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April 24, 2015

Edward Howard
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Re: Legalize Marijuana in Ohio Amendment

Dear Committee:

In accordance with the provisions of R.C. 3519.01(A), on April 17, 2015, I received a written petition proposing to add the Legalize Marijuana in Ohio Amendment to Ohio's Constitution and a summary of the proposed amendment. One of my statutory duties as Attorney General is to send all of the part-petitions to the appropriate county boards of elections for signature verification. With eight of ten counties reporting back, at least 1,000 signatures already have been verified.

Pursuant to R.C. 3519.01(A), I must examine the summary and determine whether it is a fair and truthful statement of the proposed amendment. If I conclude that the summary is fair and truthful, I must certify that fact to the Secretary of State within ten days of receiving it. In this instance, the tenth day falls on April 27, 2014.

The Ohio Supreme Court has defined "summary" relative to an initiated petition as "a short, concise summing up," which properly advises potential signers of a proposed measure's character and purport. *State ex rel. Hubbell v. Bettman*, 124 Ohio St. 24 (1931). After reviewing the submission, I have concluded that I am unable to certify your summary as a fair and truthful representation of the proposed amendment.

The summary states at paragraph 15 that 54% of the special flat tax generated will go to a Municipal and Township Government Stabilization Fund. The amendment, in section F(1), instead allocates 55% of the revenue to this fund.

Furthermore, the summary omits important information from the amendment. For example, there is no language in the summary explaining that under the amendment, patients with debilitating medical conditions who have medical marijuana certifications are authorized, among other things, to "administer" medical marijuana pursuant to language from section B of the amendment: "It is lawful for patients with debilitating medical conditions to acquire, administer, purchase, possess, transport, and use, and for licensed caregivers to acquire, administer, purchase, possess, transport and transfer, medical marijuana pursuant to a valid medical marijuana certification." In addition, the summary states in paragraph 2 that it is lawful for persons 21 years of age or older to share marijuana accessories with another person 21 years

of age or older, but omits the provision in section D of the amendment that “this age limitation shall not apply to patients with valid medical marijuana certifications.”

For these reasons, I am unable to certify the summary as a fair and truthful statement of the proposed amendment. However, I must caution that this is not intended to be an exhaustive list of all defects in the submitted summary.

Very respectfully yours,



Mike DeWine
Ohio Attorney General

cc: Committee to Represent the Petitioners

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