws, regulations, ordinances, resolutions or other provisions of this constitution.

#### CERTIFICATION OF THE ATTORNEY GENERAL

This certification of the Attorney General, pursuant to Ohio Revised Code Section 3519.01 (A), will be inserted when it is provided. This initial petition must be submitted with at least one thousand (1000) 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:

Name	Residential Address
1. Chad Spohn	986 Luke Schute Rd., Watterford, Ohio 45786
2. Timothy Kerby	9997 State Rt. 21 NW, Strausburg, Ohio 44680
3. Cody Cinquemani	829 Clarendone Eve., NW, Canton, Ohio 44708
4.	

FULL TEXT OF THE AMENDMENT

§Marijuana Rights and Regulations

Whereas, the majority of States of these United States have regulated marijuana; and  
Whereas, we believe that marijuana prohibition has infringed on our individual liberty,  
endangered the well-being and safety of Ohio families and is in conflict with a just and civil  
society; and

Whereas, we believe that an Ohio citizen's Rights to life, liberty and happiness includes the adult  
use of marijuana as a Right; and understand that this amendment applies only to Ohio law and  
State action, and does not immunize violations of federal law;

Now Therefore Be it Resolved by the People of the State of Ohio that Article I of the Ohio  
Constitution is hereby amended to add the following Section: §24 Marijuana Rights and  
Regulations:

RIGHTS

The Rights of all persons 21 years and older in Ohio to use in a manner they choose, and to  
possess, transport, purchase and share marijuana and marijuana products in Ohio shall not be  
infringed except for the limitations set forth in this section.

I. General Limitations

- a. Laws and penalties concerning the public use of marijuana products shall be substantially similar to those for alcohol and tobacco products.
- b. Laws and penalties concerning marijuana use in a vehicle or operating a vehicle or heavy equipment while impaired by marijuana and public intoxication by marijuana shall be substantially the same as those for alcohol. The State shall reasonably determine what
- c. constitutes impairment under this provision using protocols and test substantially similar to those of Alcohol.
- d. Laws and penalties concerning the use of marijuana in public institutions and community facilities shall be substantially similar to those for alcohol and tobacco products.
- e. Laws and penalties concerning marijuana and minors shall be substantially the same as those for alcohol.
- f. It may be a felony offense to transport marijuana or marijuana products into or out of Ohio for commercial purpose; except as this provision may be amended by

II. Employer Protection Limitations

a. Nothing in this section shall:

- i. require an employer to permit or accommodate an employee's use, possession, or
- ii. distribution of marijuana;
- iii. prohibit an employer from refusing to hire, discharge, discipline, or otherwise take an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's use of marijuana;
- iv. prohibit an employer from establishing and enforcing a drug testing policy, drug-free workplace policy, or zero-tolerance drug policy;
- v. interfere with any federal restrictions on employment, including the regulations adopted by the United States department of transportation in Title 49 of the Code of Federal Regulations, as amended;
- vi. permit a person to commence a cause of action against an employer for refusing to hire, discharge, discipline, discriminate, retaliate, or otherwise take an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment related to marijuana; or
- vii. affect the authority of the administrator of workers' compensation to grant rebates or discounts on premium rates to employers that participate in a drug-free workplace program established in accordance with rules adopted by the administrator under Chapter 4123. of the Revised Code; and a person who is discharged from employment because of that person's use of marijuana shall be considered to have been discharged for just cause.
- viii. of section 4141.29 of the Revised Code if the person's use of marijuana was in violation of an employer's drug-free workplace policy or zero-tolerance policy.
- ix. This sub-section may be amended by the General Assembly,

III. Production for Personal Adult Use Limitations

- a. The legislative authority of a municipal corporation may adopt an ordinance, or a board of township trustees may adopt a resolution that may reasonably limit marijuana for personal adult use and may enforce those limits with civil penalties that do include civil asset forfeiture and shall include forfeiture of marijuana plant material.

- b. Marijuana possessed in residences or their curtilages for personal adult use shall be reasonably secure from minors (under the age of 21), out of public view and not create a public nuisance; violations of this provision may be a civil or minor misdemeanor offense.
- c. Marijuana purchased for personal adult use may not be sold, bartered or traded; violations of this provision may be a felony of the fifth degree offense.
- d. Volatile or dangerous marijuana oil extraction methods may not be used in a residence or its curtilage to process marijuana for personal use; violations of this provision may be a felony of the fifth degree offense.
- e. No intoxicating marijuana products shall be sold out of a residence or its curtilage, excluding all hemp products and legal cannibiodoil; violations of this provision may be a felony of the fifth degree offense.
- f. Landlords may prohibit marijuana production, processing, and use within the leased property.

#### IV. Marijuana Businesses Limitations

- a. Marijuana businesses shall be lawful only in those voting precincts in which the majority of voters approved this section; non-approving precincts may adopt this sub-section through local initiative after the effective date.
- b. The legislative authority of a municipal corporation may adopt an ordinance, or a board of township trustees may adopt a resolution to apply appropriate and reasonable zoning regulations and reasonably limit the type, location, operating hours and number of marijuana businesses within the municipal corporation or within the unincorporated territory of the township, respectively.
- c. No business shall possess, produce, process, transport, purchase or sell marijuana or
- d. marijuana products for commercial purpose without first holding a marijuana business license issued by the Non-profit, My Free Ohio; violations of this provision may be a misdemeanor offense.
- e. Marijuana businesses shall be licensed by the Non-Profit, My Free Ohio and may operate in the same way as any business except that only businesses that specialize in marijuana may produce, possess, process, sell or test marijuana products for commercial purpose and no marijuana business shall also sell alcoholic beverages or tobacco products.

- f. Marijuana product retailers shall be apportioned, licensed, inspected and regulated in substantially the same manner and with substantially the same cost and capitalization
- g. requirements, if any, as beer retailers. Marijuana product retailers shall purchase marijuana product inventory only from a licensed marijuana distributor, processor or producer. Marijuana product retailers may sell marijuana in plant form, marijuana products and related hard goods and may provide reasonably secure retail delivery services.
- h. Marijuana product wholesale brokers shall be licensed, inspected and regulated, in a manner similar to and with substantially the same cost and capitalization requirements, if any, as beer wholesalers.
- i. Commercial marijuana processors and businesses that manufacture infused marijuana
- j. products shall be licensed, inspected and regulated in substantially the same manner and with substantially the same cost and capitalization requirements, if any, as food processors. The Non-Profit, My Free Ohio shall reasonably determine and regulate extraction and purification processes used for the extraction of marijuana oils.
- k. Commercial marijuana producers shall be licensed, inspected and regulated in substantially the same manner and with substantially the same cost and capitalization requirements, if any, as plant nurseries. Commercial marijuana production shall be classified as agriculture. Commercial marijuana shall be produced only in enclosed buildings with newly installed electric build out, newly built greenhouses or newly built shade houses, except that non-intoxicating varieties may be grown in fields. All commercial marijuana production shall be out of public view at ground level. Marijuana producers may sell marijuana in plant form only to licensed marijuana producers, processors, distributors and retail businesses.
- l. All commercial marijuana businesses shall provide reasonable security for their premise, products and employees and shall provide manifested and reasonably secure transportation for commercial marijuana products between business locations.
- m. The Non-Profit, My Free Ohio shall determine reasonable requirements for packaging and labeling of retail marijuana products and shall prohibit products and packaging that may appeal to children.
- n. The Non-Profit, My Free Ohio may provide a seed to sale tracking system for commercial marijuana products.

County: Stark

Number: 76

- o. The Non-Profit, My Free Ohio may reasonably regulate advertising related to marijuana businesses, marijuana and marijuana products.
- p. No government agency may produce, process or sell marijuana for commercial purpose, except for research purposes.
- q. Any person in Ohio age 21 or over may, for their personal use, make retail purchases of marijuana or marijuana products allowed under this section.
- r. No person shall license, own, operate or work for a marijuana business in Ohio without first holding a commercial marijuana permit issued by the Non-Profit, My Free Ohio.
- s. The Non-profit, My Free Ohio Company, may at its discretion, hire, assign, and delegate third party companies to assist in the management, regulation, and all oversight related to the production sale and distribution of Marijuana in the State of Ohio.
- t. No commercial marijuana business in Ohio shall hire, employ or retain a person who does not hold a commercial marijuana permit.
- u. Violations of law under this sub-section may be a felony of the fifth degree offense.

V. The Commercial Marijuana Permit Limitations

- a. No person in Ohio shall possess, produce, process, transport, purchase or sell marijuana or marijuana products for commercial purpose without first holding a commercial marijuana permit issued by the Non-profit, My Free Ohio; violations of this provision may be a misdemeanor offense.
- b. The permit shall be issued through application by the State. The permit shall be available to any qualified Ohio citizen 21 years or older who has been a resident of Ohio for at least two consecutive years immediately prior to application for the permit; the non-profit, My Free Ohio, at its discretion may amend the residency requirement of this provision at any time seven years after the effective date of this section.
- c. The permit applicant shall be required to pass a written exam, with accommodation made for the disabled, before receiving the permit. The permit exam shall be used to validate that the applicant has fair understanding of Ohio marijuana law and their rights, obligations and responsibilities under Ohio marijuana law.



- d. No person that is incarcerated or under judicial order may hold a commercial marijuana permit. The Non-Profit, My Free Ohio may revoke or refuse to renew or issue the permit to a person who has been convicted of:
  - i. three misdemeanor offenses of law created under this section within a seven-year period;
  - ii. a felony offense of law created under this section;
  - iii. a felony child abuse, domestic violence or sexual assault offense; or
  - iv. any other felony offense less than seven years prior to application that is reasonably related to the person's fitness to hold a permit.
- e. A felony marijuana offense in any jurisdiction more than five years prior to the effective date of this section, or a civil infraction or misdemeanor marijuana offense prior to the effective date of this section, or a marijuana offense which may conflict with the intent of this section after its effective date, shall not be a test to apply for, obtain, hold or renew the permit.

#### VI. Consumer Protection Limitations

- a. The State shall establish standards of pesticide use in commercial marijuana crops and permissible levels of contaminants, adulterants, pesticides etc. in all marijuana products and marijuana infused products in the interest of consumer protection and public safety.
- b. Marijuana crops and products may be tested by independent laboratories and the laboratories shall certify that marijuana crops and marijuana products meet Non-Profit, My Free Ohio standards for purity before being released for consumption through processing or sale.
- c. The laboratories shall be licensed, inspected and regulated by the State.
- d. Harvested marijuana crops shall be held actually or constructively by a testing laboratory until the crop has been certified or certification has been denied. The Non-Profit, My Free Ohio may extend this provision to include marijuana infused products.
- e. Crops or products that are denied certification are considered unfit for consumption and shall be destroyed; there shall be a process to appeal a denial of certification.
- f. The Non-Profit, My Free Ohio shall not regulate cannabinoid content of

County: Stark

Number: 76

marijuana in plant or extract form; the Non-Profit, My Free Ohio may regulate the cannabinoid content of marijuana infused products.

- g. Violations of this sub-section may be a criminal offense as determined by the General Assembly.

VII. Expungement

- a. Any person convicted in the state of Ohio of a drug offense related to the use, possession, growth, production, or processing of Marijuana, may petition the court for expungement, or if the person is presently incarcerated, petition for immediate release for said charges. The expungement or release petition shall include all charges within the state of Ohio, under any Section of the Ohio Revised Code.
- b. Restrictions.
  - i. Charges that include violence, weapons possession or use, or conviction for another controlled substance, or aggravating circumstances, not including possession of paraphernalia may not be expunged or eligible for release.

VIII. Effect on Other Rights

- a. The use of Marijuana shall not effect any right or privilege not effected by substantially similar laws, regulations, or administrative codes that do not similarly effect Alcohol and Tobacco use. If such laws, regulations, or codes are in place, they shall immediately become null and void and the rights and/or privileges of any individual effected shall be restored.

IX. Taxation

- a. The General Assembly may place a reasonable and economically viable tax on the retail sales of commercial marijuana products and marijuana infused products sold in Ohio and apply all appropriate and necessary State tax law and penalties to that tax not to exceed 15% of retail price.

X. Power to Create Administrative Unit

- a. Nothing in this section shall require or prevent the General Assembly or Administration from establishing a department, agency or office to oversee the operation of law under this section as advisory and supplemental aid for My Free Ohio.

XI. Severability

- a. The provisions of this section are intended to be severable, and the invalidity of one or more of such provisions shall not affect the validity of the remaining provisions.

XII. Original Jurisdiction

- a. The Supreme Court of Ohio shall have exclusive, original jurisdiction in all cases

County: Stark

Number: 76

challenging laws, rules, regulations, ordinances or resolutions in conflict with this Section.

XIII. Effective date

- a. This section shall go into effect 30 day after passage. The General Assembly shall within 240 days after the effective date enact and enable laws, consistent with this section. My Free Ohio shall promulgate rules and regulations consistent with those laws and this section.

XIV. Definitions

As used in this section:

- a. "Electric build out" refers to the complete electrical installation, lights and equipment needed to grow marijuana.
- b. "Marijuana" means any member or material of the plant genus Cannabis, known commonly and in law as marijuana or hemp.
- c. "Marijuana product" means any harvested marijuana, marijuana extraction or marijuana infused product.
- d. "Marijuana infused product" means any product containing marijuana or marijuana extract as an additive.
- e. "Newly built" means built after the effective date of this section.
- f. "Newly installed" means installed after the effective date of this section.
- g. "Process" as it refers to marijuana means the extraction of oils from marijuana plant
- h. material.
- i. "Production" as it refers to marijuana means growing of marijuana.

XV. Conflicting Laws

- a. This section shall supersede any conflicting Non-Profit, My Free Ohio and local laws, rules, regulations, ordinances, and resolutions and no other provisions of the Ohio Constitution shall impair the Rights enumerated herein.

\*end full text of amendment\*

County: Stark

Number: 76

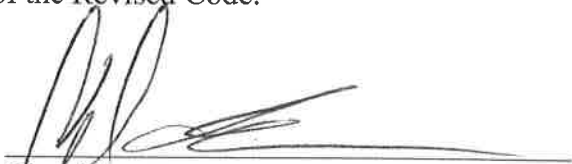
PETITION FOR CONSTITUTIONAL AMENDMENT

**Circulator Statement**

Must be completed and signed by the Circulator.

I, Chad Spohn (Print Name) declare under penalty of election falsification that I am the circulator of the foregoing petition paper containing the signature of; that I am the circulator of the foregoing petition containing 1248 (Number) 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 with knowledge of the contents of same; 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.

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

  
Circulator Signature

986 Luke Chute Rd  
Permanent Residence Address

Waterford OH 45786  
City or Village State Zip Code