



March 21, 2016

Don E. Wirshafter
6998 State Route 329
Guysville, Ohio 45735
wirtshafter@gmail.com

Re: Medical Cannabis and Industrial Hemp Amendment

Dear Committee:

In accordance with the provisions of R.C. 3519.01(A), on March 10, 2016, I received a written petition proposing to add the Medical Cannabis and Industrial Hemp 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 have been verified.

Pursuant to R.C. 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 Sunday, March 20, 2016. Therefore, my determination is due Monday, March 21, 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.

I have identified one material omission and one significant discrepancy between the summary and the proposed amendment:

- The summary does not reflect the proposed amendment's provision that "[i]ndustrial hemp and medicinal cannabis shall be researched, regulated, and promoted by the State in a manner substantially similar to other agricultural crops."
- The summary describes a licensing process that "provides equal opportunity for access, ownership and employment for all Ohio citizens who have attained the age of 21 years old." The proposed amendment states that one must be 21 years old to participate in the licensing process, but does not include an age limitation for those receiving "equal opportunity to access, ownership, and employment[.]" In other words, the summary

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could lead a reasonable signor to infer that the amendment says that one must be at least 21 years of age to be employed in cannabis-related commerce. However, the proposed amendment does not provide such a limitation.

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,

A handwritten signature in blue ink that reads "Mike DeWine". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Mike DeWine
Ohio Attorney General

cc: Committee to Represent the Petitioners

Joseph L Triscaro
7721 Chagrin Rd
Chagrin Falls, Ohio 44023

Tonya Davis
4524 Croftshire Dr.
Kettering, Ohio 45440

Cassandra Young
3445 Tonti Dr.
Dublin, Ohio 43016

Michael MacGuffie
3651 Harley
Toledo, Ohio 43613

Joseph Brumfield
6994 State Route 329
Guysville, Ohio 45735