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February 13, 2015

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

Re: "Medical Marijuana and Personal Use Amendment" Summary Petition

Dear Attorney General DeWine:

I am hereby filing with your office on behalf of our client, Responsible Ohio, 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 2,879 signatures of electors on 120 part-petitions and the summary and 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,



Donald J. McTigue

Encls.

County	Part Petitions	Signatures
Lucas	7	127
Marion	1	1
Ross	1	2
Stark	1	1
Warren	1	5
Hocking	1	1
Licking	4	13
Fairfield	1	1
Cuyahoga	62	2,002
Clermont	2	8
Clark	1	2
Champaign	1	1
Butler	3	26
Franklin	33	647
Belmont	1	42
Totals	120	2,879



000137

INITIATIVE PETITION



Belmont 0001

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

TITLE

Medical Marijuana and Personal Use Amendment

SUMMARY

RECEIVED

FEB 13 2015

**Ohio Attorney General
Constitutional Offices Section**

This Amendment would add a new section 12 to Article XV of the Ohio Constitution to provide for the legalization of the use of medical marijuana by patients with debilitating medical conditions if a medical marijuana certification has been provided by the patient's treating physician and the use of marijuana and marijuana-infused products for personal use in amounts of one ounce or less by individuals 21 years of age or older, by providing, among other provisions:

1. Establishing the Ohio Marijuana Control Commission ("Commission") to regulate the acquisition, growth, cultivation, extraction, production, processing, manufacture, testing, distribution, retail sales, licensing, and taxation of medical marijuana, marijuana and marijuana-infused products and the operations of marijuana establishments as defined in the Amendment. The Commission would be composed of seven members appointed by the governor with varying backgrounds and qualifications and for terms as set forth in the Amendment. All are required to be Ohio residents. The Amendment sets forth specific subject matter for regulations to be promulgated by the Commission and requires the Commission to establish a system for real-time tracking of all medical marijuana, marijuana and marijuana-infused products from initial germination and/or extraction through the final consumer transaction. The Commission would also serve as a clearing house for scientific and medical research on medical marijuana, marijuana and marijuana-infused products. The Commission is required to employ necessary and qualified persons, including enforcement agents, and retain services of qualified third parties, including experts, to perform its duties.
2. Providing ten site specific locations for Commission licensed Marijuana Growth, Cultivation and Extraction ("MCGE") facilities. Setting forth conditions under which the Commission may relocate a MCGE facility or issue a license for a MCGE facility at a site other than the ten designated sites. Providing that marijuana and medical marijuana may be grown, cultivated and extracted for sale and medical use only at these state regulated and licensed facilities. One of each of the ten specified sites are in the following counties: Butler, Clermont, Franklin, Hamilton, Licking, Lorain, Lucas, Montgomery, Stark, and Summit.
3. Providing for Commission licensed Marijuana Product Manufacturing ("MPM") facilities to produce marijuana-infused and medical marijuana-infused products and that such products may be produced only at these state regulated and licensed facilities. The Commission would be required to regulate the chemical content and potency of marijuana-infused products and create a special division within the Commission to assist in promulgation of standards regulating the manufacture, packaging and advertising of marijuana-infused products, including ensuring that the products are not manufactured, packaged or advertised in ways that create a substantial risk of attractiveness to children.
4. Providing for Commission licensed not-for-profit medical marijuana dispensaries ("MMD") to dispense medical marijuana to patients with debilitating medical conditions and to their Commission licensed caregivers with a medical marijuana certification issued by the patient's current treating physician in accordance with specific requirements set forth in the Amendment and in accordance with Commission and other state regulations, and providing that medical marijuana may only be sold and dispensed by such state licensed and regulated dispensaries. Both the patient and the patient's physician must be Ohio residents. The Amendment defines "debilitating medical condition," including specific medical conditions, and requires the Commission to establish and annually update, consistent with current, peer-reviewed research, the list of debilitating medical conditions for which medical marijuana certifications may be issued. The number of such state licensed and regulated dispensaries that may be within any subdivision would be determined by the Commission. MMDs must be incorporated under Ohio law. If the patient is under the age of 18, require that treatment involving medical marijuana may not be provided without the informed consent of a custodial parent, guardian, conservator or other person with lawful authority to consent to medical treatment. Provide that a physician may not be disciplined or subject to certain other actions based solely on discussing with a patient or providing a professional opinion on the use of medical marijuana as a treatment option or

issuing a medical marijuana certification under the Amendment. Require MGCE and MPM facilities to sell medical marijuana and medical marijuana-infused products, respectively, to MMDs at their lowest wholesale prices and in sufficient quantity to satisfy patient demand. Provide that nothing in the Amendment shall require any health insurance provider or government agency to reimburse a patient for expenses for medical marijuana.

5. Providing for Commission licensed retail marijuana stores ("RMS") to sell marijuana and marijuana-infused products to individuals 21 years of age or older for personal use and that marijuana and marijuana-infused products for personal use may only be sold by such state licensed and regulated stores. The Commission would determine the number of RMSs that may be within any political subdivision. However, the total number of stores statewide would be limited by the ratio of one to ten thousand based on the state's population, and the location of any such store must first be approved by the electors of the precinct where the store would be located at a special election similar to elections for the sale of alcohol at a particular location in a precinct, except for provisions unique to liquor local option elections. The Amendment also sets forth provisions governing the timing, holding, funding, and conduct of such elections. A RMS could purchase marijuana only from licensed MGCE facilities and marijuana-infused products only from licensed MPM facilities and sell no other goods or services, except for marijuana accessories and related products. No marijuana or marijuana-infused product could be consumed on the store's premises or be sold at a price below what the store paid for it.

6. Providing for Commission licensed Marijuana Testing Facilities ("MTF") to engage in research related to and/or certify safety and potency of medical marijuana, marijuana and marijuana-infused products. Such facilities, at a minimum, must be located near colleges and universities in Athens, Lorain, Mahoning, Scioto and Wood Counties.

7. Imposing a special flat tax of 15% on all gross revenue of each MGCE facility, MPM facility and RMS, without any deduction for expenses or distribution of any profit. Such tax would be collected and distributed by the state as follows: 55% to a Municipal and Township Government Stabilization Fund to be distributed to all municipalities and townships on a per capita basis to be used for public safety and health, including police, fire and emergency medical services, road and bridge repair, and other infrastructure improvements; 30% to a Strong County Fund to be distributed to all counties on a per capita basis to be used for public safety and health, including police, fire and emergency medical services, road and bridge repair, and other infrastructure improvements; and 15% to a Marijuana Control Commission Fund to be distributed in the following order for: the operating costs of the Commission; to the extent the Commission elects, the reasonable and necessary operating costs of the MMDs; mental health and addiction prevention and treatment programs and services; research by Ohio's public universities and Ohio not-for-profit institutions on marijuana, medical marijuana and marijuana-infused products; and, to the extent the Commission elects, a program to provide low-cost medical marijuana to qualifying patients unable to afford the full cost. Distributed funds from the 15% special tax are to supplement, not supplant, funding obligations of the state and local governments imposed by other laws.

8. In addition to the 15% special tax, each MGCE facility, MPM facility and RMS would be required to pay the state commercial activities tax and all other taxes, assessments, fees and charges as are required to be paid by businesses in general and would be prohibited from receiving any credit, deduction or abatement that is unavailable to other businesses. MMDs would be required to pay the same taxes, assessments, fees and charges that other not-for-profit organizations are required to pay. Additional, taxes, assessments, fees or charges, other than license fees required under the Amendment, could not be imposed on the operations, revenue or distributed income of marijuana establishments.

9. Providing that it is lawful for persons 21 years of age or older to purchase, possess, transport, and use marijuana of one ounce or less or its equivalent in marijuana-infused products, as determined by the Commission, and marijuana accessories.

10. Prohibiting a marijuana establishment from being located within 1,000 feet of the primary building structure used for any of the following: a house of worship, a state chartered elementary or secondary school, a publicly owned library, or a state licensed child day-care facility; or within 1,000 feet of any public playground or a playground adjacent to any of the foregoing primary building structures, if such school, library, playground, day-care facility, or house of worship was located within the 1,000 zone on or before 1/1/15 in the case of a MGCE facility, or the date of an applicant's first application for a license in the case of a MPM facility, MMD or RMS.

11. Prohibiting knowingly selling or transferring medical marijuana, marijuana or marijuana-infused products to a person under the age of 21, except for transfers or sales by a MMD to a qualifying patient or caregiver in accordance with Commission regulations, and requiring the General Assembly to pass laws defining such conduct as child endangerment and enacting enhanced penalties for violations of such laws.

12. Prohibiting the employment of any person under the age of 21 by any marijuana establishment. Prohibiting any person under the age of 21 from being on the premises of a marijuana establishment, except in the case of a patient 18 to 20 years old at a MMD to obtain medical marijuana under a medical marijuana certification issued for such patient. Providing that a caregiver must be 21 years of age or older, be the person responsible for managing the well-being of a patient with a debilitating medical condition and that the person's responsibilities to the patient must include more than the provision of medical marijuana.

13. Prohibiting persons from operating or being in physical control of a vehicle, aircraft, train or motorboat while under the influence of medical marijuana, marijuana or marijuana-infused products, and requiring the General Assembly to pass laws imposing criminal penalties for doing so.

14. Prohibiting the use of marijuana and marijuana-infused products in any public place or on the grounds of a state chartered elementary or secondary school, state licensed child day-care center, correctional facility or community corrections facility, or in a vehicle, aircraft, train or motorboat, except that a patient may use medical marijuana in accordance with a medical marijuana certification, and requiring the General Assembly to pass laws enforcing these provisions.

15. Providing that nothing in the Amendment is intended to require an employer to permit or accommodate the possession or use of medical marijuana, marijuana or marijuana-infused products in the workplace, except that a patient with a medical marijuana certification may self-administer the medical marijuana subject to the same conditions applied to prescribed medications.

16. Prohibiting a person from having an ownership interest in or being an officer or director of a marijuana establishment who is under the age of 21 or has been convicted of a felony within the prior five years and from continuing to hold an ownership interest or officer or director position upon conviction of a felony and exhaustion of any appeals

17. Providing that marijuana establishments shall be subject to all applicable state and local laws and regulations related to health, safety and building codes, including signage, but providing that no zoning, land use law, or subdivision or agricultural regulation shall prohibit the development or operation of marijuana establishments, provided that no such establishment shall be located in a district zoned exclusively residential as of 1/1/15 for MGCE facilities or the date that a license application is first filed for a MPM facility, MMD, or RMS.

18. Prohibiting MGCE and MPM facilities from selling or transferring medical marijuana, marijuana or marijuana-infused products directly to consumers and prohibiting a RMS from being located on the premises of a MGCE or MPM facility.

19. Providing a timeline for initial implementation of the Amendment, including for appointment of the members of the Commission, the issuance of initial provisional licenses to MGCE facilities at the 10 designated sites based on required affidavits and payment of a \$100,000 license fee, inspection of such MGCE facilities within six months of issuance of such initial licenses, promulgation of initial regulations for MGCE facilities, MPM facilities, MMDs and RMSs, issuance of forms and procedures for precinct special elections, and the holding of a special election in May of the year following adoption of the Amendment for submission to voters of a precinct the question of approval of a location of a RMS. Initial regulations required to be adopted by specific dates are to be promulgated notwithstanding other provisions of law regarding promulgation of administrative rules, but the Commission must provide an opportunity for public input.

20. Requiring annual license fees of \$50,000 for MGCE facilities, \$25,000 for MPM facilities and \$10,000 for RMSs and marijuana testing facilities and that such fees be adjusted upward annually for inflation.

21. Requiring the Commission beginning in the second year following adoption of the Amendment to annually audit each marijuana establishment to certify that each establishment is in compliance with applicable rules and regulations, and if it determines that there is material non-compliance, authorizing the Commission to order remedial action and suspend or revoke the facility's license for failure to comply with such order within a reasonable time. Marijuana establishments may have their licenses renewed annually unless the Commission determines that a licensee has repeatedly failed to comply with the Commission's remedial orders. Ohio's administrative procedure statutes generally applicable to other licensing bodies would apply to the extent not in conflict with the Amendment. The Commission shall set forth by rule civil penalties for failure to comply with Commission regulations, including enhanced penalties for repeat violations.

22. Requiring in the fourth year following adoption of the Amendment, the Commission to develop annual consumer demand metrics for medical marijuana and marijuana, which may be used by the Commission in conjunction with other findings to issue a license for an additional MGCE facility.

23. Providing that the Commission shall serve as a clearing house for scientific and medical industry research on the use of marijuana, marijuana-infused products and medical marijuana and shall establish a marijuana innovation and business incubator in Cuyahoga County to award support to Ohio-based public and private business entities, colleges and universities, nonprofit medical centers, and other nonprofit research institutions to engage in research and development, as well as to create new products, companies and jobs, associated with the medical marijuana and marijuana industries in Ohio.

24. Authorizing MPM facilities to manufacture and RMSs and MMDs to sell marijuana accessories and legalize possession and use of marijuana accessories, as defined in the Amendment.

25. Providing that the actions of marijuana establishments and their employees and agents are lawful and not subject to civil or criminal penalties so long as the actions are in compliance with the Amendment, laws enacted by the General Assembly and the rules of the Commission.

26. Define various terms used in the Amendment, including, but not limited to, marijuana, medical marijuana, marijuana-infused products, caregiver, physician, and debilitating medical condition.

27. Providing that the provisions of the Amendment are self-executing except as specified in the Amendment, and that they supersede conflicting state and local laws, charters, regulations, and state constitutional provisions, except where otherwise indicated in the text. The General Assembly is authorized to enact laws implementing the provisions of the Amendment that are not in conflict with those provisions. Provide that the Amendment's provisions do not require the violation of federal law or purport to give immunity under federal law.

COMMITTEE TO REPRESENT THE PETITIONERS

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

Taylor Deutsche
903 Clayton Dr.
Worthington, OH 43085

Patrick T McHenry
317 N Main St.
Waynesville, OH 45068

Rosemary Robinson
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Robert J Letourneau
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Cincinnati, OH 45241

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:

§12 Legalization, Regulation and Taxation of Medical and Personal Use of Marijuana

(A) Summary

This section provides for the legalization of medical marijuana for use by persons with debilitating medical conditions and for the legalization of marijuana and marijuana-infused products for personal use by individuals 21 years of age and older. This section establishes the Ohio Marijuana Control Commission (“Commission”) to regulate the state’s marijuana industry in a manner similar to the state’s regulation of alcohol. A patient may obtain medical marijuana only after being issued a medical marijuana certification by an Ohio-licensed physician, and only from state-regulated, not-for-profit medical marijuana dispensaries. Sale of marijuana and marijuana-infused products for personal use is limited to licensed retail marijuana stores, and the location of any such store must receive approval of the voters of the precinct in which the store would be located. Growth, cultivation and extraction of marijuana and medical marijuana to be sold within the state will occur only at site-specific, state-regulated facilities, and marijuana-infused and medical marijuana-infused products may be produced only by state-regulated facilities. No marijuana establishment may be within 1,000 feet of a house of worship, a publicly-owned library, playground, an elementary or secondary school, or a state-licensed child day-care center. Each marijuana establishment, other than not-for-profit medical marijuana dispensaries, must pay a special flat tax equal to 15% of its gross revenue without any deduction for expenses. Revenue from this special tax must be allocated as follows: 55% to municipalities and townships, 30% to counties on a per capita basis, and 15% to a Marijuana Control Commission Fund for the reasonable and necessary costs of operating the Commission, to provide additional funding for mental health and addiction and treatment services, and to fund a marijuana innovation and business incubator to award support to Ohio-based companies, colleges and universities, nonprofit medical centers, and other nonprofit research institutions to engage in research and development, and to create new products, companies and jobs associated with the medical marijuana and marijuana industries in Ohio.

(B) Use of Medical Marijuana for Debilitating Medical Conditions

It is lawful for patients with debilitating medical conditions to acquire, administer, purchase, possess, transport, and use, and for their licensed caregivers to acquire, administer, purchase, possess, transport and transfer, medical marijuana pursuant to a valid medical marijuana certification. The state shall regulate the conduct of physicians in issuing medical marijuana certifications in a manner similar to its regulation of medical prescriptions. A treating physician who has examined a patient and determined that he or she has a debilitating medical condition may issue a medical marijuana certification if: (1) a bona fide physician-patient relationship exists; (2) the physician determines the risk of the patient’s use of medical marijuana is reasonable in light of the potential benefit; and (3) the physician has explained the risks and benefits of using medical marijuana to the patient. If the patient is younger than 18 years of age, treatment involving medical marijuana may not be provided without consent by at least one custodial parent, guardian, conservator, or other person with lawful authority to consent to the patient’s medical treatment.

No agency, including a law enforcement agency, of this state or of a political subdivision of this state may initiate an administrative, civil, or criminal investigation of a physician, nor shall a physician be denied any right or privilege or be subject to any disciplinary action, solely on the ground that the physician: (1) discussed with a patient the use of medical marijuana as a treatment option; or (2) issued a medical marijuana certification under this section, or otherwise made a written or oral statement that, in the physician's professional opinion, the potential benefits of the patient using medical marijuana would likely outweigh the health risks.

(C) Establishment of Medical Marijuana Not-For-Profit Dispensaries

Medical marijuana shall only be dispensed and sold to patients and caregivers by not-for-profit medical marijuana dispensaries licensed under this section, in accordance with a medical marijuana certification issued by the patient's current treating physician, who shall exercise the same professional care, ethics and judgment in doing so as is required in issuing medical prescriptions.

The Commission shall issue licenses to, and shall promulgate and enforce regulations governing the operations of, not-for-profit medical marijuana dispensaries. Such regulations shall include rules regarding the number of licenses within any political subdivision of the state. The Commission shall promulgate the initial regulatory rules for such dispensaries by May 30th of the year following adoption of this section.

Marijuana Growth Cultivation and Extraction ("MGCE") facilities and Marijuana Product Manufacturing ("MPM") facilities shall sell to the dispensaries, at their lowest wholesale prices, medical marijuana and medical marijuana-infused products, respectively, sufficient to satisfy patient demand for them in this state.

From the Marijuana Control Commission Fund established herein, the Commission may fund the reasonable and necessary operating costs of the not-for-profit medical marijuana dispensaries and establish a program to provide low-cost medical marijuana to qualifying patients who are unable to afford the full cost. Nothing in this section, however, shall require any health insurance provider or any government agency or authority to reimburse any patient for expenses related to the use of medical marijuana.

(D) Personal Use of Marijuana

It is lawful for persons 21 years of age or older to purchase, possess, transport, use and share with another person 21 years of age or older one ounce or less of marijuana or its equivalent in marijuana-infused products.

(E) Taxation of Marijuana Revenue

The state shall levy and collect a special flat tax of 15% on all gross revenue of each MGCE facility, MPM facility and retail marijuana store. "Gross revenue" as used in this subdivision means 100% of all revenue received without deduction for any expenses or distribution of any profit. Such facilities and stores shall also pay the state commercial activities tax and all other local taxes, assessments, fees and charges as apply to businesses in general. Such facilities and stores shall not receive any abatement, credit or deduction that is unavailable to other businesses. Dispensaries shall pay the same taxes, assessments, fees and charges that other not-for-profit organizations are required to pay. No additional taxes, assessments, fees or charges shall be levied on the operations, revenue, or distributed income of a marijuana establishment, other than the

license fees authorized under this section.

One hundred percent of the revenues generated from the special tax shall be collected and distributed by the state for the following purposes (the "Purposes"):

- (1) 55% to a Municipal and Township Government Stabilization Fund with 100% of such funds being distributed to every municipality and township on a per capita basis, excluding, in the case of a township, population that is also within a municipality. Such funds shall be used for public safety and health, including police, fire and emergency medical services, road and bridge repair, and other infrastructure improvements;
- (2) 30% to a Strong County Fund with 100% of such funds being distributed to each county on a per capita basis. Such funds shall be used for public safety and health, including law enforcement, economic development, road and bridge repair, and other infrastructure improvements; and
- (3) 15% to a Marijuana Control Commission Fund with 100% of such funds being distributed in the following order for: (a) the reasonable and necessary costs of operating the Commission; (b) funding for the marijuana innovation and business incubator established hereunder; (c) to the extent the Commission so elects, the reasonable and necessary operating costs of the not-for-profit medical marijuana dispensaries established under this section, (d) mental health and addiction prevention and treatment programs and services; and (e) to the extent the Commission so elects, a program to provide low-cost medical marijuana to qualifying patients who are unable to afford the full cost.

The above described Funds shall be established in the state treasury and the above described special tax collected and distributed monthly. Funds distributed under this subdivision shall supplement, not supplant, funding obligations of the state and local governments. Accordingly, all such distributions shall be disregarded for purposes of determining whether funding obligations imposed by other sections of this constitution or by the revised code are met. The Funds will be allocated and distributed consistent with the foregoing Purposes by the applicable state or local government entity.

(F) Establishment of Marijuana Growth, Cultivation & Extraction Facilities

The growth and cultivation of marijuana and medical marijuana, and the extraction of cannabinoids from marijuana and medical marijuana, for sale and medical use within this state shall be lawful only at licensed MGCE facilities. Subject to the exceptions set forth herein, there shall be only ten MGCE facilities, which shall operate on the following real properties: (1) Being an approximate 40.44 acre area in Butler County, Ohio, identified by the Butler County Auditor, as of February 2, 2015, as tax parcel numbers Q6542084000008 and Q6542084000041; (2) Being an approximate 13.434 acre area in Clermont County, Ohio, identified by the Clermont County Auditor, as of February 2, 2015, as tax parcel numbers 413103B284 and 373103E301; (3) Being an approximate 19.117 acre area in Franklin County, Ohio, being a portion of a larger parent parcel which is identified by the Franklin County Auditor, as of February 2, 2015, as tax parcel number 040-004959-00. The approximate 19.117 area is described as follows: all of the real property being described as Franklin County, Ohio, tax parcel number 040-004959-00, less and except the portion of such tax parcel lying south of the centerline of the stream known as Grant Run Tributary No. 3; (4) Being an approximate 24.466 acre area in Hamilton County, Ohio, identified by the Hamilton County Auditor, as of February 2, 2015, as tax parcel number 500-0081-0004; (5) Being an approximate 35.031 acre area in Licking County, Ohio, identified by the Licking County Auditor, as of February 2, 2015, as tax parcel number 063-140952-00.000; (6) Being an approximate 76.83

acre area in Lorain County, Ohio, being a portion of two larger parent parcels which are identified by the Lorain County Auditor, as of February 2, 2015, as tax parcel numbers 03-00-053-108-013 and 03-00-054-102-008. The approximate 76.83 acre area is described as follows: all of the real property being described as Lorain County, Ohio tax parcel numbers 03-00-053-108-013 and 03-00-054-102-008, less and except the portions of such tax parcels lying northerly of a line located 2,100 feet southerly of and parallel with Colorado Avenue (also known as State Route 611); (7) Being an approximate 28.459 acre area in Lucas County, Ohio, identified by the Lucas County Auditor, as of February 2, 2015, as tax parcel number 22-74697; (8) Being an approximate 50.8 acre area in Montgomery County, Ohio, identified by the Montgomery County Auditor, as of February 2, 2015, as tax parcel number J44228226-0001; (9) Being an approximate 27.18 acre area in Stark County, Ohio, identified by the Stark County Auditor, as of February 2, 2015, as tax parcel number 7701271; and (10) Being an approximate 29.0052 acre area in Summit County, Ohio, identified by the Summit County Auditor, as of February 2, 2015, as tax parcel number 3009928.

No local zoning, land use laws, agricultural regulations, subdivision regulations or similar provisions or governmental consents and approvals applicable to creating transferrable legal descriptions, or to any subsequent assignment of different parcel numbers to the aforesaid real properties shall prohibit the creation of transferrable and recordable legal descriptions or separate tax parcel numbers for any of the aforesaid real properties. In addition, notwithstanding the identification of the real properties by reference to the parcel numbers as set forth above, any MGCE facility may expand its structures and related operations to adjacent real property which may be identified by different parcel numbers so long as all other applicable terms of this section are met.

The Commission shall promulgate the initial regulatory rules for the operation of MGCE facilities by May 30th of the year following adoption of this section; however, the Commission shall issue the application form for a provisional license within 60 days of the adoption of this section. If an owner of one of the above-designated sites chooses not to apply for a provisional license within 90 days of the passage of this section, the Commission may issue a license to operate a MGCE facility at a different site in lieu of that site so long as all other criteria set forth herein are met.

The Commission shall issue one-year provisional licenses within 90 days of the passage of this section to the owners of the above-designated real properties who have applied for licenses to operate MGCE facilities subject to the following conditions: payment of an initial licensing fee of \$100,000 and the filing of affidavits by the chief executive officer and chief financial officer affirming under oath that the facility will: comply with all requirements under this section; comply with all applicable health, safety, prevailing wage, building code, sanitation, environmental, land use, and employment laws and regulations not in conflict with this section; employ industry best practices with respect to the growth, cultivation and extraction of marijuana; comply with generally accepted accounting principles; comply with Commission regulations upon adoption; and subject the facilities and operations to immediate inspection and review by Commission personnel upon demand. Notwithstanding the foregoing, no existing local or state law shall be applied to prohibit the development or operation of such facilities. No later than six months after the facility commences its operations, the Commission shall inspect such facility and review its operations to confirm that it has complied with the assurances set forth in its officers' affidavits. If the Commission determines it has not, it shall order immediate remedial action as to that facility; and if the facility fails to remediate within 120 days, the Commission may suspend the provisional license until satisfied that all remedial actions have been implemented. The Commission shall issue non-provisional annual licenses to MGCE facilities upon expiration of their provisional licenses so long as such facilities are meeting their obligations under their provisional licenses and demonstrate the ability to comply with all regulations promulgated by the Commission regarding the operation of MGCE facilities.

To ensure that the supply of regulated marijuana is adequate to meet consumer demand in this state, beginning in the fourth year following the adoption of this section, the Commission shall develop and make publicly available annual consumer demand metrics for marijuana and medical marijuana based in substantial part on total gross sales of each within the state in the previous year. If the Commission determines during its annual audits of the MGCE facilities that such facilities collectively failed to produce marijuana and medical marijuana sufficient to substantially meet the published consumer demand metrics for the previous year and cannot demonstrate that they are likely to do so in the ensuing year, the Commission may issue a license for an additional MGCE facility at a site other than what has been designated herein.

If the Commission determines as part of its annual audit that a MGCE facility is in material noncompliance with applicable laws or regulations, the Commission may order remedial action; and, to the extent such MGCE facility fails to materially comply with the Commission's remediation order within the reasonable time period set forth by the order, the Commission may suspend or revoke the MGCE facility's license. If the Commission revokes a MGCE license for failure to remediate material noncompliance, the Commission may issue a license for a MGCE facility at a site other than what has been designated herein. If a MGCE facility terminates or indefinitely suspends its operations, the Commission may relocate that facility or revoke the facility's license and issue a license for a MGCE facility at a site other than what has been designated herein.

(G) Establishment of Marijuana Product Manufacturing Facilities

The manufacturing, processing and packaging of marijuana-infused products, including medical marijuana-infused products, shall be lawful only at licensed MPM facilities pursuant to a licensing and regulatory framework established by the Commission by May 30th of the year following adoption of this section. MPM facilities may also manufacture, process and package marijuana accessories. Such facilities may sell marijuana-infused products made only from marijuana purchased from licensed MGCE facilities.

The Commission shall establish rules regulating the chemical content and/or potency of marijuana-infused products and shall ensure they are prominently displayed on the products' packaging. As part of the regulatory framework governing MPM facilities, the Commission shall create and oversee a special division within the Commission staffed with individuals with extensive experience in food and prescription drug regulation to assist the Commission in promulgating industry-leading standards regulating the manufacture, processing, transportation, packaging and advertising of marijuana-infused products, including ensuring that marijuana-infused products are not manufactured, packaged or advertised in ways that create a substantial risk of attractiveness to children.

(H) Establishment of Retail Marijuana Stores

Marijuana and marijuana-infused products may be sold to individuals 21 years of age and older only by licensed retail marijuana stores. Such stores may sell only marijuana purchased from licensed MGCE facilities and marijuana-infused products purchased from licensed MPM facilities, and shall sell no other goods or services except for marijuana accessories and related products. No retail marijuana store shall allow to be consumed any marijuana or marijuana-infused product that has been opened on the premises. No retail marijuana store shall sell marijuana or marijuana-infused products at a price less than the store paid for such products.

No later than 60 days following adoption of this section, the Commission shall promulgate the initial regulatory rules for licensing such stores. The Commission may promulgate rules regarding the number of licenses within any precinct of the state; provided, however, that the number of stores statewide shall not exceed the ratio of one to ten thousand based on the state's population as determined by the U.S. Census Bureau's Population Estimates Program (PEP) and revised annually according to either the PEP estimates or the decennial Census, and that no such license shall be issued to a store unless the electors of the precinct where the store will be located have approved the use of the location for such purpose at a local option election. Except for provisions unique to authorization of alcohol sales, including limits on resubmitting an issue to the voters, such elections shall be held and conducted by election authorities in the same manner as local option elections for the approval by the electors of a precinct of the sale of alcohol to the public at a specific location. No later than 60 days following adoption of this section, the secretary of state shall prescribe forms for the petition process and procedures for the conduct of retail marijuana store elections. Such elections shall be held on dates authorized by law for special elections for other ballot questions, including dates for primary and general elections, occurring not less than 90 days after a petition for such election is filed. The petitioner shall reimburse the expense of conducting the special election where there are no candidates or other questions on the precinct ballot. In the calendar year following adoption of this section, special elections for such question may also be held on the first Tuesday after the first Monday of May and the petitioner shall reimburse the cost of conducting such election.

(I) Ohio Marijuana Control Commission

There is hereby established the Ohio Marijuana Control Commission, which shall regulate the acquisition, growth, cultivation, extraction, production, processing, manufacture, testing, distribution, retail sales, licensing and taxation of medical marijuana, marijuana and marijuana-infused products and the operations of marijuana establishments. The Commission shall have seven members who have not served as elected public officials in the eight years prior to their appointment, and shall be composed of the following: a licensed Ohio physician, a sworn Ohio law enforcement officer, a licensed Ohio attorney experienced in administrative law, an Ohio-based patient advocate, an Ohio resident with demonstrated experience in owning, developing, managing and operating businesses, an Ohio resident with demonstrated experience in the marijuana industry, and a public member. The initial seven members shall be appointed no later than 40 days after the adoption of this section for terms commencing upon appointment. The initial Commission members shall hold the first meeting of the Commission no later than 45 days after the adoption of this section. In order to create staggered terms, the initial seven appointees shall be for terms lasting as follows: the attorney, the physician, the industry-experienced member and the Ohio-based patient advocate will serve terms lasting until December 31st of the fourth year following adoption; and the business owner, the public member and the sworn law enforcement officer will serve terms lasting until December 31st of the second year following adoption. All subsequent terms on the Commission shall be for four years ending on December 31st of the fourth year of the term. All Commission members shall be appointed by the governor to full or unexpired terms as defined herein and shall be residents of Ohio.

The Commission shall adopt rules to facilitate this section's implementation and continuing operation. The initial regulatory rules required to be adopted herein by specific dates shall be adopted by the Commission notwithstanding any other provision of law regarding promulgation of administrative rules, provided that the Commission shall offer an opportunity for public input. Regulatory rules shall not prohibit the operation of marijuana establishments, either expressly or through regulations that make their operation unreasonably impracticable. Such regulations shall

include, but not be limited to: procedures for the application for, and the issuance, renewal, transfer, suspension, and revocation of, a license to operate a marijuana establishment or marijuana testing facility or qualify as a Caregiver; a schedule of application, licensing and renewal fees to be deposited into the Marijuana Control Commission Fund, provided such fees shall not exceed \$50,000 for MGCE facilities, save for the \$100,000 provisional license fee required herein, \$25,000 for MPM facilities, or \$10,000 for retail marijuana stores and marijuana testing facilities, with this upper limit adjusted annually for inflation; qualifications for licensure that are directly and demonstrably related to marijuana establishment operations; regulations regarding debilitating medical conditions, medical marijuana certifications, caregiver qualifications; requirements to prevent the sale and diversion of medical marijuana, marijuana and marijuana-infused products to persons under the age of 21; requirements for testing the safety and potency of medical marijuana, marijuana and marijuana-infused products; labeling requirements for medical marijuana, marijuana and marijuana-infused products sold or distributed by a marijuana establishment; health and safety regulations for the acquisition, growth, cultivation, harvesting, processing, packaging, preparation, extraction, handling, distribution, transportation, manufacture, and production of medical marijuana, marijuana and/or marijuana-infused products; restrictions on the advertising and display of medical marijuana, marijuana and marijuana-infused products to persons under the age of 21; civil penalties for failure to comply with regulations made pursuant to this section, including enhanced civil penalties for repeat violations; and rules governing the allocation of resources from the marijuana innovation and business incubator established hereunder to third parties. The Commission shall also establish and implement a system for real-time tracking and monitoring of all marijuana, medical marijuana, and marijuana-infused products from the initial germination and/or extraction through the final consumer transaction.

Beginning in the second year following the adoption of this section, the Commission shall conduct an annual audit of each marijuana establishment to certify, at a minimum, that such marijuana establishment is in compliance with all applicable rules and regulations. To the extent it determines that a marijuana establishment is in material noncompliance with applicable rules and regulations, the Commission may order remedial action; and, to the extent that establishment fails to comply with the Commission's order within the reasonable time period set forth by that order, the Commission may suspend or revoke the establishment's license.

The Commission shall issue annual licenses to marijuana establishment applicants no later than 90 days after receipt of the completed application unless the Commission finds the applicant is not eligible for a license under applicable laws and regulations. Thereafter, licensees shall be entitled to have their licenses renewed pursuant to the Commission's rules, unless the Commission determines that the licensee has repeatedly failed to comply with its remedial orders. Such renewal shall be issued or denied prior to expiration of the current license. Ohio's administrative procedure statutes generally applicable to other licensing bodies not in conflict with this section shall apply to rulemaking, license denials, suspensions and revocations by the Commission.

The Commission shall serve as a clearing house for scientific and medical industry research on the use of marijuana, marijuana-infused products and medical marijuana. The Commission shall establish a marijuana innovation and business incubator in Cuyahoga County to award support to Ohio-based public and private business entities, colleges and universities, nonprofit medical centers, and other nonprofit research institutions to engage in research and development, as well as to create new products, companies and jobs, associated with the medical marijuana and marijuana industries in Ohio. The Commission shall provide the incubator funding and appoint advisors to it who have demonstrated a commitment to the goal of national leadership in job creation and medical, technological, economic, environmental sustainability, product safety, and entrepreneurial innovation in the medical marijuana and marijuana industries.

The Commission shall employ necessary and qualified persons, including enforcement agents, and shall retain services of qualified third parties, including experts, to perform its duties.

(J) General Provisions and Specific Limitations

- 1) No marijuana establishment shall be located within 1,000 feet of the primary building structure used for any of the following: a house of worship exempt from taxation under the revised code; a publicly-owned library; a public or chartered non-public elementary or secondary school; or a state licensed child day-care center, or within 1,000 feet of any public playground or playground adjacent to any of the foregoing primary building structures, so long as such house of worship, library, playground, school or day-care center was in existence within the 1,000-foot zone on or before January 1, 2015 in the case of a MGCE facility or the date of an applicant's first application for a license in the case of a MPM facility, retail marijuana store, or not-for-profit medical marijuana dispensary.
- 2) In no event shall a person consume marijuana or marijuana-infused products in any public place, or in, or on the grounds of, a public or chartered non-public elementary or secondary school, a state licensed child day-care center, a correctional facility or community corrections facility, or in a vehicle, aircraft, train or motorboat. No person shall operate, navigate, or be in actual physical control of any vehicle, aircraft, train or motorboat while under the influence of medical marijuana, marijuana or marijuana-infused products. The foregoing provisions, other than operating or being in physical control of a vehicle, aircraft, train or motorboat, do not prohibit a patient from possessing or using medical marijuana in accordance with a medical marijuana certification. The general assembly shall pass laws for enforcing all of the preceding.
- 3) Other than for medical marijuana transferred or sold by a dispensary to a patient or Caregiver, and for transfers between a patient and Caregiver consistent with Commission regulations, it shall be unlawful for any person to knowingly sell or transfer marijuana, medical marijuana or marijuana-infused products to a person under the age of 21. The general assembly shall enact laws defining this conduct as child endangerment and shall enact enhanced penalties for violations of such laws.
- 4) Nothing in this section is intended to require an employer to permit or accommodate the use, consumption, possession, transfer, display, or transportation of medical marijuana, marijuana, marijuana-infused products or marijuana accessories in the workplace or to affect employers' ability to restrict the use of such products by employees, except that a patient with a medical marijuana certification may self-administer the medical marijuana subject to the same conditions applied to administration of prescribed medications.
- 5) No person shall have an ownership interest in, or be an officer or director of, a marijuana establishment who is under the age of 21 or who has been convicted of a felony offense within the prior five years. No person shall continue to hold an ownership interest in, or an officer or director position with, a marijuana establishment upon conviction of a felony and exhaustion of any appeals.

- 6) No person under the age of 21 shall be permitted to be on the premises of a marijuana establishment, except that a patient 18 to 20 years of age may be on a dispensary's premises for the purpose of obtaining medical marijuana pursuant to a medical marijuana certification issued for such patient.
- 7) It shall be lawful for persons 21 years of age or older to purchase, possess, transfer, transport, use and share with other persons 21 years of age or older marijuana accessories within the state; however, this age limitation shall not apply to patients with valid medical marijuana certifications.
- 8) It shall not be unlawful for a licensed MGCE facility, or its designated employees or agents, to handle, sell, store, deliver, transport or transfer marijuana to a licensed MPM facility, licensed marijuana testing facility or a licensed retail marijuana store; nor shall it be unlawful for a licensed MGCE facility, or its designated employees or agents, to sell, store, handle, deliver, transport or transfer medical marijuana to a licensed MPM facility, licensed dispensary or licensed marijuana testing facility. It shall not be unlawful for a licensed MPM facility, or its designated employees or agents, to handle, sell, store, receive, deliver, transport or transfer marijuana accessories or marijuana-infused products to another licensed MPM facility, a licensed retail marijuana store or licensed marijuana testing facility; nor shall it be unlawful for a licensed MPM facility, or its designated employees or agents, to sell, handle, store, receive, deliver, transport or transfer medical marijuana-infused products to another licensed MPM facility, a licensed dispensary or a licensed marijuana testing facility; nor shall it be unlawful for a licensed MPM facility, or its designated employees or agents, to sell, handle, store, receive, deliver, transport or transfer marijuana accessories to a licensed dispensary. It shall not be unlawful for licensed retail marijuana stores, licensed medical marijuana dispensaries, and licensed marijuana testing facilities, or their designated employees or agents, to purchase, obtain, handle, store, receive, deliver, transport or transfer marijuana accessories, marijuana, marijuana-infused products or medical marijuana from licensed MGCE and MPM facilities, and other retail marijuana stores, licensed medical marijuana dispensaries, and licensed marijuana testing facilities.
- 9) MGCE facilities and MPM facilities are prohibited from selling, delivering, transporting or transferring marijuana, medical marijuana, marijuana-infused products and marijuana accessories directly to consumers, and no retail marijuana store or dispensary may be located on the premises of a MGCE or MPM facility.
- 10) Marijuana establishments shall be subject to all applicable state and local laws and regulations related to health, safety and building codes, including signage. Notwithstanding the foregoing, no local zoning, land use laws, agricultural regulations, subdivision regulations or similar provisions shall prohibit the development or operation of marijuana establishments, provided that no such marijuana establishment shall be located in a district zoned exclusively residential as of January 1, 2015 for MGCE facilities, or as of the date that an application for a license is first filed by a MPM facility, retail marijuana store or not-for-profit medical marijuana dispensary.

(K) Self-Executing, Severability, Conflicting Provisions, and Enactment of Laws

All provisions of this section are self-executing except as specified herein, are severable, and, except where otherwise indicated in the text, shall supersede all conflicting state and local laws, charters and regulations or other provisions of this constitution. The general assembly may pass laws implementing the provisions of this section that are not in conflict with its provisions. Nothing in this section requires the violation of federal law or purports to give immunity under federal law.

(L) Definitions

As used in this section, unless the context otherwise requires,

- 1) “Adjacent real property” means real property that is within 1,000 feet or less of the existing property line of a licensed MGCE facility.
- 2) “Cannabinoids” means the chemical compounds in marijuana having a variety of pharmacologic properties.
- 3) “Caregiver” means an individual licensed by the Commission, other than the patient and the patient’s physician, who is 21 years of age or older and is the person responsible for managing the well-being of a patient with a debilitating medical condition for whom a medical marijuana certification has been issued under this section. To qualify as a Caregiver, this individual’s responsibilities to the patient must include, at a minimum, provision of services in addition to provision of medical marijuana.
- 4) “Debilitating medical condition” means cancer, glaucoma, positive status for human immunodeficiency virus, or acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn’s disease, sickle-cell anemia, ulcerative colitis, dementia, Alzheimer’s disease, or treatment for such conditions; a chronic or debilitating disease or medical condition, or treatment for such conditions, which produces, for a specific patient, one or more of the following, and which, in the professional opinion of the patient’s physician, foreseeably may be alleviated by the use of medical marijuana: cachexia, post-traumatic stress disorder, severe pain, severe nausea, seizures, including those that are characteristic of epilepsy, or persistent muscle spasms, including those that are characteristic of multiple sclerosis. The Commission shall establish and update the list of debilitating medical conditions for which medical marijuana certifications may be issued on an annual basis, consistent with current, peer-reviewed medical research.
- 5) “Marijuana” and “marihuana” mean all parts of the plant of the genus *cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, salt derivative, mixture, or preparation of the plant, its seeds, or its resin. “Marijuana” includes hashish, as defined in the revised code, but does not include medical marijuana or industrial hemp, as defined by the general assembly, nor does it include fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other product.

- 6) "Marijuana accessories" means any equipment, products, or materials of any kind which are used, intended, or designed for vaporizing, ingesting, inhaling, or otherwise introducing, marijuana or medical marijuana into the human body.
- 7) "Marijuana Growth, Cultivation and Extraction Facility" or "MGCE facility" means one or more structures in which, or the real property on which, the growth, cultivation, harvesting, processing, packaging, preparation, and labeling of all marijuana and medical marijuana available for sale or medical use within the state, and the extraction of cannabinoids from marijuana plants for use in marijuana-infused products or medical marijuana-infused products available for sale or medical use within the state, is lawful.
- 8) "Marijuana-infused products" means concentrated marijuana products that are composed of marijuana or medical marijuana and other lawful ingredients and are intended for use or consumption, such as, but not limited to, edible products, marijuana concentrates, sprays, ointments, and tinctures.
- 9) "Marijuana establishment" means a MGCE facility, a MPM facility, a retail marijuana store, or a not-for-profit medical marijuana dispensary. A marijuana establishment's actions, and the actions of that establishment's employees and agents, are lawful and are not subject to civil or criminal penalties so long as such actions are in compliance with this section, with any laws passed by the general assembly in furtherance of this section, and with any rules and regulations promulgated by the Commission.
- 10) "Marijuana Product Manufacturing Facility" or "MPM facility" means a facility licensed by the Commission to develop, manufacture, prepare, and/or package marijuana-infused products, medical marijuana-infused products and/or marijuana accessories.
- 11) "Marijuana testing facility" means a facility or laboratory licensed by the Commission to acquire, possess, store, transfer, grow, cultivate, harvest, and process medical marijuana, marijuana and marijuana-infused products for the explicit and limited purposes of engaging in research related to, and/or certifying the safety and potency of, medical marijuana, marijuana and marijuana-infused products. At a minimum, such facilities shall be situated near colleges and universities in Athens, Lorain, Mahoning, Scioto and Wood Counties. Such facilities are prohibited from selling medical marijuana, marijuana and marijuana-infused products to marijuana establishments and consumers, and may transfer medical marijuana, marijuana and marijuana-infused products only to a marijuana establishment that has engaged the facility to perform quality control testing on those products or in connection with a safety and potency certification process developed by the Commission.
- 12) "Medical marijuana" means marijuana used to treat a debilitating medical condition, and includes medical marijuana-infused products used to treat debilitating medical conditions.

- 13) "Medical marijuana certification" means a written certification issued on a form prescribed by the Commission by a patient's treating physician acting in the usual course of his or her professional practice.
- 14) "Not-for-profit medical marijuana dispensary" or "dispensary" means an entity incorporated under Ohio's not-for-profit corporation law licensed to purchase medical marijuana from MGCE facilities, medical marijuana-infused products from MPM facilities and marijuana accessories, and to sell medical marijuana and marijuana accessories to patients and Caregivers who present valid medical marijuana certifications pursuant to rules adopted by the Commission.
- 15) "Ohio Marijuana Control Commission" or "Commission" means the agency created herein to regulate the marijuana industry, including, but not limited to, regulating, researching and reporting on the growth, cultivation, production, processing, manufacture, testing, distribution, transportation, retail sales, licensing, and taxation of marijuana, medical marijuana and marijuana-infused products.
- 16) "Patient" means an Ohio resident who has a debilitating medical condition.
- 17) "Physician" means an individual who maintains, in good standing, a license to practice medicine issued by the State of Ohio.
- 18) "Retail marijuana store" means a retail space occupied by an entity licensed to purchase marijuana from MGCE facilities, marijuana-infused products from MPM facilities, and marijuana accessories, and to sell marijuana, marijuana-infused products, and marijuana accessories for personal use to consumers.
- 19) "Unreasonably impracticable" means that the measures necessary to comply with the regulations require such a high investment of risk, money, time, or any other resource or asset that the operation of a marijuana establishment is not worthy of being carried out in practice by a reasonably prudent businessperson.

STATEMENT OF CIRCULATOR

I, Bill Schmitt Jr., declare under penalty of election falsification that I am the circulator of the foregoing petition paper containing the signatures of 42 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 that the electors signing this petition did so with knowledge of the contents of same. I am employed to circulate this petition by

(Name and address of employer). (The preceding sentence shall be completed as required by section 3501.38 of the Revised Code if the circulator is being employed to circulate the petition.)

I further declare under penalty of election falsification 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 qualified to sign, 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.

Bill Schmitt Jr.
(Signed)

66205 N. Moss run rd
(Address of circulator's permanent residence in this state) Number and Street, Road or Rural Route

Bellaire
City, Village or Township

OHIO 43906
State Zip Code

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

RECEIVED
FEB 13 2015
Ohio Attorney General
Constitutional Offices Section