



**Ohio Medical Cannabis Care LLC**

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July 20, 2015

**RECEIVED**

JUL 20 2015

**Ohio Attorney General  
Constitutional Offices Section**

Honorable Mike DeWine  
Ohio Attorney General  
30 E. Broad Street  
Columbus, OH 43215

**RE: "OHIO MEDICAL CANNABIS AMENDMENT" SUMMARY PETITION**

Dear Attorney General De Wine:

I am hereby filing with your office on behalf of the Ohio Medical Cannabis Care LLC, and pursuant to R.C. §3519.01(A), a petition to approve a summary of a constitutional amendment to be proposed by initiative petition. The petition contains 2584 signatures of electors on 393 part-petitions and the summary with full text of the amendment to be proposed. A list of the number of part-petitions and signatures separated by counties is attached to this correspondence.

Please contact me if you have any questions. Thank you.

Very truly yours,

Sandra Kay Riggs  
Chairwoman & Petitioner

Enclosures

**Sandra Kay Riggs, Executive Director, 614-981-8243**  
**Carlis E. McDermott, Director, 614-701-7590**

To the Attorney General of Ohio: Pursuant to Revised Code 3519.01 (A) the undersigned electors of the State of Ohio, numbering in excess of one-thousand (1,000), hereby submit to you our Summary and Full Text 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

**RECEIVED**

JUL 20 2015

Ohio Attorney General  
Constitutional Offices Section

**Amendment**

Title: "Ohio Medical Cannabis Amendment"

**SUMMARY**

The "Ohio Medical Cannabis Amendment", would add a new Section 12 to Article XV of the Constitution of the State of Ohio to establish an Ohio Medical Cannabis Commission to regulate cannabis for the growing, cultivation, processing, testing, distribution and sales, to manufacture cannabis infused products, taxation of cannabis and products sold, regulate and license the use of medical cannabis and cannabis products, provide for the legalization to end the prohibition of cannabis for medical use. Allow doctors and practitioners, during the course of a bona fide practitioner-patient relationship, to recommend cannabis to patients as a treatment for qualifying medical conditions and to allow patients to grow up to eight (8) flowering plants for their personal medical use and a minor patient, with medical conditions, to qualify for treatment. Furthermore, this amendment protects patients and their providers from penalties or disciplinary action for the medical use of cannabis, establishes a registry program for law enforcement to distinguish between the medical and non medical use of cannabis, and allows the State of Ohio to redistribute funds generated through the Registry Program and Flat Tax toward the funding of law enforcement, public education, safety resources, medical services, State General Fund and the Ohio Medical Cannabis Commissions enforcement per this Amendment.

**(A) OUTLINE OF AMENDMENT**

- 1) This amendment does not allow a person to provide cannabis to a minor, a person to expose a minor to second hand cannabis smoke, or a person to smoke cannabis in any public place.
- 2) This amendment shall not authorize any person to engage in, and does not prevent the imposition of any civil, criminal, or other penalties for possessing cannabis, or otherwise engaging in the medical use of cannabis on a school bus, on the grounds of any school, in any correctional facility, or when doing so would constitute professional negligence or malpractice.
- 3) Operating, navigating, or controlling any motor vehicle, aircraft, or motorboat while under the influence of cannabis is not protected under this amendment, except that a patient or a visiting patient shall not be considered under the influence of cannabis solely because of the presence of metabolites or components of cannabis that appear in insufficient concentration to cause impairment.
- 4) Nothing in this amendment shall require a government medical assistance program or a private health insurer to reimburse a person for costs associated with the medical use of cannabis, or require any person or establishment in lawful possession of property to allow a person to smoke or cultivate cannabis on that property.
- 5) Nothing in this amendment will require an employer to allow an employee to work while under the influence of cannabis or administer cannabis at the workplace, except that a patient must demonstrate impaired behavior as a result of cannabis use to be considered under the influence of cannabis.
- 6) All cannabis plants cultivated pursuant to this amendment, shall be kept enclosed and in locked facilities accessible only by cardholders at locations disclosed to the Ohio Medical Cannabis Commission, herein referred to as OMCC. Persons who have been issued a registry card are deemed "cardholders". Cardholders are comprised of the following categories: After the passage of this amendment and the appointment of the Commission, the Commission shall establish a verification system and include all patients, caregivers and suppliers made available to the OMCC and law enforcement agencies.

**(B) Medical Patient:**

A person who is at least 21 years of age and has been diagnosed as having a qualified condition. "Qualifying Medical Condition", means a disease or a condition or its treatment that produces one or more of the following: (a) cachexia or wasting syndrome, (b) severe nausea, (c) server pain, or (d) severe and persistent muscle spasms including but not limited to those characteristics of

multiple sclerosis, or the following diseases and conditions: (e) posttraumatic stress disorder, (f) glaucoma, (g) Parkinson's Disease, (h) sickle cell anemia, (i) cancer, (j) HIV or AIDS, (k) Crohn's Disease, or (l) any additional disease or condition added by the OMCC, like epilepsy, autism, seizures, tourettes or any other neurological disease. This amendment provides a patient with the right to possess only up to 240 grams of usable cannabis during a twenty one (21) day period. Medical Patients shall not have in excess of 240 grams of medical cannabis product at any one time, and shall not sell to any person. All medical patients age 21 years of age or older shall possess the right to grow medical cannabis in their home or on their property in a secured indoor area away from public view and inaccessible to minors. A medical patient shall not grow more than eight (8) flowering plants at one time. Any Ohio resident 21 years of age or older with a doctor's recommendation for medical cannabis shall qualify for a medical patient's registry card from the Ohio Medical Cannabis Commission.

**(B -a) Individual "Medical Patient" Use**

- 1) Any medical patient being at least 21 years of age may grow up to eight (8) flowering cannabis plants, and no more than twenty-four (24) cannabis seedlings at any one time.
- 2) A Medical Patient shall also have no more than 240 grams of usable cannabis in his or her possession at any time.
- 3) A Medical Patient may only grow cannabis for him or herself and at only one location.
- 4) Shall possess the right to grow his or her medical cannabis in their home or on their property .
- 5) Shall be kept in a secured locked indoor area away from the public view and inaccessible to minors.
- 6) Shall not have in excess of 240 grams of medical cannabis or medical cannabis product.
- 7) A medical patient age 21 or older shall possess the right to grow cannabis, for medical use only..
- 8) An individual medical patient must obtain a registration card from the OMCC with a recommendation from his/her Doctor/Practitioner for the use of medical cannabis.

**(B -b ) Minor Patients**

Shall be a person under the age of 21 years of age; having a medical condition and must be supervised and under the guidance of the mother/father, guardian, grandmother/grandfather and/or institution; and shall not be criminalized for administrating cannabis, or cannabis related products to a minor, and must be recommended for the use of medical cannabis by a licensed Doctor or a Practitioner. A minor patient through his parents, grandparents, guardian and/or state institution shall have the right to obtain all of his/her medical cannabis products from any dispensary. A minor patient may be a resident of the State of Ohio or any other State.

**(C) A Caregiver.**

- 1) A person who is at least 21 years of age, possess no more than five patients, and allowed up to eight (8) flowering plants and twenty-four (24) seedlings per patient and possesses a valid caregiver registry card specified that the caregiver may possess the patients cannabis plants through the Ohio Medical Cannabis Commission registry program, with no more than 240 grams of cannabis per each patient.
- 2) Local zoning boards may enact zoning ordinances limiting the location of a caregiver's existing cultivation site within its jurisdiction but may not change zoning if such zoning existed prior to the Commission having approved the registration card for the caregiver at a designated location.
- 3) A caregiver may also be a medical patient and in addition to the five patients they shall also be allowed to have up to eight (8) cannabis flowering plants, twenty-four (24) seedlings and up to 240 grams of usable cannabis for their own medical use. All growing of cannabis plants must be in his or her home or property, and secured, locked and protected from minors and all other unauthorized personnel.
- 4) A caregiver may receive compensation for assisting a patient with medical cannabis as permitted by the OMCC, such compensation shall not constitute the sale of a controlled substance.

**(D) A Visiting Medical Patient**

- 1) Person who is at least 21 years of age, possess a valid patient registry card and has been diagnosed as having a qualified condition. Qualified conditions include cancer, Parkinson's Disease, Crohn's Disease, HIV, or AIDS, Posttraumatic Stress Disorder, Sickle Cell Anemia, Glaucoma, Alzheimer's Disease Dementia, epilepsy, autism, seizures, tourettes and any condition added by the Ohio Medical Cannabis Commission, OMCC, following the passage of this Amendment. Also included as a qualifying condition is a disease, condition or treatment of a disease or condition that produces Cachexia or Wasting Syndrome, Severe Nausea, Severe Pain, or Sever and Persistent Muscle Spasms, including but not limited to those characteristics of Multiple Sclerosis.
- 2) Shall have the right to possess no more than 240 grams of usable cannabis within a 21 day period, if he or she possess through the OMCC or his/her state of residency and has received a recommendation from a State licensed Doctor or Practitioner for the use of medical cannabis.

3) A visiting patient may also be a minor patient. A minor under the age of 21 years old, or a child, shall have all the privileges as set out in the medical patients conditions and provided he or she is diagnosed with a qualified condition from a licensed Doctor or Practitioner in or out of State, and has been issued a recommendation for a cannabis product and receives a registry card from the OMCC or his/her state of residency. The qualified minor patient must be under the supervision and guidance of mother/father, grandparents, guardian, or a state institution. A visiting patient or a minor may be a resident of Ohio or any other State.

4) A visiting minor Medical Patient may possess medical cannabis with a valid registration card from his/her state of residency or from the OMCC and be recommended for medical cannabis use by his or her professional doctor/practitioner and under the supervision or guidance of his mother/father, grandparents, guardian, or state institution. A minor visiting patient shall not possess more than 240 grams of usable cannabis at any time unless the recommendations from his doctor or practitioner calls for more or less grams. A minor visiting patient and a visiting patient may obtain their medical cannabis from a Dispensary with the Doctor/Practitioner recommendation and a registration card from the OMCC or his/her state of residency.

**(E) Commercial Cultivation Centers, "CCC".**

1) Grow unlimited amounts of cannabis for medical use.

2) Supply cannabis and cannabis seedlings plants, to Dispensaries, State Colleges, Universities, and State Institutions that are approved for testing cannabis by the United States Government and or the of the State of Ohio.

3) Supply and wholesale medical cannabis products to Dispensaries within the State of Ohio.

4) Provide for the CCC registered facility to wholesale, produce or manufacture infused cannabis, medical infused cannabis products at any CCC registered facility center including cannabis leaves and cannabis stem.

**(F) Medical Cannabis Dispensary Shall Have the Right to Possess**

1) Unlimited amount of usable medical cannabis.

2) Cannabis for sale (to sell) cannabis accessories and supplies, usable cannabis products as approved by the Ohio Medical Cannabis Commission, and licensed by the Commission for a Medical Testing Facility. Each cannabis item shall have an approved label to insure that the item is qualified for sale and meets the standards and potency as required by the OMCC.

3) A Dispensary must obtain/purchase all medical cannabis from a Commercial Cultivation Center, with stamp of approval from the independent testing facility as approved by the Commission Licensing Board as a licensed Testing Facility.

4) A Dispensary shall sell cannabis and cannabis products and accessories and supplies to medical patients.

**(G) A Medical Cannabis Testing Facility, "MTF".**

A licensed Medical Testing Facility shall be permitted through the OMCC, The Medical Testing Facility will be an independent private laboratory licensed to conduct research and analyze for contamination and potency. The testing facility will be independently owned and not associated with the CCC or a MTF. All retail medical cannabis products sold by Dispensaries shall be tested by a licensed Testing Facility for THC potency, residual solvents (such as butane, poisons, toxins, harmful chemicals, metals, harmful microbial pesticides and dangerous molds, mildews or other contaminants. Potency and testing results shall be listed on the product label, including the Testing Facility with the testing number on the label of each product to be sold by a dispensary. A Testing Facility shall not sell cannabis products to the public and be only a Testing Facility.

**(H) Restrictions**

All medical patients, caregivers, visiting patients, minor patients, or person or persons having a testing facility or commercial cultivating center shall not be or become a registered card holder to provide, grow and or sell medical cannabis if they have committed a violent offence or a financial felony within the past five (5) years. After five (5) years the Ohio Medical Cannabis Commission will again review their application. A medical patient eighteen (18) years or older shall not be arrested, incarcerated, or fined for having in their possession two hundred forty (240) grams or less of usable medical cannabis while transporting from one facility to another and/or residence.

**(I) A Medical Doctor or Practitioner**

A medical doctor or practitioner shall not be subject to arrest, prosecution, penalty, or denied any right or privilege including but not limited to civil penalty or disciplinary action by an occupational or professional licensing board or bureau for providing written recommendations in good faith to persons diagnosed with a qualifying condition during the course of a bona fide practitioner patient relationship.

**(J) Appointment of the Commission, "OMCC".**

"Commission" means the Ohio Medical Cannabis Commission, OMCC. The Ohio Medical Cannabis Commission shall have a

total of seven (7) members; two (2) members shall serve an initial 4-year term. Two (2) members a 3-year term, three (3) members will serve an initial two-year term. All members shall be Ohio residents and voters in the State of Ohio. One member shall be a licensed Doctor or Practitioner, licensed in Ohio; One member a medical patient or cannabis advocate; One member a law enforcement officer or agent; Two members shall be appointees of different political parties; Two members appointed by the Governor of the State of Ohio; each being of a different political party and employed or active with the Ohio Department of Commerce. Five members shall be appointed to the Commission by the petitioners of the Ohio Medical Cannabis Amendment (petitioners ); Two by the governor of the State of Ohio. The Commission shall be duly elected within 60 days of the Amendment approved by the affirmative vote by the Ohio electorate

**(K) Flat Tax to be paid to the State of Ohio**

1) The flat tax shall be paid to the state of Ohio will be a Special Tax of 14% on the total gross revenue (100%) from each retail sales facility from a 100% of all medical cannabis sold in the State of Ohio, in addition to all other State and Local Tax being paid. Of the 100% Flat Tax paid to the State, 40% shall be paid into the State General Fund, 45% shall be distributed to the Municipalities, Cities, Counties and Township Governments "on a per capita basis". Such payments will be used for police, fire and/or emergency service, services roads and or repairs, public health, mental health and education. The remaining 15% shall be held in the Ohio Medical Cannabis Commission's fund for operations of the Cannabis Commission.

2) The total flat tax shall be paid to State Department of Taxation or special fund as designated by the State Auditor, and shall be paid to the local Government Fund or fund as designated by the State Auditor of Ohio. There shall be no other deductions from the 14% gross flat tax, regardless as to income or loss. The flat tax to be paid to the State will remain the same and be allowed to increase as the Amendment is implemented. The flat tax shall only be considered a supplement to the State and Local Governments. All monies received and not expended by the Ohio Medical Cannabis Commission for general operations shall be paid the Ohio Department of Taxation each year, on or before July 1, with an accounting statement.

**(L) A General Protection**

A Commercial Cultivation Center, Medical Patient, Visiting Patient, Caregiver, Dispensary, Minor Patient, Testing Facility and Ohio Medical Cannabis Commission as registered cardholders engaging in the medical use of cannabis as allowed under this article shall not be subject to disciplinary action, arrest, face any penalties or be denied any right or privilege including but not limited to employment or child custody by any court, financial institution, landlord, licensing board, employer, or any other entity for acquiring usable cannabis, cannabis products or cannabis plants from a registered cardholder. In addition a CCC providing usable cannabis or cannabis products to an institution approved by the State for the purpose of testing or clinical trials, possession of cannabis that is incidental to medical use, possession of cannabis paraphernalia, possession of usable cannabis, possession of cannabis plants. A caregiver may receive compensation for assisting a patient with medical cannabis as permitted by the Ohio Medical Cannabis Commission and such compensation shall not constitute the sale of a controlled substance.

**(M) Limitations on Commercial Cultivation Center CCC, Dispensaries and Testing Facilities**

In an effort to avoid the placement of a CCC in socially unacceptable areas, all CCC centers prior to permitting must obtain written approval from the local zoning board, that a property is zoned either industrial, commercial or agricultural and therefore available and approved for the permitting of a Commercial Cultivation Center CCC Dispensary and Testing Facility. After this amendment has been approved by the electorate, zoning shall not be changed to eliminate the above. This amendment provides that industrial, commercial or agricultural zoning is acceptable for a CCC or Dispensary or Testing Facility. A CCC, Dispensary or Testing Facility may not be physically located within 1000 feet of any corner of a preexisting school, a place of worship, daycare facility, drug or alcohol rehabilitation facility, boys club, girls club, YMCA, YWCA recreation center, or any similar community center. To ensure compliance with this restriction, and in an effort to avoid offending Ohio citizenry a CCC or a Testing Facility may not display, in public view, advertisements or signage containing the word "cannabis" or synonyms of the word "cannabis", depictions of the medical use of cannabis, cannabis paraphernalia, or a cannabis plant. Dispensaries only may display a cannabis leaf or green cross. A CCC, Dispensary or Testing Facility shall not knowingly allow cannabis to be ingested or smoked on its property, and no individual or company may have more than three Commercial Cultivating Centers in the State of Ohio, and no more than one Testing Facility per any one individual or company

**(N) Confidentiality**

All information received and records kept by any person or entity for the purpose of administering this amendment are confidential and exempt from the Freedom of Information Act, and are not subject to disclosure to any individual or entity without the cardholder's or the Commercial Cultivation Center's permission, except as necessary for authorized employees of the Commission of a law enforcement official to perform official duties pursuant to this amendment, and it shall be a misdemeanor punishable by up to

30 days in jail and a \$2,500 fine for any person to breach the confidentiality of information obtained pursuant to this amendment, except that an employee of the department shall confirm a cardholder's status as a patient, caregiver, or CCC agent, with his or her permission to a landlord, employer, school, medical professional, court, or Ohio law enforcement official.

**(O) Number of Caregivers, Dispensaries, CCC and Testing Facilities to be allowed.**

- 1) Caregiver: The Commissions shall provide that each of the 88 counties of Ohio shall be eligible for a caregiver or caregivers and allow one per each 5,000 residents within any given county, more if needed.
- 2) Dispensaries: Each of the 88 counties shall be allowed to have one Dispensary per 50,000 residents within a county
- 3) Commercial Cultivating Center: The Commission shall provide for up to one CCC per 100,000 residents in any given area. If a county is less in population than 100,000 residents, than adjoining counties can join to make one, however, no one county shall have over four Commercial Cultivation Centers.
- 4) Testing Facilities: The Commission shall provide for permitting five testing facilities within the State of Ohio divided in areas of Central, Northern, Southern, Eastern and Western.
- 5) The above numbers could change depending upon the need within the State of Ohio for medical cannabis use.
- 6) The Commission shall be very mindful and act accordingly so that all Ohioans hopeful of seeking medical help through the use of Cannabis and Cannabis Products will be within a reasonable distance.

**(P) Petitioners and their Duties and Financial Support**

The petitioners shall perform all of the requirements set by this proposed amendment and petitioners shall have the right to use the services of others, including a third party or parties to help bring this amendment to the electorate for an affirmative vote. A third party may provide funds for obtaining the signatures needed for the ballot, operational expenses, campaign funds, and organization experience and campaign advise. No third party or parties shall be prohibited from obtaining a registration/license card from the OMCC as a registered holder for medical dispensary or commercial cultivation center, but must be a resident of the State of Ohio. A Company or Corporation must be registered with the Secretary of State of Ohio and meet all the qualifications set by the OMCC to obtain a registration and/or license card. Members of the (Commission) OMCC shall be prohibited from being a registered or licensed holder for a Medical Dispensary or Commercial Cultivating Center, All members of the Ohio Medical Cannabis Commission shall be residents and registered voters of the State of Ohio.

**(Q) Registered cardholder as an individual or corporation**

- 1) Any person age 21 or older or any corporation may own and operate a Dispensary or a Commercial Cultivation Center providing they procure a registration card and meet all of the requirements set by the OMCC, including the filing with the Secretary of the State of Ohio if they are a Corporation, Partnership, Limited Liability Partnership or a Limited Liability Company.

**(R) Registry fees, and Card License Fees**

**The fee for registry application or renewals shall be as follows**

- 1) The fee for a medical registry card for personal patient, visiting patient or medical patient is not refundable and shall be \$150.00. The yearly renewal shall be the same amount.
- 2) The fee for caregiver registry certificate shall be \$1,000.00 and must be refunded within thirty (30) days if denied; yearly renewal shall be the same amount.
- 3) The fee for a licensed Dispensary shall be \$10,000.00 and must be refunded within thirty (30) days if denied; yearly renewal shall be the same amount.
- 4) The fee for a licensed commercial cultivation center shall be \$25,000.00 and must be refunded within thirty (30)days if denied; yearly renewal shall be the same amount.
- 5) Registration and license card fees shall be paid to the Commission for operating expenses, licenses, enforcement of the Ohio Medical Cannabis Commission, and other costs as generated by the Commission.
- 6) The OMCC shall revisit the fees paid for each previous three years and shall make such changes that are reasonable and comparable to fees charged in other States that have been approved to sell medical cannabis.

**(S) Sever-ability**

If any section or subsection of this article is held invalid, the remainder of this article shall not be affected by that holding and shall continue in full force and effect. THIS AMENDMENT shall take effect immediately following the approval of the voters of the State of Ohio.

**COMMITTEE REPRESENTING PETITIONERS**

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

PETITIONER	PETITIONER	PETITIONER	PETITIONER	PETITIONER
Sandra Kay Riggs 571 Winchester Pike Canal Winchester, OH 43110	Tonya D. Davis 4524 Croftshire Dr. Kettering, OH 45440	Maryella R. Carpenter 571 Winchester Pike Canal Winchester, OH 43110	Carlis E. McDerment, Jr. 1933 Surrey Rd. Blacklick, OH 43004	Eric Richard Young 215 Eastmoor Av. Circleville, OH 43113

*Sandra K Riggs Tonya Davis Maryella R. Carpenter Carlis E. McDerment Jr Eric Richard Young*

## FULL TEXT OF 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:

### Legalization, Regulation, and Taxation of Medical Use of Cannabis

(Ohio Medical Cannabis Amendment Text)

#### (A) Text

The "Ohio Medical Cannabis Amendment" would add a new Section 12 to Article XV of the Constitution of the State of Ohio to provide for legalization and to end the prohibition of cannabis for medical use, allowing licensed doctors and practitioners, during the course of a bona fide doctor/practitioner-patient relationship, to recommend cannabis to patients as a treatment for a qualifying medical condition. Furthermore, this amendment protects patients and their providers from penalties or disciplinary action for the medical use of cannabis, establishes a registry program in the State of Ohio, and establishes a 14% flat tax from 100% of cannabis and cannabis products sold in the State of Ohio, through the registry program. Funding to be distributed to law enforcement, public education, and safety resources, medical services, State of Ohio General Fund, and the Ohio Medical Cannabis Commissions enforcement per this Amendment.

- 1) This amendment does not allow a person to provide cannabis to a minor, a person to expose a minor to second hand cannabis smoke, or a person to smoke cannabis in any public place.
- 2) This amendment shall not authorize any person to engage in, and does not prevent the imposition of any civil, criminal, or other penalties for possessing cannabis, or otherwise engaging in the medical use of cannabis in a school bus, on the grounds of any school, in any correctional facility, or when doing so would constitute professional negligence or malpractice.
- 3) Operating, navigating, or controlling any motor vehicle, aircraft, or motorboat while under the influence of cannabis is not protected under this amendment, except that a patient or a visiting patient shall not be considered under the influence of cannabis solely because of the presence of metabolites or components of cannabis that appear in insufficient concentration to cause impairment.
- 4) Nothing in this amendment shall require a government medical assistance program or a private health insurer to reimburse a person for costs associated with the medical use of cannabis, or require any person or establishment in lawful possession of property to allow a person to smoke or cultivate cannabis on that property.
- 5) Nothing in this amendment will require an employer to allow an employee to work while under the influence of cannabis or administer cannabis at the workplace, except that a patient must demonstrate impaired behavior as a result of cannabis use to be considered under the influence of cannabis.
- 6) All cannabis plants cultivated pursuant to this amendment shall be kept in enclosed and locked facilities accessible only by cardholders at locations disclosed to the Ohio Medical Cannabis Commission, herein referred to as "OMCC". Hereafter in this text the Commercial Cultivation Center shall be referred to as "CCC". Persons who have been issued a registry card are deemed "cardholders".

#### (B) Registered Cardholders as provided for in this Amendment to Patients with Medical Conditions.

- 1) "Medical Patient". A person who is at least 21 years of age, and has been diagnosed as having a qualifying condition, and possesses a valid patient registry card. "Qualifying Medical Condition", means a disease or a condition or its treatment that produces one or more of the following: (a) cachexia or wasting syndrome, (b) severe nausea, (c) server pain, or (d) severe and persistent muscle spasms including but not limited to those characteristics of multiple sclerosis, or the following diseases and conditions: (e) posttraumatic stress disorder, (f) glaucoma, (g) Parkinson's Disease, (h) sickle cell anemia, (i) cancer, (j) HIV or AIDS, (k) Crohn's Disease, or (l) any additional disease or condition added by the OMCC, like epilepsy, autism, seizures, tourettes or any other neurological disease. This amendment provides a patient with the right to possess up to 240 grams of usable cannabis if the patient has specified that a caregiver may possess the patient's cannabis plants through the OMCC registry process, and have up to eight (8) cannabis plants, and up to twenty-four seedlings (24) seedlings.

#### (C) Medical Patient Shall have the Right to Possess

- 1) A person who is at least 21 years of age, possess a valid patient registry card, and has been diagnosed as having a qualified condition. Qualified conditions include cancer, Parkinson's Disease, Crohn's Disease, HIV, or AIDS, Posttraumatic Stress Disorder, Sickle Cell Anemia, Glaucoma, Alzheimer's Disease Dementia and any condition added by the "OMCC" following the passage of this Amendment. Also included as a qualifying condition is a disease, condition or treatment of a disease or condition that produces Cachexia or Wasting Syndrome, Severe Nausea, Severe Pain, or Sever and Persistent Muscle Spasms, including but not limited to those characteristics of Multiple Sclerosis.



2) A person age 21 years or older shall possess the right to grow cannabis for medical use only if he or she obtains a registration card from the Ohio Medical Cannabis Commission with a recommendation from his/her licensed Doctor or Practitioner or any other health care professional that the OMCC deems eligible to recommend cannabis.

3) No more than 240 grams of usable medical cannabis within a 21 day period, in his or her possession, or grow only eight (8) cannabis flowering plants, and have twenty-four (24) seedling plants at any one time.

4) A medical patient may only grow cannabis for medical use for him or herself in their home or on their property and at only one location; shall not sell to any person or persons, shall keep in a secured, locked indoor area away from the public view and inaccessible to minors and any unauthorized person.

**(C-a) Medical Cannabis Dispensary Shall Have the Right to Possess**

1) Unlimited amount of usable medical cannabis.

2) Cannabis for sale (to sell) cannabis accessories and supplies, usable cannabis products as approved by the Ohio Medical Cannabis Commission, and licensed by the Commission for a Medical Testing Facility. Each cannabis item shall have an approved label to insure that the item is qualified for sale and meets the standards and potency as required by the OMCC.

3) A Dispensary must obtain/purchase all medical cannabis from a Commercial Cultivation Center, with stamp of approval from the independent testing facility as approved by the Commission Licensing Board as a licensed Testing Facility.

4) A Dispensary shall sell cannabis and cannabis products to medical patients that possess a registry card from the OMCC.

**(D) A Visiting Medical Patient**

1) Person who is at least 21 years of age, possess a valid patient registry card, and has been diagnosed as having a qualified condition. Qualified conditions include cancer, Parkinson's Disease, Crohn's Disease, HIV, or AIDS, Posttraumatic Stress Disorder, Sickle Cell Anemia, Glaucoma, Alzheimer's Disease Dementia and any condition added by the OMCC following the passage of this Amendment Also included as a qualifying condition is a disease, condition or treatment of a disease or condition that produces Cachexia or Wasting Syndrome, Severe Nausea, Severe Pain, or Sever and Persistent Muscle Spasms, including but not limited to those characteristics of Multiple Sclerosis.

2) Shall have the right to possess no more than 240 grams of usable cannabis within a 21 day period, if he or she possess through the OMCC or his/her state of residency and has received a recommendation from a State licensed Doctor or Practitioner for the use of medical cannabis.

3) A visiting patient may also be a minor patient. A minor under the age of 21 years old, or a child, shall have all the privileges as set out in the medical patients conditions and provided he or she is diagnosed with a qualified condition from a licensed Doctor or Practitioner in or out of State, and has been issued a recommendation for a cannabis product and receives a registry card from the OMCC or his/her state of residency. The qualified minor patient must be under the supervision and guidance of mother/father, grandparents, guardian, or a state institution. A visiting patient or a minor may be a resident of Ohio or any other State.

4) A visiting minor Medical Patient may possess medical cannabis with a valid registration card from his/her state of residency or from the OMCC and be recommended for medical cannabis use by his or her professional doctor/practitioner and under the supervision or guidance of his mother/father, grandparents, guardian, or state institution. A minor visiting patient shall not possess more than 240 grams of usable cannabis at any time unless the recommendations from his doctor or practitioner calls for more or less grams. A minor visiting patient and a visiting patient may obtain their medical cannabis from a Dispensary with the Doctor/Practitioner recommendation and a registration card from the OMCC or his/her state of residency.

**(E) Caregiver**

A person who is at least 21 years of age, has agreed to possess no more than five patient's cannabis plants, and possesses a valid caregiver registry card. A caregiver may possess no more than eight (8) cannabis plants and up to twenty-four (24) seedlings for each patient who has specified that the caregiver may possess the patient's cannabis plants through the Ohio Medical Cannabis Commission registry program. A caregiver shall have the right to grow the cannabis plants in his home and or property subject to a locked and secured from minors and others.

**(F) A Caregiver Shall have the Right to Possess**

1) A person who is at least 21 years of age, possess no more than five patients, and allowed up to eight (8) flowering plants and twenty-four (24) seedlings per patient and possesses a valid caregiver registry card specified that the caregiver may possess the patients cannabis plants through the Ohio Medical Cannabis Commission registry program, with no more than 240 grams of cannabis per each patient.

2) Local zoning boards may enact zoning ordinances limiting the location of a caregiver's existing cultivation site within its jurisdiction but may not change zoning if such zoning existed prior to the Commission having approved the registration card for

the caregiver at a designated location.

3) A caregiver may also be a medical patient and in addition to the five patients they shall also be allowed to have up to eight (8) cannabis flowering plants, twenty-four (24) seedlings and up to 240 grams of usable cannabis for their own medical use. All growing of cannabis plants must be in his or her home or property, and secured, locked and protected from minors and all other unauthorized personnel.

4) A caregiver may receive compensation for assisting a patient with medical cannabis as permitted by the Ohio Medical Cannabis Commission, such compensation shall not constitute the sale of a controlled substance.

#### **(G) Commercial Cultivating Center CCC**

1) Engaged in the cultivation of cannabis for medical use of cannabis as allowed under this amendment shall not be subject to discipline action, arrest, face any penalties, or be denied any right or privilege, including but not limited to employment or child custody by any court, financial institution, landlord, licensing board, employer or any other entity for:

2) Acquiring usable cannabis or cannabis plants for a CCC.

3) Providing usable cannabis, cannabis product or cannabis plants by a CCC to Dispensaries that possess a registration card from the OMCC to supply cannabis to and for federally or state approved testing or clinical trials.

4) Possession of cannabis that is incidental to medical use, also not usable cannabis or cannabis plant.

5) Possession of cannabis accessories and supplies, usable cannabis, or cannabis plants.

6) Possession of a registration card or a registration certificate from the OMCC

7) A CCC may grow unlimited supply of flowering cannabis or seedlings for medical use and produce or manufacture medical infused cannabis and medical infused products at a CCC.

8) Supply for wholesale cannabis and or any cannabis product and seedlings to dispensaries.

#### **(H) Requirements for Commercial Cultivation Center Agent**

1) A CCC agent must have documentation when transporting usable cannabis or cannabis plants on behalf of the CCC specifying (a) the amount of usable cannabis or cannabis plants being transported, (b) the date of transportation (c) a contact number to verify that the usable cannabis is being transported on behalf of the CCC for which the CCC agent works or volunteers, and (d) a valid CCC registry card from the OMCC.

2) A CCC agent may not accept employment from, volunteer for, serve as board member for, or be a principle officer of more than one CCC in the state of Ohio simultaneously.

#### **(I) Medical Cannabis Testing Facility, "MTF"**

A licensed Medical Testing Facility shall be permitted through the OMCC, The Medical Testing Facility will be an independent private laboratory licensed to conduct research and analyze for contamination and potency. The testing facility will be independently owned and not associated with the CCC or a MTF. All retail medical cannabis products sold by Dispensaries shall be tested by a licensed Testing Facility for THC potency, residual solvents (such as butane, poisons, toxins, harmful chemicals, metals, harmful microbial pesticides and dangerous molds, mildews or other contaminants. Potency and testing results shall be listed on the product label, including the Testing Facility with the testing number on the label of each product to be sold by a dispensary. A Testing Facility shall not sell cannabis products to the public and be only a Testing Facility.

#### **(J) A Medical Doctor or Medical Practitioner**

Shall not be subject to arrest, prosecution, penalty, or denied any right or privileges including but not limited to civil penalty or disciplinary action by any occupational, or professional licensing board, bureau, for providing recommendations in good faith to persons diagnosed with a qualified condition during the course of a bona fide doctor, practitioner patient relationship.

1) A bona fide doctor or practitioner shall be licensed as a medical professional in Ohio or any other State to practice medicine and make medical recommendations to his or her patient.

#### **(K) Restrictions**

All medical patients, caregivers, visiting patients, minor patients, or person or persons applying for a registration card from the OMCC shall not be or become a registered card holder to provide, grow and test or sell medical cannabis if they have committed a violent offence or a financial felony within the past five (5) years. After five (5) years the OMCC will again review their application. No medical patient eighteen (18) years of age or older shall be arrested, incarcerated or fined for having in their possession up to two hundred forty (240) grams or less of usable medical cannabis while transporting from one facility or another and/or residence. Any owner, operator or employee of the industry to grow or to sell medical cannabis shall allow the OMCC to do a background check to verify that they meet the requirements of the OMCC.

**(L) Appoint of Commissioners:**

Commission means the Ohio Medical Cannabis Commission OMCC. The Ohio Medical Cannabis commission shall have a total of seven (7) members; two (2) members shall serve an initial 4-year term. Two (2) members a 3-year term, three (3) member will serve an initial two-year term. All members shall be Ohio residents and registered voters in the State of Ohio. ONE member shall be a licensed Doctor or Practitioner, licensed in Ohio; ONE member a medical patient or cannabis advocate; ONE member a law enforcement officer or agent; TWO members shall be appointees of different political parties; TWO members appointed by the Governor of the State of Ohio; each being of a different political party and employed or active with the Ohio Department of Commerce. FIVE members shall be appointed to the Commission by the petitioners of the Ohio Medical Cannabis Amendment (petitioners ); TWO by the governor of the State of Ohio. The Commission shall be duly elected within 60 days of the Amendment approved by the affirmative vote by the Ohio electorate A minimum of five members shall constitute a quorum and shall have the right to enact any and all business to approve and/ or disapprove all decisions.

**(M) Flat Tax to be paid to the State of Ohio**

- 1) The flat tax shall be paid to the state of Ohio will be a Special Tax of 14% on the total gross revenue (100%) from each retail sales facility from 100% of all medical cannabis sold in the State of Ohio, in addition to all other State and Local Tax being paid. Of the 100% Flat Tax paid to the State, 40% shall be paid into the State General Fund, 45% shall be distributed to the Municipalities, Cities, Counties and Township Governments "on a per capita basis". Such payments will be used for police, fire and/or emergency service, services roads and or repairs, public health, mental health and education. The remaining 15% shall be held in the Ohio Medical Cannabis Commission's fund for operations of the Cannabis Commission.
- 2) The total Flat Tax shall be paid to State Department of Taxation or special fund, as designated by the State Auditor, that shall be paid to the local Government Fund or fund as designated by the State Auditor of Ohio with forty percent (40%) from the total Flat Tax to be paid directly into the General Fund of the State of Ohio, plus other taxes as required to be paid to the State will remain as is. Other commercial activities tax and all other taxes as due to the state of Ohio, other assessments, including fees and charges will be paid, as required, by the City, County, Villages, or Townships in the State of Ohio.
- 3) The remaining fifteen percent shall be withheld for the operation of the Ohio Medical Cannabis Commission, there shall be no other deductions from the 14% gross flat tax, regardless as to income or loss. The flat tax to be paid to the State will remain the same and be allowed to increase as the Amendment is implemented. The Flat Tax shall only be considered a supplement to the State and Local Governments. All monies received and not expended by the Ohio Medical Cannabis Commission for general operations shall be paid the Ohio Department of Taxation each year with an accounting statement on or before July 1, of the following year.

**(N) General Protection**

A Commercial Cultivation Center, Medical Patient, Visiting Patient, Minor Patients, Caregiver, Dispensaries and Testing Facility, as a registered cardholder engaging in the medical use of cannabis as allowed under this article and or amendment shall not be subject to disciplinary action, arrest, face any penalties or be denied any right or privilege including but not limited to employment or child custody by any court, financial institution, landlord, licensing board, employer, or any other entity for acquiring usable cannabis, cannabis products or cannabis plants from a registered cardholder. In addition a CCC, providing usable cannabis or cannabis products to an institution approved by the State for the purpose of testing or clinical trials, possession of cannabis that is incidental to medical use, possession of cannabis paraphernalia, possession of usable cannabis, possession of cannabis plants. A caregiver may receive compensation for assisting a patient with medical cannabis as permitted by the Ohio Medical Cannabis Commission and such compensation shall not constitute the sale of a controlled substance.

1. A person may be simultaneously registered with the Ohio Medical Cannabis Commission, as a medical patient, individual patient, minor patient, caregiver, testing facility or a CCC.
2. A caregiver shall have the right to transport/delver cannabis/cannabis/cannabis products and seedlings to a medical patient at his/her place of business or residency, providing that a registration card has been issued by the OMCC to the person doing the delivery. Each caregiver making a delivery must provide a statement with the patients name, address and registry number and the amount of cannabis/cannabis products being delivered, and providing the same to the OMCC for record keeping. Deliveries from caregivers shall not be for more than five (5) patients at any one time; deliveries between CCC's or dispensaries are unlimited but must provide a delivery statement to the OMCC for record keeping.

**(O) Limitations on Commercial Cultivation Center CCC, Dispensaries and Testing Facilities**

In an effort to avoid the placement of a CCC in socially unacceptable areas, all CCC centers prior to permitting must obtain written approval from the local zoning board, that a property is zoned either industrial, commercial or agricultural and therefore available and approved for the permitting of a Commercial Cultivation Center CCC, Dispensary and Testing Facility. After this

amendment has been approved by the electorate, zoning shall not be changed to eliminate the above. This amendment provides that industrial, commercial or agricultural zoning is acceptable for a CCC, or Dispensary or Testing Facility. A Commercial Cultivation Center, Dispensary or Testing Facility may not be physically located within 1000 feet from any corner of a preexisting school, a place of worship, daycare facility, drug or alcohol rehabilitation facility, boys club, girls club, YMCA, YWCA recreation center, or any similar community center. To ensure compliance with this restriction, and in an effort to avoid offending Ohio citizenry a CCC, or a Testing Facility may not display, in public view, advertisements or signage containing the word "cannabis" or synonyms of the word "cannabis", depictions of the medical use of cannabis, cannabis paraphernalia, or a cannabis plant. Dispensaries only may display a cannabis leaf or green cross. A CCC, Dispensary or Testing Facility shall not knowingly allow cannabis to be ingested or smoked on its property, and no individual or company may have more than three Commercial Cultivating Centers in the State of Ohio, and no more than one Testing Facility per any one individual or company

**(P) Limitations for Testing Facilities and Commercial Cultivating Centers**

- 1) Be physically located within one thousand feet from any corner of a preexisting school, place of worship, daycare facility, drug or alcohol rehabilitation facility, boys club, girls club, YMCA, YWCA, or any similar community recreation center.
- 2) Be physically located in a building zoned residential use.
- 3) Have more than three physical locations in Ohio.
- 4) Allow access to its cultivation site by anyone other than (a) CCC agents, working or volunteering for the CCC, (b) employees of the OMCC, (c) law enforcement officials.
- 5) Knowingly allow cannabis to be smoked or ingested on its property
- 6) Display advertisements or signage in public view (a) containing the word "cannabis" or synonyms of the word "cannabis", (b) depicting the medical use of cannabis, (c) depicting cannabis paraphernalia, or (d) depicting a cannabis plant. A cannabis leaf, or green cross may be used by a Dispensary only.

**(Q) Registered cardholder as an individual or corporation**

- 1) Any person age 21 or older or any corporation may own and operate a Dispensary or a Commercial Cultivation Center providing they procure a registration card and meet all of the requirements by the OMCC, including the filing with the Secretary of the State of Ohio as a corporation, partnership, limited liability partnership or a limited liability company.

**(R) Confidentiality**

All information received and records kept by any person or entity for the purpose of administering this amendment are confidential and exempt from the Freedom of Information Act, and are not subject to disclosure to any individual or entity without the cardholder's or the Commercial Cultivation Center "CCC" permission, except as necessary for authorized employees of the Commission of a law enforcement official to perform official duties pursuant to this amendment, and it shall be a misdemeanor punishable by up to 30 days in jail and a \$2,500 fine for any person to breach the confidentiality of information obtained pursuant to this amendment, except that an employee of the department shall confirm a cardholder's status as a patient, caregiver, or CCC with his or her permission to a landlord, employer, school, medical professional, court, or Ohio law enforcement official.

**(S) Number of Caregivers, Dispensaries, CCCs, and Testing Facilities to be allowed.**

- 1) Caregiver: The Commissions shall provide that each of the 88 counties of Ohio shall be eligible for a caregiver or caregivers and allow one per each 5,000 residents within any given county
- 2) Dispensaries: Each of the 88 counties shall be allowed to have one Dispensary per 50,000 residents within a county
- 3) Commercial Cultivating Center: The Commission shall provide for up to one CCC per 100,000 residents in any given area. If a county is less in population than 100,000 residents, than adjoining counties can join to make one. However, only up to four CCCs will be allowed in any one county, and not subject to population or number of residents.
- 4) Testing Facilities: The Commission shall provide for permitting five testing facilities within the State of Ohio divided in areas of Central, Northern, Southern, Eastern and Western.
- 5) The above numbers could change depending upon the need within the State of Ohio for medical cannabis. The Commission shall be very mindful and act accordingly so that all Ohioans hopeful of seeking help through the use of Cannabis and Cannabis Products will be within a reasonable distance.
- 6) No individual, company, corporation, partnership or LLC shall be licensed for no more than up to four (4) physical locations for a CCC center and the same number applies to Dispensaries within the State of Ohio.

**(T) Petitioners and their Duties and Financial Support:**

The petitioners shall perform all of the requirements set by this proposed amendment and petitioners shall have the right to use the

services of others, including a third party or parties to help bring this amendment to the electorate for an affirmative vote. A third party may provide funds for obtaining the signatures needed for the ballot, operational expenses, campaign funds, and organization experience and campaign advise. No third party or parties shall be prohibited from obtaining a registration/license card from the OMCC as a registered holder for medical dispensary or commercial cultivation center, but must be a resident of the State of Ohio. A Company or Corporation must be registered with the Secretary of State of Ohio and meet all the qualifications set by the OMCC to obtain a registration and/or license card. Members of the Commission OMCC shall be prohibited from being a registered or licensed holder for a medical dispensary or Commercial Cultivating Center, All members of the Ohio Medical Cannabis Commission shall be residents and registered voters of the State of Ohio.

**(U) Registered cardholder as an individual or corporation**

1) Any person age 21 or older or any corporation may own and operate a Dispensary or a Commercial Cultivation Center providing they procure a registration card and meet all of the requirements by the OMCC, including the filing with the Secretary of the State of Ohio, if they are a Corporation, Partnership, Limited Liability Partnership or a Limited Liability Company.

**(V) Registry fees, Card License Fees, Registry Applications or Renewals**

- 1) The fee for a medical registry card for personal patient, visiting patient or medical patient is not refundable and shall be \$150.00. The yearly renewal shall be the same amount.
- 2) The fee for caregiver registry certificate shall be \$1,000.00 and must be refunded within thirty (30) days if denied; yearly renewal shall be the same amount.
- 3) The fee for a licensed Dispensary shall be \$10,000.00 and must be refunded within thirty (30) days if denied; yearly renewal shall be the same amount.
- 4) The fee for a licensed Commercial Cultivation Center shall be \$25,000.00 and must be refunded within thirty (30)days if denied; yearly renewal shall be the same amount.
- 5) The fee for a registered certificate or a Testing Facility shall be \$7,500 a year and must be refunded within 30 days if denied; the yearly renewal shall be the same.
- 6) Registration and license card fees shall be paid to the Commission for operating expenses, licenses, enforcement of the Ohio Medical Cannabis Commission, and other costs as generated by the Commission.
- 7) The OMCC shall review at the end of every three years the fees paid as to whether they are reasonable and fair and are comparable to fees paid to other States that have been approved for medical cannabis.

**(W) If at any time after the 120 days following the effective date of this amendment, the OMCC fails to govern the manner in which it shall accept applications and renewals for patient registry cards, a written recommendation by a practitioner within the past 12 months shall be deemed a valid patient registry card, or, fails to respond to an application for a patient registry card within 60 days of receipt, the registry card shall be deemed granted, and a copy of the application or renewal along with a written recommendation shall be deemed a valid patient registry card, or , fails to respond to an application or renewal for a registry certificate within 60 days of receipt, a copy of the application along with written approval from the local zoning board will be deemed a valid registry certificate.**

**(X) The OMCC**

May suspend or revoke a registry certificate or registry card for serious or multiple acts outside of the limitations, requirements, or rights and protections within this article/amendment or for acts not authorized by this amendment, and may deny an application or renewal that does not meet the requirements put forth in this amendment such as a satisfactory criminal background check. All OMCC actions are considered final, and subject to judicial review in the Franklin County Court of common Pleas.

**(Y) Ohio Medical Cannabis Commission OMCC, Duties and Powers**

**Within ninety (90) days of the effective date of this amendment, the OMCC shall establish:**

- 1) The form and content of registry applications and renewals, the manner in which it shall (a) accept applications and renewals for registry cards and registry certificates, (b) approve or deny applications and renewal for registry cards and registry certificates, (c) update a cardholder's CCC registry information.
- 2) The manner in which it shall maintain a confidential list of mailing addresses, cultivation site locations, phone numbers and registry card numbers of persons and entities that have been issued registry cards and registry certificates.
- 3) An internet based verification system available to the OMCC and Ohio law enforcement personnel basis to ascertain the following information when presented with a registry card or registry certificate, (a) That a person is a patient or a caregiver or a CCC agent. (b) That caregiver, a CCC or testing facility belongs to a specific cardholder. (c) The number of cannabis plants that are

permitted (d) Which agent is associated with whom as determined through the OMCC.

4) An internet based verification system allowing OMCC agents on a twenty-four hour basis to perform the following duties when presented with a registry card (a) identify that person is a patient, a caregiver, or a CCC agent, (d) determine what amount of usable cannabis the OMCC has permitted and may legally provide to a specific patient at a specific time that will be provided to a patient through a caregiver.

5) A procedure for notifying cardholders, of (a) the loss of the right to possess a patient's cannabis plants and (b) the revocation of a registry card or a registry certificate.

6) Regulations governing the manner in which the OMCC shall consider petitions from the public to add new conditions to the list of qualifying medical conditions set forth in this amendment, including public notice of an opportunity to comment in public hearings on the petitions or deny a registry application if (a) the applicant has been convicted of a disqualifying offense (b) been previously revoked (c) application is incomplete.

**(Z) Within one hundred and twenty (120) days of effective date of this amendment the OMCC shall issue registry cards to applicants who submit an application or renewal including the following:**

1) An application or renewal with appropriate fees.

2) Proof of Ohio residency.

3) The name, mailing address and date of birth of the applicant.

4) Permission from the applicant (any employee of the industry who works, grows or sells) shall allow the OMCC to perform a criminal background check.

5) The physical address of the cultivation site where the applicant will cultivate cannabis plants, if any.

6) A two inch by two inch photo of the applicant.

7) If the application is for a patient registry card, (a) written recommendation issued by a doctor/practitioner within ninety days immediately preceding the date of an application, and (b) a designation as to whether the patient, a caregiver or a CCC will be allowed to possess the patient's cannabis plants.

8) If the application is for a CCC agent registry card, a written statement from the CCC accepting the applicant as a volunteer, employee, principal officer, or board member.

9) If the application is for a caregiver registry card, a designation as to whether the caregiver or CCC will be allowed to possess the patient's cannabis plants.

**(AA) Within one hundred and twenty (120) days of the effective date of this amendment, the OMCC shall issue registry certificates to applicants who submit an application or renewal including the following:**

1) An application fee or renewal fee.

2) Proof of Ohio residency,

3) The name, mailing address and date of birth of the applicant.

4) Permission from each principal officer and board member allowing the OMCC to perform a criminal background check from the applicant.

5) The physical address of the cultivation site where the applicant will cultivate medical cannabis plants, if any.

6) A two inch by two inch photo of the applicant or passport photo.

7) The legal name of the proposed or existing CCC, Testing Facility, and Dispensaries and their physical address.

8) The name, mailing address, and date of birth of each principal officer and board member.

9) Written approval for the location or locations from the city, township, or village zoning with jurisdiction over the proposed CCC location or locations to be permitted.

**(BB) If any time after the one hundred and twenty (120) days following the effective date of this amendment the OMCC fails to:**

1) Govern the manner in which it shall accept applications and renewals for patients registry cards and registry certificates, a written recommendation by a doctor/practitioner within the past year shall be deemed a valid registry card as a patient.

2) Respond to an application for a patients registry card with sixty (60) days of receipt, a copy of the application along with a written recommendation by a doctor/practitioner within the past year shall be deemed a valid registry card.

3) Respond to an application or renewal for a CCC registry certificate within sixty (60) days of receipt, a copy of the application or renewal along with written approval from the local zoning board with jurisdiction over the CCC location shall be deemed a valid registry certificate.

**(CC) The Ohio Medical Cannabis Commission OMCC may**

- 1) Confirm a cardholder's status with his or her permission as a patient, caregiver, or CCC agent to a landlord, employer, school, medical professional, court, or Ohio law enforcement official.
- 2) Inspect any and all locations where cannabis has been permitted, is grown or sold or used for medical reasons in the State of Ohio as permitted by the OMCC.
- 3) Enter into contract with a third party to process registry cards.
- 4) Suspend or revoke a registry certificate or registry card for serious or multiple acts outside of the limitations, requirements, or rights and protections within this amendment, or for acts not authorized by this amendment.
- 5) Revoke a registry card if the cardholder is convicted of a disqualifying offense.
- 6) Deny a registry application if (a) the applicant has been convicted of a disqualifying offense, (b) the application contains incomplete or inaccurate information, or (c) if the applicant previously had a registry card revoked.
- 7) The Commission shall have the right to improve the working operation of the Commission at any time.

**(DD) Judicial Review**

The suspension, revocation or denial of a registry card or a registry certificate is a final OMCC action, subject to judicial review vested in the Franklin County Court of Common Pleas.

**(EE) Sever-ability**

If any section or subsection of this amendment is held invalid, the remainder of this amendment shall not be affected by that holding and shall continue in full force effect where otherwise set forth in this text and shall supersede all conflicting state and local law regulations. Nothing in this text shall require the violation of federal laws.

**(FF) For the purpose of this proposed amendment "Medical Use" means the acquisition, possession, administration, cultivation in an enclosed and locked facility, delivery, transportation, transfer, or use of cannabis or cannabis accessories or supplies relating to the administration of cannabis to treat or alleviate a patient's qualifying medical condition. "Cannabis Plant" means a living plant of the genus cannabis with a root system at three inches in length, " Usable Cannabis" means the dried, cured, and usable flowers of the cannabis plant and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant, or the weight of any non-cannabis ingredients combined with usable cannabis, such as ingredients added to prepare a topical administration, food or drink, or cannabis in the process of drying and curing. All cannabis stalks may be preserved and sold by a CCC.**

**(GG) For the purpose of this amendment, the following definitions shall be applied:**

**For the purpose of this amendment the Ohio Medical Cannabis Commission shall be referred to as OMCC.**

**For the purpose of this amendment the Commercial Cultivation Center shall be referred to as CCC.**

- 1) "Bona fide doctor/practitioner-patient relationship" means a full assessment of the person's medical history and current medical condition made in the course of an examination of the person by a doctor/practitioner.
- 2) "Cannabis Paraphernalia" means an instrument used for the purpose of administering usable cannabis such as vaporizer, pipe, or rolling papers.
- 3) "Cannabis Plant" means a living plant of the genus cannabis with a root system at least 3" or longer.
- 4) "Cardholder" means a patient, a caregiver, A testing facility agent, or an agent for a Commercial Cultivation Center CCC, that possess a valid registry card and not been convicted of a disqualifying offense. In this text, a Commercial Cultivation Center shall be abbreviated as a CCC.
- 5) "Caregiver" means a person who is (a) at least twenty-one years of age, (b) has agreed to possess no more than five patients' cannabis plants as determined through the Ohio Medical Cannabis Commission OMCC. In this text, the Ohio Medical Cannabis Commission shall be abbreviated as OMCC.
- 6) "Commercial Cultivation Center" is the location of the enclosed, locked facility disclosed to the OMCC through the OMCC registry program.
- 7) The OMCC means the Ohio Medical Cannabis Commission.
- 8) "Disqualifying Offense" means a violent crime that was classified as a felony in the jurisdiction where the person was convicted, or a violation of a state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted, except that an offense (a) for which the sentence, term of probation, incarceration, and supervised release was completed (b) Five (5) or more years earlier, or (b) an offense that consisted of conduct for which this amendment would likely have prevented a conviction, shall not be considered disqualifying offense.
- 9) "Enclosed, Locked Facility" means an enclosed area such as a closed, room, greenhouse, or any other building equipped with locks or other security devices designed to permit access only by cardholders.
- 10) "Medical Use" means the acquisition, possession, administration, cultivation in an enclosed and locked facility, delivery,

transportation, transfer, or use of cannabis or cannabis paraphernalia relating to the administration of cannabis to treat or alleviate a patient's qualifying medical condition.

11) "Patient" means a person who has been diagnosed by a doctor/practitioner as having (a) qualifying medical condition, (b) possesses a valid patient registry card, and (c) has not been convicted of a disqualifying offense.

12) "Doctor/Practitioner" means a person who is licensed MD, DO, and or practitioner authorized by law to prescribe drugs to humans in Ohio. If the qualifying patient's qualifying medical condition is post-traumatic stress disorder, the doctor/practitioner must be a licensed psychiatrist, psychologist, or psychotherapist.

13) "Registry Card" means a document issued by the OMCC that (a) identifies a person as a patient, a caregiver, or a CCC agent, (b) displays a picture of the cardholder, (c) displays the cardholder's name, and (d) displays a registry number unique to the cardholder.

14) "Registry Certificate" means a document issued by the OMCC identifying a CCC as approved through the OMCC registry programs.

15) CCC means the entity (a) possessing a valid registry certificate from the OMCC that (b) has agreed to possess the OMCC registration process, unlimited amounts of cannabis plants for the use of medical cannabis and cannabis products.

16) CCC agent means a principal officer, board member, employee, volunteer, or agent of a CCC who is (a) at least twenty-one years of age, (b) possess a valid CCC registry card, and (c) has not been convicted of a disqualifying offense.

17) "Qualifying Medical Condition", means a disease or a condition or its treatment that produces one or more of the following: (a) cachexia or wasting syndrome, (b) severe nausea, (c) server pain, or (d) severe and persistent muscle spasms including but not limited to those characteristics of multiple sclerosis, or the following diseases and conditions: (e) posttraumatic stress disorder, (f) glaucoma, (g) Parkinson's Disease, (h) sickle cell anemia, (i) cancer, (j) HIV or AIDS, (k) Crohn's Disease, or (l) any additional disease or condition added by the OMCC, like epilepsy, autism, seizures, tourettes or any other neurological disease.

18) "Qualifying medical patient" means a person who is (a) at least eighteen years of age and (b) has been diagnosed with a qualifying medical condition.

19) "Usable Cannabis", means the dried, cured, and usable flowers of the cannabis plant and any mixture or preparation thereof, but does not include (a) the seeds, stalks, and roots of the plant, (b) the weight of any non-cannabis ingredients combined with usable cannabis, such as ingredients added to prepare a topical administration, food, or drink, (c) cannabis in the process of drying and curing.

20) "Verification System" means a secure, password-protected, internet based system established and maintained by the OMCC that rejects any connection not sent from an encrypted server.

21) "Visiting Patient" means a person who (a) has been diagnosed with a qualifying medical condition and (b) has been issued a valid patient registry card, or its equivalent, issued pursuant to the laws of another state, district, territory, commonwealth, insular possession of the United States or country recognized by the United States and is not a resident of Ohio.

22) "Written Recommendation", means a document dated and signed by a doctor/practitioner during the course of a bona fide doctor/practitioner patient relationship stating that in the professionals opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat the patient's qualifying medical condition.

23) A "Minor Patient" means a person under the age of twenty one who has a qualifying medical condition, possesses a registration card from the OMCC has been issued a valid patient registry card, or its equivalent, issued pursuant to the laws of another state with a recommendation for cannabis or a cannabis product from a licensed doctor/practitioner, and is under the supervision and guidance of a mother/father, grandparents, guardian, state, city or county institution.

24) The Ohio Medical Cannabis Amendment shall become effective immediately following the approval by the voters of the State of Ohio.

End of Text



**STATEMENT OF CIRCULATOR**

I, \_\_\_\_\_, declare under penalty of election falsification that I am the circulator of the foregoing petition containing the signatures of \_\_\_\_\_ 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 the electors signing this petition did so with knowledge of the contents of same. I am the circulator of this petition for the *Ohio Medical Cannabis Amendment "Petitioners"*, 571 Winchester Pike, Canal Winchester, OH 43110.

I further declare under penalty of election falsification in accordance with section 3501.38 of the Revised Code 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 the signature of the person whose signature purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

(Circulator's Signature) \_\_\_\_\_

(Address of circulator's permanent residence in this state) \_\_\_\_\_

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

PETITIONER	PETITIONER	PETITIONER	PETITIONER	PETITIONER
Sandee Riggs 571 Winchester Pike Canal Winchester, OH 43110	Tonya Davis 4524 Croftshire Dr. Kettering, OH 45440	Maryella Carpenter 571 Winchester Pike Canal Winchester, OH 43110	Carlis Eugene McDerment, Jr. 1933 Surrey Rd. Blacklick, OH 43004	Eric Richard Young 215 Eastmoor Ave. Circleville, OH 43113

<u>County</u>	<u>Part Petitions</u>	<u>Signatures</u>
Allen	1	1
Athens	1	1
Belmont	1	1
Brown	1	1
Butler	1	1
Carroll	1	1
Clark	1	3
Cuyahoga	2	7
Delaware	5	32
Erie	1	1
Fairfield	4	17
Fayette	1	2
Franklin	329	2424
Geauga	1	1
Guernsey	1	3
Hamilton	2	5
Hancock	2	4
Hardin	1	2
Highland	1	1
Hocking	1	1
Holmes	1	1
Jackson	1	1
Knox	1	1
Licking	7	22
Logan	1	1
Madison	1	8
Marion	1	6
Meigs	1	1
Miami	1	1
Morrow	1	4
Muskingum	1	3
Pickaway	1	1
Pike	1	2
Richland	1	2
Ross	2	4
Seneca	1	1
Stark	2	3
Summit	1	1
Trumbull	1	1
Union	4	7
Van Wert	1	1
Vinton	1	1