



# MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

Administration  
Office 614 466-4320  
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30 E. Broad Street, 17<sup>th</sup> Fl  
Columbus, Ohio 43215  
[www.OhioAttorneyGeneral.gov](http://www.OhioAttorneyGeneral.gov)

May 17, 2013

**Via Hand Delivery & Electronic Mail**

The Ohio Ballot Board  
c/o Hon. Jon Husted  
180 E. Broad St., 15th Floor  
Columbus, Ohio 43215

Re: Submitted Proposed Initiated Constitutional Amendment to add Section 12 to Article XV of the Ohio Constitution, The Ohio Cannabis Rights Amendment

Dear Jon:

In accordance with the provisions of Ohio Revised Code Section 3519.01(A), a written petition bearing a copy of a proposed initiated constitutional amendment to Article XV of the Ohio Constitution was submitted to this office for examination, together with a summary of the proposed amendment, on May 7, 2013.

It is my statutory duty to determine whether the submitted summary of the proposed amendment “is a fair and truthful statement of the proposed law or constitutional amendment.” ORC 3519.01(A). If the summary is fair and truthful, then I am to “so certify and then forward the submitted petition to the Ohio ballot board for its approval.” *Id.* I must also verify with county boards of election that signatures accompanying the petition total at least 1,000 registered voters. By statute, I am required to perform these duties within ten days of receiving the petition. In this instance, the tenth day falls today, Friday, May 17, 2013.

Having received verification that the submission was accompanied by more than 1,000 valid signatures, and having considered the language of the initiated constitutional amendment and its summary, I conclude that the summary is fair and truthful. I now forward the proposal to you in your capacity as Chair of the Ballot Board for consideration under Ohio Revised Code Section 3505.062, certifying to the Ohio Ballot Board as follows:

Without passing upon the advisability of the approval or rejection of the measure to be referred, but pursuant to the duties imposed upon the Attorney General’s Office under Section 3519.01(A) of the Ohio Revised Code, I hereby certify that the summary is a fair and truthful statement of the proposed constitutional amendment.

Once the Ballot Board meets pursuant to ORC 3505.062, I will forward its certification(s) to you in accordance with my statutory duties.

The Ohio Ballot Board  
c/o Hon. Jon Husted  
May 17, 2013  
Re: The Ohio Cannabis Rights Amendment  
Page 2 of 2

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Very respectfully yours,



Mike DeWine  
Ohio Attorney General

Enclosure: Submission Text and Summary

cc: Betsy Luper Schuster, General Counsel, Secretary of State (*by e-mail*)



May 7, 2013

ATTORNEY GENERALS OFFICE

Hon. Mike DeWine  
Ohio Attorney General  
30 East Broad Street, 14<sup>th</sup> Floor  
Columbus, OH 43215

MAY 07 2013

RECEIVED  
CONSTITUTIONAL OFFICES

Dear Attorney General DeWine,

Pursuant to Ohio Revised Code 3519.01, please find enclosed: 1.) 179 part petitions containing 2058 signatures of purported qualified Ohio electors, 2.) the full text of a Constitutional amendment entitled the Ohio Cannabis Rights Amendment, and 3.) a proposed summary of the amendment for your examination and certification.

The Committee to Represent the Petitioners requests that a summary tally sheet be provided to its members showing the number of signatures submitted to each county board of election for verification and the number of signatures that each county board of election verified.

Please direct all correspondence related to the Petition to members of the OCRA Committee to Represent the Petitioners:

Robert Fitrakis, Esq.  
1021 East Broad Street  
Columbus, OH 43205

Linda Pardee  
630 Cobblestone Drive  
Amherst, OH 44001

Connie Everett  
5717 Bromley Avenue  
Worthington, OH 43085

Mary Jane Borden  
175 Fairview Avenue  
Westerville, OH 43081

Don E Wirtshafter, Esq.  
6998 SR 329  
Guysville, OH 45735

[contact@ohiorights.org](mailto:contact@ohiorights.org)

Sincerely,

A handwritten signature in blue ink that reads "Robert Fitrakis". The signature is fluid and cursive.

Robert Fitrakis, Esq.  
Member, OCRA Committee to Represent the Petitioners

Enclosures

Number \_\_\_\_\_

County \_\_\_\_\_

Issued to \_\_\_\_\_  
(NAME OF SOLICITOR)

Date of Issuance \_\_\_\_\_

INITIATIVE PETITION

Amendment to the Constitution

ATTORNEY GENERALS OFFICE

Proposed by Initiative Petition

MAY 07 2013

To be submitted directly to the electors

**Amendment**

RECEIVED  
CONSTITUTIONAL OFFICES

Title: The Ohio Cannabis Rights Amendment

SUMMARY

To amend Article XV of the Ohio Constitution by adding a Section 12 to provide for the medical, therapeutic and industrial use and regulation of Cannabis in the State of Ohio.

- In accordance with Article 1: Bill of Rights, Section 1 of the Constitution of the State of Ohio, allows eligible Ohio residents, who have attained the age of majority and are diagnosed with a debilitating medical condition, to use, possess, produce and acquire the genus Cannabis, also known as medical marihuana or medical marijuana, for therapeutic use in amounts sufficient to meet their therapeutic needs and alleviate their suffering. Ohio residents under the age of majority, who are diagnosed with a debilitating medical condition, may be eligible with prior written consent of a parent or guardian.
- Protects eligible residents from discrimination, interference by the State, invasion of privacy and breach of confidentiality regarding their therapeutic use of Cannabis, and protects the confidentiality of records kept by the State pertaining to such use. Protects eligible residents, providers, farmers and others who provide legal access to Cannabis from arrest and prosecution, and permits medical necessity as an affirmative defense in a court of law for persons who are not eligible residents.
- Allows eligible residents to access goods and services to enable their therapeutic use of Cannabis. Permits eligible individuals or organizations to grow, process, distribute, transport, purchase or sell therapeutic Cannabis in its various forms to eligible residents according to rules and regulations as established by an Ohio Commission of Cannabis Control (Commission). Permits commercial production, distribution and taxation of therapeutic Cannabis. State-licensed providers will operate under the regulatory control of the Commission.
- Allows Ohio residents deemed eligible by the Ohio Department of Agriculture (ODA) to produce and sell non-psychoactive Cannabis, also known as hemp, for industrial uses such as paper, fuel, foods, building materials and clothing. Under the regulatory control of the ODA, permits commercial production, distribution and taxation of hemp in a manner similar to other agriculture commodities. Removes hemp from any schedule or classification system in Ohio where it is listed as a drug.
- Mandates that the rights enumerated in the Amendment not be abridged, and that the State of Ohio support, uphold and defend these rights in accordance with the health and safety of Ohioans and the Ninth and Tenth Amendments to the Constitution of the United States of America.
- Does not require the therapeutic or industrial uses of Cannabis and does not invalidate existing bans against smoking in public places or places of employment.
- Does not authorize individuals to operate a motorized conveyance (vehicle) while under the influence of Cannabis; does not prohibit civil or criminal penalties for undertaking a task while under the influence of Cannabis that would constitute negligence or professional malpractice. Bases impairment from the therapeutic use of Cannabis and the testing to determine such impairment on scientific evidence of impairment. Being under the influence would not be determined solely by the presence of metabolites of Cannabis in an eligible resident's urine, blood, tissue, hair or skin.
- Lists debilitating medical conditions, including glaucoma, HIV/AIDS, cancer and Crohn's disease. Includes chronic conditions that produce symptoms such as severe or chronic pain or nausea. Allows the Commission or the General Assembly to further designate qualifying debilitating medical conditions.
- Permits research and educational institutions to study the therapeutic and industrial properties of Cannabis.

- Creates an Ohio Commission of Cannabis Control which supports and upholds the rights of eligible residents; licenses, regulates and controls Cannabis for therapeutic use in Ohio; serves the public interest; and ensures statewide compliance with this Amendment.
- Establishes a nine-member Board of the Ohio Commission of Cannabis Control consisting of two eligible residents who are Ohio voters, two Ohio farmers, a licensed medical practitioner, a licensed mental health professional, a law enforcement officer, a representative of the ODA and a representative the Ohio Civil Rights Commission (OCRC). No more than four members shall be of the same political party. Initial appointments of the two Ohio voters, the two Ohio farmers, the medical practitioner and the mental health professional shall be selected by the Committee to Represent the Petitioners for this Amendment. Initial appointments of the law enforcement officer, the ODA representative and OCRC representative shall be selected by the governor within 60 days of an affirmative vote by the electors of the State, or thereafter, by the Committee. Initial terms for the Commission board are three members each for respective four, three and two year terms. Succeeding terms are three years, with members selected by the Governor and approved by the Senate. Vacant positions on the Commission board will not prevent the remaining Commissioners from exercising the powers of the Commission.
  - Mandates that the Board of the Commission conduct its first official meeting within 90 days of an affirmative vote by the electors of the State and that the implementation of regulations and licensing and permitting systems take place within 180 days of an affirmative vote.
  - Provides for open meetings of the Commission, limitations on compensation of Commission board members and disclosure of their corporate affiliations. Requires the Commission to submit an annual report to the Ohio General Assembly.
- Gives Commissioners the authority to make regulations, recommendations or findings as they pertain to Cannabis for therapeutic use in accordance with this Amendment and the Ohio Administrative Procedure Act. Requires the Commission to license or authorize other personnel to regulate the therapeutic and industrial use of Cannabis within the State.
- Authorizes the Commission to delegate the enactment and amendment of regulations, recommendations or findings pertaining to Cannabis for industrial use to the ODA, which shall implement them according to the same time table as the Commission.
- Allows the Commission to set fees, and issue licenses, permits and fines for therapeutic Cannabis use, and for the ODA to set fees, and issue licenses, permits and fines for industrial Cannabis use.
  - The operating costs and expenses of the Commission, the ODA and their staff are to be funded by the reasonable fees and fines based on necessary operations and not cost prohibitive for eligible residents, farmers or providers.
- Requires that the regulations uphold the Rights enumerated in Section 1 of the Amendment.
- The General Assembly is mandated to provide adequate funds to cover the costs of implementing this Amendment.
- If any section of the Amendment is found to be invalid, that section cannot affect any other section that can be given full effect without it.

\*end of summary\*

#### CERTIFICATION OF THE ATTORNEY GENERAL

This certification of the Attorney General, pursuant to Ohio Revised Code 3519.01(A), will be inserted when it is provided. It must be submitted with at least one thousand (1,000) valid signatures of Ohio electors before the Attorney General will issue that certification.

#### COMMITTEE TO REPRESENT THE PETITIONERS

The following people are designated as the committee to represent the petitioners in all matters relating to the petition or its circulation.

Robert Fittrakis, Esq. 1021 East Broad Street Columbus, OH 43205	Linda Pardee 630 Cobblestone Drive Amherst, OH 44001	Connie Everett 5717 Bromley Avenue Worthington, OH 43085
Mary Jane Borden 175 Fairview Avenue Westerville, OH 43081	Don E Wirtshafter, Esq. 6998 SR 329 Guysville, OH 45735	

**NOTICE**

Whoever knowingly signs this petition more than once; except as provided in section 3501.382 of the Revised Code, signs a name other than one's own on this petition; or signs this petition when not a qualified voter, is liable to prosecution.

**MUST USE MOST RECENT ADDRESS ON FILE WITH BOARD OF ELECTIONS**

*(Sign with ink. Your name, residence, and date of signing must be given.)*

Signature	County	Township	Rural Route or other Post-office Address	Month / Day/Year
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\*Full text of the Amendment\*

Be it resolved by the people of the State of Ohio: That the Constitution of the State of Ohio be amended by adopting a section to be designated as Section 12 of Article XV thereof, to read as follows:

**Article XV: Section 12. The medical, therapeutic and industrial use and regulation of Cannabis.**

**Section 1. Rights.**

In accordance with Article 1: Bill of Rights, Section 1 of the Constitution of the State of Ohio:

(A) Residents of the State of Ohio, who have attained the age of majority and who are diagnosed with a debilitating medical condition, shall be eligible residents for the purpose of making therapeutic use of the genus Cannabis, also known as medical marijuana or marihuana, currently defined in Section 3719.01 of the Revised Code, hereinafter referred to as Cannabis, to alleviate their suffering. Residents of the State of Ohio, who are under the age of majority and who are diagnosed with a debilitating medical condition, may be eligible residents with the prior written consent of a parent or guardian.

(B) Eligible residents shall have the right to make therapeutic use of Cannabis to alleviate their suffering and to possess an amount of Cannabis sufficient to meet their therapeutic needs.

(C) Eligible residents shall have the right to be free of discrimination and interference from the State of Ohio with regard to their therapeutic use of Cannabis. Persons who are not eligible residents may use medical necessity as an affirmative defense in a court of law.

(D) Eligible residents shall have the right to privacy and confidentiality with respect to their therapeutic use of Cannabis, including, but not limited to, any records kept by the State pertaining to such use.

(E) Eligible residents who make therapeutic use of Cannabis shall have the right to produce their own Cannabis, and to acquire Cannabis sufficient to alleviate their suffering from state-licensed providers without fear of arrest, prosecution or undue interference by the State.

(F) Eligible residents shall have the right to access goods and services to enable their therapeutic use of Cannabis.

(G) Within the State of Ohio, it shall be a legal right for individuals or organizations, deemed eligible by the Ohio Commission of Cannabis Control, to grow, process, distribute, transport, purchase or sell Cannabis for therapeutic use in various forms to eligible residents according to rules and regulations as established by the Ohio Commission of Cannabis Control.

(H) Residents of the State of Ohio, deemed eligible by the Ohio Department of Agriculture under Section 3(E), shall have the right to produce and sell non-psychoactive Cannabis, also known as hemp, for industrial use including, but not limited to, paper, fuel, foods, building materials and clothing. With this right, Cannabis for industrial use is hereby removed from any schedule or classification system in the State of Ohio wherein it is listed as a drug.

(I) These rights shall not be abridged, and the State of Ohio shall support, uphold and defend these rights in accordance with the health and safety of Ohioans and the Ninth and Tenth Amendments of the Constitution of the United States of America.

**Section 2. Limitations.**

(A) Nothing in this Amendment requires the therapeutic use of Cannabis or the industrial use of Cannabis; nor does this Amendment invalidate existing bans against smoking in public places or places of employment.

(B) Nothing in this Amendment shall prohibit the reasonable regulation and control of the commercial production and distribution of Cannabis for therapeutic use by the Ohio Commission of Cannabis Control as set forth in Section 3.

(C) Nothing in this Amendment shall prohibit the reasonable regulation and control of the commercial production and distribution of Cannabis for industrial use as delegated by the Ohio Commission of Cannabis Control to the Ohio Department of Agriculture as set forth in Section 3.

(D) Nothing in this Amendment shall prohibit the sale of Cannabis for therapeutic use or for industrial use to eligible residents; nor prevent research or educational institutions from studying the therapeutic properties of Cannabis; nor prevent research or educational institutions from studying the properties of Cannabis for industrial use; nor prohibit the reasonable application of fines or fees pursuant to the regulation and control of Cannabis within the State in accordance with Section 4; nor prohibit the reasonable taxation of Cannabis for therapeutic use or Cannabis for industrial use in a manner similar to other agricultural commodities.

(E) Debilitating medical conditions include, but are not limited to, the following diagnoses: glaucoma; multiple congenital cartilaginous exostosis; multiple sclerosis; nail-patella syndrome; positive status for human immunodeficiency virus and acquired immune deficiency syndrome (HIV/AIDS); Alzheimer's disease; amyotrophic lateral sclerosis; cancer; celiac disease; Crohn's disease; hepatitis C; myelomalacia; post traumatic stress; rheumatoid arthritis; sickle cell anemia; injury or

disease to the spinal cord, spinal column or vertebra; Tourette's syndrome; a chronic or debilitating disease or medical condition or its treatment that produces cachexia or wasting syndrome, severe or chronic pain, severe or chronic nausea, seizures, including those characteristic of epilepsy, or severe or persistent muscle spasms; depression; and any additional medical condition or its treatment that may be designated by the Commission or set forth by the General Assembly pursuant to Section 3.

(F) Nothing in this Amendment authorizes any person to engage in, nor prohibits the imposition of civil, criminal or other penalties for undertaking any task under the influence of Cannabis, when doing so would constitute negligence or professional malpractice; or to operate, navigate or be in actual physical control of any motorized conveyance while under the influence of Cannabis.

(G) An eligible resident shall not be considered to be under the influence of Cannabis for therapeutic use solely because of the presence of active or inactive metabolites of Cannabis in the eligible resident's urine, blood, tissue, hair or skin or as detectable by any other measure of body chemistry. The legal definition of impairment as a result of the therapeutic use of Cannabis and the applicable testing to determine such impairment shall be based on scientific evidence of impairment.

### **Section 3. The Commission.**

(A) There is hereby created the Ohio Commission of Cannabis Control, which shall support and uphold the rights enumerated in Section 1; shall serve the public interest; shall license, regulate and control Cannabis for therapeutic use in Ohio; and shall ensure statewide compliance with this Amendment.

(B) The appointments to the Board of the Commission shall total nine members: three members to serve initial four-year terms, three members to serve initial three-year terms and three members to serve initial two-year terms. Two members are to be registered Ohio voters, who shall also be eligible residents for the therapeutic use of Cannabis once regulations to be established by the Commission are in effect; two members are to be Ohio farmers, one of whom shall be a license or permit holder after implementation of a licensing and permitting system by the Commission and one of whom shall be a license or permit holder after implementation of a licensing and permitting system by the Ohio Department of Agriculture under Section 3(E); one member is to be a licensed medical practitioner; one member is to be a licensed mental health professional; one member is to be a full-time law enforcement officer in the State of Ohio; one member is to represent the Ohio Department of Agriculture; and one member is to represent the Ohio Civil Rights Commission. Each Commissioner shall be a registered Ohio voter and shall be required to publicly disclose all corporate affiliations. No more than four (4) members shall be affiliated with the same political party. Initial appointments of the two registered Ohio voters, the two Ohio farmers, the licensed medical practitioner and the licensed mental health professional shall be selected by the Committee to Represent the Petitioners for this Amendment. Initial appointments of a full-time law enforcement officer, the member to represent the Ohio Department of Agriculture and the member to represent the Ohio Civil Rights Commission shall be selected by the governor or, if not appointed within sixty (60) days of an affirmative vote by the electors of the State, by the Committee to Represent the Petitioners. Succeeding terms of the Commission shall be three years in length, and members shall be selected by the Governor and approved by the Senate. Vacancies on the Board of the Commission shall not impair the right of the remaining Commissioners to exercise all powers of the Commission.

(C) The Board of the Commission shall be duly constituted and conduct its first official meeting within ninety (90) days of an affirmative vote by the electors of the State. Regulations and licensing and permitting systems shall be implemented by the Commission within one hundred and eighty (180) days of an affirmative vote. Meetings of the Commission shall be open to the public and a matter of public record. The Commission shall issue to the General Assembly an annual report concerning its activities during the prior year.

(D) The Commissioners shall have the authority to enact and amend regulations, recommendations or findings as they pertain to Cannabis for therapeutic use in accordance with this Amendment, and to the procedures in the Ohio Administrative Procedure Act. The Commission shall license or authorize other personnel within the State to regulate Cannabis for therapeutic use and Cannabis for industrial use.

(E) The Commission shall delegate the authority to enact and amend regulations, recommendations or findings as they pertain to Cannabis for industrial use in accordance with this Amendment to the Ohio Department of Agriculture. The Department shall have regulations in effect and the licensing and permitting systems implemented according to the time table in Section 3(C).

(F) The regulations shall support, uphold and defend the Rights enumerated in Section 1 and shall include provisions for the protection from arrest and prosecution of eligible residents, providers, farmers and other entities who provide legal access to Cannabis for therapeutic use and to Cannabis for industrial use.

**Section 4. Funding.**

(A) Regulatory fees, licensing fees, permit fees and fines for the therapeutic use of Cannabis shall be determined by the Commission. Regulatory fees, licensing fees, permit fees and fines for the industrial use of Cannabis shall be determined by the Ohio Department of Agriculture pursuant to Section 3(E).

(B) All operating costs and expenses of the Commission, of the Department pursuant to Section 3(E), and of their staff shall be funded by the reasonable fees and fines based upon the necessary operations of the activities authorized by this Amendment. Regulatory fees, license fees, permit fees and fines shall not be cost prohibitive for eligible residents, farmers or providers.

(C) The General Assembly shall provide adequate funds to cover the costs of implementing the provisions set forth by this Amendment, based on recommendations set forth by the Commissioners in consultation with the Department.

(D) Compensation for board members of the Commission shall not exceed the average compensation received by board members of all other Ohio governmental commissions.

**Section 5. Severability.**

Any section of this Amendment being held invalid shall not affect the application of any other section that can be given full effect without the invalid section.

\*End of full text of the Amendment\*

**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 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 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

(signed) \_\_\_\_\_

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

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