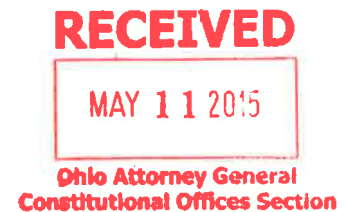


**Jacob Wagner, Esq.**  
**Attorney at Law**  
**Vice President, Ohioans to End Prohibition**  
**2914 Bridge Ave, Cleveland, OH 44113**  
**440.231.6323**

May 11, 2015

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



***Re: "Cannabis Control Amendment" Summary Petition***

Dear Attorney General DeWine:

I am hereby filing with your office on behalf of Ohioans to End Prohibition 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 2,343 signatures of electors on 124 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.

Do not hesitate to contact me if you have any questions or concerns. Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "JW", with a long horizontal flourish extending to the right.

Jacob Wagner

JW  
Enclosure

<u>County</u>	<u>Part Petitions</u>	<u>Signatures</u>
Adams	1	1
Ashtabula	2	15
Belmont	1	3
Butler	9	170
Carroll	1	1
Clermont	11	127
Clinton	1	1
Cuyahoga	13	339
Erie	2	2
Franklin	3	15
Geauga	1	10
Greene	1	2
Hamilton	43	1,319
Hancock	1	1
Harrison	1	3
Jefferson	3	95
Lake	2	40
Lorain	2	33
Lucas	1	5
Medina	2	6
Montgomery	3	27
Portage	1	1
Richland	1	1
Sandusky	1	2
Stark	3	8
Summit	3	24
Trumbull	3	10
Warren	7	81
Wayne	1	1
<b>Totals:</b>	<b>124</b>	<b>2,343</b>

Number 1  
Issued to Sri Kavuru  
(Name of Circulator)

County Geauga  
Date of Issuance 4/10/15

**INITIATIVE PETITION**  
**Amendment to the Constitution**  
**Proposed by Initiative Petition**  
**To be submitted directly to the electors**

**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**

**Cannabis Control Amendment**

**SUMMARY**

This Amendment would add a new section 12 to Article XV of the Ohio Constitution to end the prohibition of flora of the genus *Cannabis* and control all of its personal, medical, noncommercial, commercial, industrial, and agricultural forms, uses, and applications, including marijuana and industrial hemp. The Amendment provides, among other provisions, the following:

1. Persons aged 21 or older may purchase, use, gift, and trade, marijuana, marijuana infused products, marijuana concentrates, and marijuana paraphernalia. Persons aged 21 or older may possess marijuana paraphernalia and up to 100 grams of marijuana, 500 grams of marijuana infused solids, 2 liters of marijuana infused liquids, and 25 grams of marijuana concentrates. Persons aged 21 or older may cultivate and harvest up to 6 mature, flowering marijuana plants for noncommercial purposes in their home, or on their property in a secured area away from public view and inaccessible to minors, and purchase and possess the items necessary to do so. If two or more persons aged 21 or older share a home, those persons may not cultivate and harvest more than 12 total mature, flowering marijuana plants between them for noncommercial purposes. Persons aged 21 or older may manufacture marijuana infused products and marijuana concentrates for noncommercial purposes in their home, or on their property in a secured indoor area away from public view and inaccessible to minors, and purchase and possess the items necessary to do so, provided they use no hazardous materials or processes. Persons aged 21 or older may possess in their home or on their property in a secured indoor area away from public view and inaccessible to minors, but shall not sell, any marijuana in excess of 100 grams, marijuana infused solids in excess of 500 grams, marijuana infused liquids in excess of 2 liters, marijuana concentrates in excess of 25 grams, marijuana leaves, and any other natural product or byproduct of cultivating and harvesting marijuana plants, from marijuana plants they have cultivated and harvested according to these provisions. Persons aged 21 or older may gift and trade to persons aged 21 or older, patients aged 18 or older, and guardians of patients, marijuana, marijuana infused products, and marijuana concentrates, from marijuana plants they have cultivated and harvested according to these provisions.
2. Ohio residents aged 18 or older with qualifying medical conditions or a doctor's recommendation for marijuana as medical treatment and any guardian of any incapacitated Ohio resident or Ohio resident younger than 18 with a qualifying medical condition or a doctor's recommendation may request patient status by applying for a patient identification card from the Ohio Department of Health ("ODH"). Patients aged 18 or older may purchase and use marijuana, marijuana products, and marijuana paraphernalia. Guardians of patients may, on behalf of those patients, purchase marijuana, marijuana products, and marijuana paraphernalia. Patients aged 18 or older and guardians of patients may possess marijuana paraphernalia and up to 200 grams of marijuana, 1,000 grams of marijuana infused solids, 5 liters of marijuana infused liquids, and 50 grams of marijuana concentrates. Patients younger than 18 may use marijuana, marijuana products, and marijuana paraphernalia with the written consent of a guardian. Patients aged 18 or older and guardians of patients may, at any time, cultivate and harvest up to 12 mature, flowering marijuana plants for noncommercial purposes in their home, or on their property in a secured area away from public view and inaccessible to minors, and purchase and possess the items necessary to cultivate and harvest marijuana plants. If two or more patients aged 18 or older, or guardians of patients, live in the same home, those persons may not cultivate and harvest more than 24 total mature, flowering marijuana plants between them for noncommercial purposes. Patients aged 18 or older and guardians of patients may manufacture marijuana infused products and marijuana concentrates for noncommercial purposes in their home or on their property in a secured indoor area away from public view and inaccessible to minors, and purchase and possess the items necessary to do so, provided they use no hazardous materials or processes. Patients aged 18 or older and guardians of patients may possess in their home or on their property in a secured indoor area away from public view and inaccessible to minors, but shall not sell, any marijuana in excess of 200 grams, marijuana infused solids in excess of 1,000 grams, marijuana infused liquids in excess of 5 liters, marijuana concentrates in excess of 50 grams, marijuana leaves, and any other natural product or byproduct of cultivating and harvesting marijuana plants, from marijuana plants they have cultivated and harvested

according to these provisions. Patients aged 18 or older and guardians of patients may gift and trade to patients aged 18 or older and guardians of patients marijuana, marijuana infused products, and marijuana concentrates, from marijuana plants they have cultivated and harvested according to these provisions.

3. Patients aged 18 or older and guardians of incapacitated patients or patients younger than 18 may establish and operate patient groups. Patient groups shall designate a caregiver who may, at any time, cultivate and harvest up to 12 mature, flowering marijuana plants per patient in order to supply that patient group with marijuana and purchase and possess the items necessary to cultivate and harvest marijuana plants. Caregivers may purchase and possess the items necessary to manufacture marijuana infused products and marijuana concentrates and manufacture marijuana infused products and marijuana concentrates for their patient group, provided they use no hazardous materials or processes. Patient groups may reimburse their caregiver for expenses incurred, including a reasonable cost of labor. Patient groups cannot sell, gift, trade, nor otherwise distribute marijuana, nor marijuana products. Caregivers may be any adult, or any charitable or religious nonprofit organization. Caregivers shall not operate for a profit. Caregivers shall not sell, gift, nor trade marijuana, nor marijuana products. Caregivers, patient groups, and all member patients shall register with the Ohio Department of Health. Patient groups shall be no larger than 5 people, and any person who is a member of a patient group shall not otherwise cultivate and harvest marijuana plants for noncommercial purposes in their home or on their property.
4. Doctors may recommend marijuana, marijuana products, and marijuana paraphernalia to any person who, in that doctor's good faith professional diagnosis, could benefit from marijuana, marijuana products, and marijuana paraphernalia. Doctors shall not sell, gift, nor trade, marijuana, marijuana products, nor marijuana paraphernalia. Doctors shall not own, nor benefit from, any financial interest in any commercial marijuana entity ("CME"). ODH shall issue patient identification cards. If a patient or guardian of patient can prove he or she has a total yearly income equal to, or less than, 1.5 times the poverty guidelines for the 48 contiguous states and the District of Columbia published yearly in the Federal Register by the United States Department of Health and Human Services, that person may apply for and ODH shall issue an economically disadvantaged patient identification card. ODH shall create and maintain a confidential patient registry and a confidential caregiver registry. ODH shall make electronically available confidential patient identification card application, designation of caregiver, and doctor's recommendation forms that, at minimum, collect the information required by this Amendment. ODH shall review the list of qualifying conditions on a yearly basis and may identify additional qualifying conditions based on peer-reviewed scientific evidence. ODH shall regulate doctor conduct when issuing doctor's recommendations or advertising in relation to marijuana, marijuana products, marijuana paraphernalia, or doctor's recommendations. ODH shall found the Ohio Medical Marijuana Research Lab ("OMMRL") and regulate medical marijuana research. ODH may also design and implement additional medical marijuana regulations.
5. The Ohio Department of Commerce ("ODC") shall found a Division of Marijuana Control ("DMC") that imitates the Division of Liquor Control ("DLC"), the superintendent of which shall be a marijuana policy expert. DLC shall assist ODC during design and launch of DMC in every reasonably practicable manner. DMC shall commission a committee to define a new standard for determining whether a person is operating a motor vehicle under influence of marijuana or marijuana products by measuring actual impairment in scientifically articulable terms, rather than a per se limit. DMC shall be tasked with licensing, regulation, and taxation of every CME, including marijuana cultivation sites ("MCS"), marijuana manufactories ("MM"), marijuana quality testing labs ("MQTL"), marijuana wholesalers ("MW"), marijuana retailers ("MR"), and marijuana social clubs ("MSC"). DMC shall not limit the number of licenses for any type of CME. DMC shall create and maintain a confidential licensee registry and a separate, segregated account for deposits of licensing fee and penalty receipts. Licensing fee and penalty receipts shall first be applied to any costs associated with the DMC, then to any costs incurred by the ODH during discharge of its duties under this Amendment, then to any costs incurred by the Ohio Department of Agriculture ("ODA") during discharge of its duties under this Amendment, then to the Ohio General Revenue Fund.
6. Any person aged 21 or older, or any corporation, may establish and operate any CME, provided they first procure the appropriate CME licenses from DMC. Corporations include, but are not limited to, sole proprietorships, general partnerships, limited partnerships, limited liability partnerships, limited liability limited partnerships, limited liability companies, and incorporated corporations. Any person aged 21 or older or corporation may hold multiple CME licenses, but those licenses are nontransferable. CME licenses carry an initial fee of \$5,000. CME licenses shall be renewed yearly. Any CME earning less than \$200,000 gross revenue the preceding year shall pay \$5,000 for renewal. Any CME earning between \$200,000 and \$500,000 gross revenue the preceding year shall pay \$10,000 for renewal. Any CME earning between \$500,000 and \$1,000,000 gross revenue the preceding year shall pay no less than \$15,000, but no more than \$25,000, for renewal. Any CME earning more than \$1,000,000 gross revenue the preceding year shall pay no less than \$25,000, but no more than \$50,000, for renewal. DMC may adjust licensing fees in order to address any surpluses or deficiencies in licensing fees collected and assign penalties for any violations. DMC may cancel or suspend CME licenses pursuant to grounds for revocation enumerated by this Amendment. Before they may procure any CME licenses, persons aged 21 or older and corporations shall first apply for and procure preapproved CME licenses. DMC shall make electronically available confidential preapproved CME license application forms. The fee for a preapproved CME license shall be no less than \$250, but no more than \$500. In addition to applicants' personal information, preapproved CME license application forms shall direct applicants to disclose any prior felony convictions. If applicants disclose any felony convictions for financial crimes within the preceding 5 years, or any other felony convictions, except nonviolent marijuana felony convictions, within the preceding 3 years, DMC shall reject those

applications. DMC shall issue preapproved CME license to all other applicants. DMC may cancel or suspend preapproved CME licenses pursuant to grounds for revocation enumerated by this Amendment.

7. Persons aged 21 or older and Corporations with preapproved CME licenses may activate those CME licenses by paying an activation fee of no less than \$500, but no more than \$1,000, and submitting to DMC inspections. DMC shall make confidential CME license activation forms electronically available. Persons aged 21 or older and corporations who activate CME licenses shall meet license qualifications. At least one third of a CME's board of directors, officers, or partners shall be residents of Ohio. All persons aged 21 or older and corporations who hold CME licenses shall either own the land upon which, or the building structures within which, any CME is situated, or they shall have the written consent of the adult or corporation who owns that land or structure. Any CME must be situated no less than 1,000 feet away from the primary building structure of any state chartered elementary or secondary school, publicly owned library, state licensed child day care facility, public playground, or private playground, unless those structures or playgrounds were built after the date upon which those CME licenses were first activated. Any CME shall be situated in locations zoned for commercial or industrial use, except that any MCS may also be situated in locations zoned for agricultural or rural use. Before issuing any active CME license, DMC shall conduct criminal background checks of all applicants. If those background checks reveal any prior felony convictions that went undisclosed during preapproval, or any felony convictions that occurred after preapproval, DMC shall reject that applicant's CME license activation and that applicant shall wait 5 years before attempting to activate any other CME licenses. Before issuing any active CME license, DMC shall inspect every building structure and area within which any CME is to operate. DMC shall ensure those building structures and areas are in compliance with all local building codes and ordinances and all security regulations provided by this Amendment or prescribed by DMC pursuant to this Amendment. Before issuing any active CME license, DMC shall ensure that all of that CME's marijuana and marijuana infused products are packaged and labeled according to regulations provided by this Amendment or prescribed by the DMC pursuant to this Amendment. Before issuing any active CME license, DMC shall ensure that CME's seed to sale software and accounting software are intact and working properly. Before issuing any active CME license, DMC shall inspect all financial books and records belonging to that CME. Any CME shall maintain and keep all financial books, records, and accounts required by this Amendment for 2 years. DMC shall ensure that CME maintains and keeps those books, records, and accounts and that those books, records, and accounts are in compliance with all applicable laws and regulations. If a CME meets all qualifications and passes every aforementioned inspection, DMC shall issue that CME's license and that CME shall pay in full the licensing fee. If a CME fails to meet qualifications or pass inspections, that CME may resubmit license activations up to two times, provided that CME waits at least 90 days after receiving notice of rejection, remedies any deficiencies, and pays full activation fees for each resubmission. DMC shall conduct the aforementioned inspections of any CME that renews its license. DMC may inspect financial books, records, and accounts of any CME at any time, if DMC finds or has reasonable grounds to believe that CME has falsified its books, records, or statements of quantities sold, or engaged in tax fraud, tax evasion, or any other financial crime. DMC may implement and conduct other reasonably necessary inspections.
8. Any MCS may cultivate and harvest mature, flowering marijuana plants and purchase and possess the items necessary to do so. Any MCS may privately sell, gift, and trade marijuana to an MM, MW, or MR. Any MCS may privately sell, gift, and trade marijuana seeds, marijuana tissue cultures, and immature, non-flowering marijuana plants to persons aged 21 or older, guardians of patients, caregivers, patients aged 18 or older, another MCS, or a MW. Any MCS may privately sell, gift, and trade marijuana leaves and natural products and byproducts of cultivating and harvesting marijuana plants to a MM or MW. Any MCS may privately sell, gift, or trade tools, equipment, and instruments to a MW or MCS. Any MM may manufacture marijuana infused products and marijuana concentrates and purchase and possess the items necessary to do so. Any MM may privately sell, gift, and trade marijuana infused products and marijuana concentrates to a MW or MR. Any MM may privately sell, gift, and trade, marijuana, marijuana leaves, natural products and byproducts of cultivating and harvesting marijuana plants, natural byproducts of manufacturing marijuana infused products and marijuana concentrates, and tools, equipment, and instruments to a MM or MW. Any MM may manufacture marijuana infused products and marijuana concentrates with marijuana, marijuana leaves, and natural products and byproducts of cultivating and harvesting marijuana plants, from marijuana plants cultivated and harvested for noncommercial purposes pursuant to this Amendment for the persons who cultivated and harvested those marijuana plants. All marijuana, marijuana infused products, and marijuana concentrates to be sold, traded, or otherwise distributed by any MCS or MM shall first be sample tested by a MQTL. Any MQTL shall test marijuana, marijuana infused products, and marijuana concentrates for cannabinoid content levels, pesticides, fungicides, molds, mildew, and any other compounds, chemical, or substances ordered by DMC pursuant to this Amendment. Any MW may purchase, possess, and privately sell, gift, and trade, to various parties pursuant to this Amendment, marijuana, marijuana infused products, marijuana concentrates, marijuana paraphernalia, marijuana seeds, marijuana tissue cultures, immature non-flowering marijuana plants, products and byproducts of cultivating and harvesting marijuana plants, byproducts of manufacturing marijuana infused products and marijuana concentrates, and tools, equipment, and instruments necessary operate any CME. Any MR may purchase, possess, and privately sell to a MW or MR, marijuana, marijuana infused products, marijuana concentrates, marijuana paraphernalia, and items necessary to operate a MR. Any MR may publicly sell, gift, and trade marijuana, marijuana infused products, marijuana concentrates, and marijuana paraphernalia to persons aged 21 or older, guardians of patients, and patients aged 18 or older. DMC shall conduct random minor sales prevention spot checks at every MR no less than twice per year. Any MSC may purchase and possess marijuana paraphernalia and allow persons aged 21 or older to privately use marijuana, marijuana infused products, marijuana concentrates, and marijuana paraphernalia on their premises. No CME shall operate as any other type of CME unless that CME has first procured the appropriate licenses from DMC. A MQTL shall not operate as any other CME. No CME shall allow on their premises persons aged 21 or younger, except that a MCS, MW, or MR may allow patients aged 18 or older. No MCS shall be

larger than 25 acres. No MR shall sell, gift, nor trade any person aged 21 or older more than 50 grams of marijuana, 250 grams of marijuana infused solids, 1 liter of marijuana infused liquids, and 10 grams of marijuana concentrates per day, unless that person is a patient or guardian of a patient. No MR shall sell, gift, nor trade any patient aged 18 or older or guardian of a patient more than 100 grams of marijuana, 500 grams of marijuana infused solids, 2 liters of marijuana infused liquids, and 25 grams of marijuana concentrates per day. No MSC shall serve alcohol.

9. DMC shall solicit competing bids for contracts to supply accounting software and seed to sale tracking software to be implemented by every CME. Accounting software shall adhere to and apply generally accepted accounting principles. Seed to sale tracking software shall allow auditing and assign each marijuana seed, marijuana tissue culture, immature non-flowering marijuana plant, and mature flowering marijuana plant a unique barcode and track in real time the location, chain of custody, pesticides and fungicides used, and related costs for each, and the marijuana, marijuana infused products, marijuana concentrates, marijuana leaves, natural products and byproducts of cultivating and harvesting marijuana plants, and natural byproducts of manufacturing marijuana infused products and marijuana concentrates that can be traced back to those marijuana seeds, marijuana tissue cultures, immature non-flowering marijuana plants, and mature flowering marijuana plant through every stage of production, quality testing, and distribution. DMC shall determine and implement packaging and labeling regulations for all marijuana, marijuana infused products, and marijuana concentrates sold by any CME. Packaging and labeling regulations shall require all marijuana, marijuana infused products, and marijuana concentrates to be sold in air tight packages clearly identified as marijuana, marijuana infused products, or marijuana concentrates, not intended for minor consumption, with labels that clearly list cannabinoid content levels, dosage and usage recommendations and instructions, and weight or volume. DMC shall determine and implement regulations that protect consumers from financial crimes, sanitation regulations, and advertising regulations for every CME pursuant to this Amendment. DMC may determine and implement pollution and waste regulations, additional quality testing regulations, additional security regulations, and any other general regulations for every CME pursuant to this Amendment. DMC shall determine and implement reasonably proportionate penalties to be levied against any CME that violates any CME regulations.
10. Every MCS shall demand a special marijuana tax of \$1 per gram of marijuana on all sales and trades of marijuana, \$0.25 per gram of marijuana leaves on all sales of marijuana leaves, and \$5 per immature non-flowering marijuana plant on all sales of immature non-flowering marijuana plants. Every month, every MCS shall deposit with DMC all special marijuana tax receipts and electronically file with DMC a written statement of the quantities of marijuana, marijuana leaves, and immature non-flowering marijuana plants sold, gifted, and traded during the preceding month. Every MR shall demand a special marijuana tax of 5% on all sales and trades to persons aged 21 or older of marijuana, marijuana infused products, and marijuana concentrates, unless that person is a patient. No MR shall demand a special marijuana tax on sales and trades to patients aged 18 or older, nor guardians of patients. Every month, every MR shall deposit with DMC all special marijuana tax receipts and electronically file with DMC a written statement of the quantities of marijuana, marijuana infused products, and marijuana concentrates sold, gifted, and traded during the preceding month. Any MR may withhold from their special marijuana tax receipt deposits the total cost, up to one percent of gross revenue during the preceding calendar month, of any marijuana, marijuana products, and marijuana paraphernalia gifted, during the preceding month, to any economically disadvantaged patient, or any economically disadvantaged guardian of a patient. The special marijuana taxes required to be demanded constitute a lien upon, and have the effect of an execution duly levied against, any and all property of a CME, attaching at the time the sale or trade was made and until the remaining special marijuana tax receipts are deposited. If receipts are deposited late, a penalty of 10 percent and interest at the rate of 1 percent per month shall be applied. Beginning January 1, 2022, the rates of special marijuana taxes may be adjusted according to cost-of-living adjustments. DMC shall create and maintain a separate, segregated account for deposits of special marijuana tax receipts. Special marijuana tax receipts shall be distributed quarterly. Special marijuana tax receipts shall first be applied to any costs incurred by ODH during discharge of its duties under this Amendment, then to costs incurred by the ODA during discharge of its duties under this Amendment, then to costs associated with DMC. Remaining special marijuana tax receipts shall be distributed as follows: 20% to municipal and township governments, on a per capita basis, to be used for bridge and road repair and other infrastructure improvements; 20% to county governments, on a per capita basis, to be used for bridge and road repair and other infrastructure improvements; 15%, in equal shares, to the Ohio Public Employees Retirement System, the School Employees Retirement System, the State Teachers Retirement System, the Police and Fire Pension Fund, and the Highway Patrol Retirement System; 15% to the Ohio School Facilities Commission to be used for construction of new public elementary and secondary schools; 10% to the Ohio Department of Mental Health and Addiction Services (“ODMHAS”) to be used for evidence and fact based drug education programs in the classroom; 10% to ODMHAS to be used for compassionate, evidence and fact based, effective medical treatment for those suffering from addiction; 5% to ODH to be used to fund OMMRL; 5% to ODA to be used for industrial hemp research grants.
11. Any person aged 21 or older, or any corporation, may establish and operate an industrial hemp farm (IHF). Any IHF may cultivate and harvest industrial hemp and purchase and possess the items necessary to cultivate and harvest industrial hemp plants. Any IHF may privately sell, gift, and trade industrial hemp seeds, industrial hemp plants, and tools, equipment, and instruments to another IHF. Any IHG may privately sell, gift, and trade industrial hemp to merchants. No IHF shall cultivate and harvest marijuana plants. Any merchant may manufacture with, or sell, gift, trade, or otherwise distribute industrial hemp. ODA shall license and regulate industrial hemp in the same manner it would any other crop. Any county, city, township, or village, by popular vote, may ban commercial production and distribution of marijuana, marijuana infused products, and marijuana concentrates, in part or in whole, or any type of CME individually. No county, city, township, nor village shall ban, nor unduly burden, possession and use by persons

aged 21 or older, possession and use by patients, noncommercial cultivation and harvest of marijuana plants, noncommercial manufacturing of marijuana infused products and marijuana concentrates, nor any IHF. No county, city, township, nor village shall levy any additional special marijuana taxes, nor enact any laws, nor ordinances, nor set forth additional regulations that conflict with this Amendment, nor unduly burden any person or corporation's rights under this Amendment. The Ohio General Assembly ("OGA") shall modify the Ohio Revised Code ("ORC") in any manner that implements the provisions of this Amendment that is not in conflict with this Amendment. OGA shall not modify ORC in any manner that conflicts with this Amendment. If licensing fee and penalty receipts and special marijuana tax receipts have been exhausted and costs incurred by ODC, ODH, or ODA during discharge of their duties under this Amendment still remain, OGA shall provision funds for any remaining costs incurred. Persons aged 21 or older discovered in possession of more than 100 grams but less than 200 grams of marijuana, more than 500 grams but less than 1,000 grams of marijuana infused solids, more than 2 liters but less than 5 liters of marijuana infused liquids, or more than 25 grams but less than 50 grams of marijuana concentrates may be subject to a minor misdemeanor and assessed a fine of no more than \$150, unless that person has procured a patient identification card, or that person, or a corporation that employs that person, has procured an appropriate CME license. Persons aged 21 or older and patients aged 18 or older discovered in possession of more than 200 grams but less than 1,000 grams of marijuana, more than 1,000 grams but less than 5,000 grams of marijuana infused solids, more than 5 liters but less than 25 liters of marijuana infused liquids, or more than 50 grams but less than 250 grams of marijuana concentrates may be subject to a minor misdemeanor and assessed a fine of no more than \$250, unless that person, or a corporation that employs that person, has procured an appropriate CME license. OGA shall modify ORC for possession of more than 1,000 grams of marijuana, 5,000 grams of marijuana infused concentrates, 25 liters of marijuana infused liquids, and more than 250 grams of marijuana concentrates in a manner consistent with the provisions of this Amendment.

12. No person, nor corporation, shall sell marijuana, marijuana infused products, marijuana concentrates, marijuana leaves, marijuana seeds, immature non-flowering marijuana plants, mature flowering marijuana plants, marijuana tissue cultures, natural products and byproducts of cultivating and harvesting marijuana plants, nor natural byproducts of manufacturing marijuana infused products or marijuana concentrates, unless that person has first procured the appropriate CME licenses from DMC. Persons younger than 21 shall not gift, trade, nor otherwise distribute marijuana paraphernalia, marijuana, marijuana infused products, marijuana concentrates, marijuana leaves, marijuana seeds, immature non-flowering marijuana plants, mature flowering marijuana plants, marijuana tissue cultures, natural products and byproducts of cultivating and harvesting marijuana plants, nor natural byproducts of manufacturing marijuana infused products or marijuana concentrates. Persons younger than 21 shall not use marijuana, marijuana infused products, marijuana concentrates, nor marijuana paraphernalia, unless that person is a patient. Persons younger than 21 shall not purchase, nor possess, marijuana, marijuana infused products, marijuana concentrates, nor marijuana paraphernalia, unless that person is a patient aged 18 or older. Persons younger than 21 shall not purchase marijuana leaves, marijuana seeds, marijuana tissues cultures, immature non-flowering marijuana plants, mature flowering marijuana plants, any natural product or byproduct of cultivating and harvesting marijuana plants, nor any natural byproduct of manufacturing marijuana infused products or marijuana concentrates. Persons younger than 21 shall not possess marijuana leaves, marijuana seeds, marijuana tissues cultures, immature non-flowering marijuana plants, mature flowering marijuana plants, any natural product or byproduct of cultivating and harvesting marijuana plants, nor any natural byproduct of manufacturing marijuana infused products or marijuana concentrates, unless that person is a patient aged 18 or older. No person, nor corporation, shall sell, gift, trade, nor otherwise distribute to persons younger than 21 marijuana leaves, marijuana seeds, immature non-flowering marijuana plants, mature flowering marijuana plants, marijuana tissue cultures, natural products and byproducts of cultivating and harvesting marijuana plants, nor natural byproducts of manufacturing marijuana infused products or marijuana concentrates. No person, nor corporation, shall sell, gift, trade, nor otherwise distribute to persons younger than 21 marijuana paraphernalia, marijuana, marijuana infused products, marijuana concentrates, unless that person or corporation has first procured appropriate CME licenses from DMC and that other person is a patient aged 18 or older. No person shall operate motor vehicles under influence of marijuana, marijuana infused products, nor marijuana concentrates in excess of the scientifically articulable standards defined by DMC pursuant to this Amendment. No person, nor corporation, shall export from Ohio to any other state or foreign country marijuana, marijuana infused products, marijuana concentrates, marijuana leaves, marijuana seeds, immature non-flowering marijuana plants, mature flowering marijuana plants, marijuana tissue cultures, natural products and byproducts of cultivating and harvesting marijuana plants, nor natural byproducts of manufacturing marijuana infused products or marijuana concentrates, unless such export is permitted under federal law. No person shall engage in public use of marijuana, marijuana infused products, marijuana concentrates, nor marijuana paraphernalia. Guardians of patients shall not use, gift, nor trade marijuana, marijuana infused products, marijuana concentrates, nor marijuana paraphernalia purchased on behalf of those patients.

13. In a prosecution related to any alleged act permitted by this Amendment, any person may invoke any section of this Amendment as an affirmative defense to the offense charged. No state, county, city, township, or village government, its law enforcement, its courts of law, its employees, nor its elected or appointed officers shall subject any person to arrest for any alleged act permitted by this Amendment. No state, county, city, township, or village government, its law enforcement, its courts of law, its employees, nor its elected or appointed officers shall subject any person, nonprofit organization, nor corporation, to search, nor seizure, of any currency, chattel, nor property, nor alienate any person, nonprofit organization, nor corporation, of any right, privilege, immunity, nor protection guaranteed by this Amendment, the Ohio Constitution and laws, the United States Constitution and law, nor local ordinance, based upon an alleged act permitted by this Amendment. No employer shall terminate a patient's employment because that patient tests positive for the presence of Delta 9-tetrahydrocannabinol, or any other compound found in marijuana, marijuana infused products, or marijuana concentrates, provided that patient does not use marijuana, marijuana infused products, marijuana

concentrates, nor marijuana paraphernalia, during hours of employment, nor at the employer's place of business without the employer's express permission. No medical organization may deny any patient an organ or tissue transplant because of that patient's use of marijuana, marijuana infused products, marijuana concentrates, or marijuana paraphernalia. Patients younger than 18 shall not purchase marijuana, marijuana infused products, marijuana concentrates, nor marijuana paraphernalia. No public children services agency, nor public adult protective services agency, shall subject any guardian of a patient to any civil action for abuse, neglect, nor dependency based solely on that patient's use of marijuana, marijuana infused products, marijuana concentrates, nor marijuana paraphernalia. The State Medical Board of Ohio, or its equivalent, shall not revoke any doctor's license, nor subject any doctor to any penalty, nor investigation, solely because that doctor recommends marijuana, marijuana infused products, marijuana concentrates, nor marijuana paraphernalia.

14. This Amendment provides definitions for various terms used in the Amendment, including, but not limited to, "marijuana," "marijuana product," "industrial hemp," "doctor," "caregiver," and "patient." This Amendment provides a timeline for initial implementation of the Amendment. Neither OGA, ODC, ODH, nor ODA may refuse to perform any duty under this Amendment on the basis that producing, manufacturing, distributing, possessing, or using marijuana, marijuana infused products, marijuana concentrates, and marijuana paraphernalia is prohibited by federal law. This Amendment repeals in its entirety any amendment to the Ohio Constitution, not resolved as of January 1, 2015 but resolved before November 8, 2016, providing for regulation and control of *Cannabis indica*, *Cannabis sativa*, or *Cannabis ruderalis*, or any other *Cannabis* flora, in any form, use, or application. If an initiative that conflicts with this Amendment is placed on the ballot at the regular general election held throughout this state on November 8, 2016, and if both this Amendment and the conflicting initiative are approved by a majority of votes cast thereon, the conflicting initiative is repealed in its entirety if this Amendment receives a number of affirmative votes greater than the number of affirmative votes received by the conflicting initiative. The provisions of this Amendment are declared severable and self-executing, except where otherwise indicated in this Amendment. The provisions of this Amendment shall supersede all conflicting state and local laws, charters, regulations, and other provisions of the Ohio Constitution. If any provision of this Amendment, or the application of such provision to any person or circumstance, is declared invalid by any court for any reason, such declaration shall not affect the validity of the remaining portions of this Amendment.

#### 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:

Jacob Wagner, Esq.  
7230 S. Galahad Pl.  
Concord, OH 44077

Sri Kavuru  
10133 South Ct.  
Brecksville, OH 44141

Michael Revercomb-Hickman  
121 Noteman Rd.  
Plain City, OH 43064

Cara Monigold  
328 Cedar Ave.  
Steubenville, OH 43952



## 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 Cannabis Control

#### A. Definitions

1. **Accounting Software.** The financial recordkeeping computer program implemented by the Division of Marijuana Control according to Section J of this Amendment.
2. **Adult.** Any person, from any state or foreign country, age 21 years or older.
3. **Articles of Incorporation.** A copy of an official registration of a Corporation certified by any state.
4. **Caregiver.** A designated Adult, or any charitable or religious nonprofit organization who supplies noncommercial Marijuana and noncommercial Marijuana Products to member Patients of a Patient Group for no profit.
5. **Commercial Marijuana Entity.** Any Marijuana Cultivation Site, Marijuana Manufactory, Marijuana Quality Testing Lab, Marijuana Wholesaler, Marijuana Retailer, or Marijuana Social Club.
6. **Corporation.** Any sole proprietorship, general partnership, limited partnership, limited liability partnership, limited liability limited partnership, limited liability company, or incorporated corporation, or other similar corporate body.
7. **Deliver.** Transport from a Commercial Marijuana Entity to any person.
8. **Doctor.** A state licensed practitioner of medicine.
9. **Doctor's Recommendation.** The form provided by the Ohio Department of Health by which any person's Doctor can recommend Marijuana, Marijuana Products, or Marijuana Accessories.
10. **Economically Disadvantaged.** Having a total yearly income equal to, or less than, 1.5 times the poverty guidelines for the 48 contiguous states and the District of Columbia published yearly in the Federal Register by the United States Department of Health and Human Services.
11. **Financial Crimes.** Criminal offenses including, but not limited to, theft, bribery, forgery, fraud, embezzlement, false pretenses, extortion, money laundering, racketeering, tax evasion, tax fraud, insider trading, securities fraud, identity theft, and receiving stolen property, or any substantially similar offense in any Jurisdiction.
12. **Guardian.** Any legal parent, or legal guardian, of a Minor or Incapacitated person.
13. **Hazardous.** Combustible, explosive, flammable, toxic, carcinogenic, unstable-reactive, water-reactive, or potentially harmful to people, animals, or the environment.
14. **Incapacitated.** Declared legally incompetent by any court in any Jurisdiction.
15. **Industrial Hemp.** Any part of harvested Industrial Hemp Plants or any natural product or byproduct of cultivating and harvesting Industrial Hemp Plants.
16. **Industrial Hemp Farm.** Any Adult or Corporation that cultivates and harvests Industrial Hemp Plants and the location at which that Adult or Corporation cultivates and harvests those Industrial Hemp Plants and conducts any other related business.
17. **Industrial Hemp Plant.** All parts of any live *Cannabis indica*, *Cannabis sativa*, or *Cannabis ruderalis* flora, or any other live flora of the *Cannabis* genus, or tissue culture thereof, with a Delta 9-tetrahydrocannabinol content no higher than 0.8%, not grown for human consumption as Marijuana or Marijuana Products.
18. **Industrial Hemp Seed.** Any viable *Cannabis indica*, *Cannabis sativa*, or *Cannabis ruderalis* seed, or any other viable seed of the *Cannabis* genus, intended to be cultivated and harvested as an Industrial Hemp Plant.
19. **Jurisdiction.** Any state, county, city, township, or village government, its law enforcement, its courts of law, its employees, or its elected or appointed officers.
20. **Locality.** Any county, city, township, or village, or administrative subdivision thereof.

21. **Manufacture.** Any and all solvent and solvent-less extraction, processing, and any other method of synthesizing or producing a product, other than cultivation and harvest, from Marijuana or Industrial Hemp.
22. **Marijuana.** Dried flowers of harvested Marijuana Plants. Marijuana also means ‘marijuana’ or ‘marihuana’ as used in the Ohio Revised Code.
23. **Marijuana Accessories.** ‘Drug paraphernalia’ as used in section 2925.141 of the Ohio Revised Code as added by the 129<sup>th</sup> General Assembly.
24. **Marijuana Concentrate.** Any Marijuana extraction intended for human consumption in its extracted form. Marijuana Concentrate also means ‘hashish’ as referenced in the Ohio Revised Code.
25. **Marijuana Cultivation Sites.** Any Adult or Corporation that cultivates and harvests Marijuana Plants for commercial purposes and the location at which that Adult or Corporation cultivates and harvests those Marijuana Plants and conducts any other related business.
26. **Marijuana Leaves.** Trimmings, clippings, any leaf material, and any other natural products, other than Marijuana, or byproducts of cultivating and harvesting Marijuana Plants, harvested from any Marijuana Plant.
27. **Marijuana Liquid.** Any Marijuana infused fluid intended for human consumption as a beverage, tincture, foodstuff, or dietary supplement.
28. **Marijuana Manufactory.** Any Adult or Corporation that Manufactures Marijuana Products and the location at which that Adult or Corporation Manufactures Marijuana Products and conducts any other related business.
29. **Marijuana Plant.** All parts of any mature, flowering, live *Cannabis indica*, *Cannabis sativa*, or *Cannabis ruderalis* flora, or any other mature, flowering, live flora of the *Cannabis* genus, grown for human consumption as Marijuana or Marijuana Products.
30. **Marijuana Product.** Any Marijuana Concentrate, Marijuana Liquid, or Marijuana Solid.
31. **Marijuana Quality Testing Lab.** Any Adult or Corporation that tests Marijuana and Marijuana Products for cannabinoid content levels, pesticides, fungicides, molds, mildew, and any other compounds, chemical, or substances ordered by the Division of Marijuana Control pursuant to this Amendment.
32. **Marijuana Retailer.** Any Adult or Corporation that sells Marijuana and Marijuana Products to consumers and Patients and the location at which that Adult or Corporation sells Marijuana and Marijuana Products to consumers and Patients and conducts any other related business.
33. **Marijuana Seed.** Any viable *Cannabis indica*, *Cannabis sativa*, or *Cannabis ruderalis* seed, or any other viable seed of the *Cannabis* genus, intended to be cultivated and harvested as a Marijuana Seedling or Marijuana Plant.
34. **Marijuana Seedling.** All parts of any immature, non-flowering, live *Cannabis indica*, *Cannabis sativa*, or *Cannabis ruderalis* flora, or any other immature, non-flowering, live flora of the *Cannabis* genus, grown for human consumption as Marijuana or Marijuana Products.
35. **Marijuana Social Club.** Any Adult or Corporation that allows Adults to privately use Marijuana, Marijuana Products, and Marijuana Accessories on their premises and the location at which that Adult or Corporation allows Adults to privately use Marijuana, Marijuana Products, and Marijuana Accessories and conducts any other related business.
36. **Marijuana Solid.** Any solid Marijuana infused item intended for human consumption as foodstuff or dietary supplement, or any Marijuana infused item intended for human consumption via topical application.
37. **Marijuana Tax.** Special tax demanded and collected on sales of Marijuana, Marijuana Products, Marijuana Seedlings, and Marijuana Plants as directed by this Amendment.
38. **Marijuana Tissue Culture.** Any *Cannabis indica*, *Cannabis sativa*, or *Cannabis ruderalis* tissue culture, or any other tissue culture of the *Cannabis* genus, intended for research and development of Marijuana Seedlings or Marijuana Plants.
39. **Marijuana Wholesaler.** Any Adult or Corporation that sells any of the items enumerated in Section E(4)(a)(i) of this Amendment to Commercial Marijuana Entities, Adults, and Minor Patients over the age of 18 and the location at which that Adult or Corporation sells any of the items enumerated in Section

E(f)(a)(i) of this Amendment to Commercial Marijuana Entities, Adults, and Minor Patients over the age of 18 and conducts any other related business.

40. **Minor.** Any person, from any state or foreign country, less than 21 years of age.
  41. **Operate.** Perform any activity reasonably required to conduct any legal business of any Commercial Marijuana Entity or Industrial Hemp Farm, or any activity reasonably required to conduct the affairs of any Patient Group.
  42. **Patient.** Any resident of Ohio diagnosed with a Qualifying Condition or issued a Doctor's Recommendation who has procured a Patient ID Card.
  43. **Patient Group.** An organization whose membership consists of 2 to 5 Patients over the age of 18, or Guardians of Patients, that designates a Caregiver to cultivate and harvest Marijuana and Manufacture Marijuana Products in order to supply Marijuana and Marijuana Products to member Patients according to Sections D and F of this Amendment
  44. **Patient ID Card.** Identification for Patients issued by the Ohio Department of Health that confers upon the person to whom it belongs Patient status.
  45. **Popular Vote.** Majority vote in support of an issue in any general primary, municipal primary, general election, local option election, or special election, or any other local election so called according to any applicable state law or local ordinance.
  46. **Qualifying Condition.** Any medically diagnosed condition that, by itself, deems an Ohio resident eligible for Patient status.
  47. **Secured.** Enclosed, locked, and inaccessible to Minors.
  48. **Seed to Sale Software.** The Marijuana-tracking computer program implemented by the Division of Marijuana Control according to Section J of this Amendment.
  49. **Under Influence.** Intoxicated with any Marijuana, or Marijuana Products, in violation of the impairment standards established for operation of motor vehicles by the Division of Marijuana Control pursuant to this Amendment.
  50. **Unduly Burden.** Cause any activity permitted by this Amendment to be unreasonably impracticable, or prohibit any act permitted by this Amendment.
- B. Purpose.** This Amendment shall be known and may be cited as the Cannabis Control Amendment. This Amendment is intended to end the prohibition of flora of the genus *Cannabis* in all forms, uses, and applications and provide for control of those flora in all forms, uses, and applications. This Amendment is intended to eliminate problems caused by prohibition and uncontrolled production, distribution, possession, and use of flora of the genus *Cannabis* in all its forms. This Amendment is intended to protect the safety, welfare, health, and peace of the people of the state of Ohio. This Amendment shall be interpreted and applied in a manner that creates and maintains a robust, comprehensively regulated, safe environment for medical use and medical research of flora of the genus *Cannabis*. This Amendment shall be interpreted and applied in a manner that creates and maintains a fair, robust, comprehensively regulated, free market, with low barriers to entry, for legal flora of the genus *Cannabis* in all commercial, agricultural, and industrial forms, uses, and applications. Nothing in this Amendment shall be interpreted, nor applied, in a manner that increases criminal penalties for nonviolent flora of the genus *Cannabis* related offenses, or Unduly Burdens any Adult or Corporation.
- C. Cannabis Control Generally**
1. **Effective Date.** This Section shall be effective January 1, 2017.
  2. **Rights.** Adults may purchase, use, gift, and trade, Marijuana, Marijuana Products, and Marijuana Accessories. Adults may possess up to 100 grams of Marijuana, 500 grams of Marijuana Solids, 2 liters of Marijuana Liquids, 25 grams of Marijuana Concentrates, and any Marijuana Accessories. Adults may possess, in their homes, or otherwise in a Secured indoor area of their property away from public view, any Marijuana in excess of 100 grams, Marijuana Solids in excess of 500 grams, Marijuana Liquids in excess of 2 liters, and Marijuana Concentrates in excess of 25 grams, from Marijuana Plants cultivated and harvested by those Adults according to Section F of this Amendment.
  3. **Restrictions.** No person, nor Corporation, shall sell Marijuana, Marijuana Products, Marijuana Leaves, Marijuana Seeds, Marijuana Tissue Cultures, Marijuana Seedlings, Marijuana Plants, any natural product

or byproduct of cultivating and harvesting Marijuana Plants, nor any natural byproduct of Manufacturing Marijuana Products, unless that person, or Corporation, has first procured appropriate Commercial Marijuana Entity licenses from the Division of Marijuana Control. Minors shall not gift, trade, nor otherwise distribute Marijuana, Marijuana Products, Marijuana Accessories, Marijuana Leaves, Marijuana Seeds, Marijuana Tissue Cultures, Marijuana Seedlings, Marijuana Plants, nor any natural byproduct of Manufacturing Marijuana Products. Minors shall not use Marijuana, Marijuana Products, nor Marijuana Accessories, unless that Minor is a Patient. Minors shall not purchase, nor possess, Marijuana, Marijuana Products, nor Marijuana Accessories, unless that Minor is a Patient over the age of 18. Minors shall not purchase Marijuana Leaves, Marijuana Seeds, Marijuana Tissue Cultures, Marijuana Seedlings, Marijuana Plants, nor any natural byproduct of Manufacturing Marijuana Products. Minors shall not possess Marijuana Leaves, Marijuana Seeds, Marijuana Tissue Cultures, Marijuana Seedlings, Marijuana Plants, nor any natural byproduct of Manufacturing Marijuana Products, unless that Minor is a Patient over the age of 18. No person, nor Corporation, shall sell, gift, trade, nor otherwise distribute to Minors Marijuana Seeds, Marijuana Seedlings, Marijuana Tissues Cultures, Marijuana Plants, nor any natural byproduct of Manufacturing Marijuana Products. No person, nor Corporation, shall sell, gift, trade, nor otherwise distribute to Minors Marijuana, Marijuana Products, Marijuana Accessories, Marijuana Leaves, unless that person, or Corporation, has first procured appropriate Commercial Marijuana Entity licenses from the Division of Marijuana Control and that Minor is a Patient over the age of 18. No person shall operate motor vehicles Under Influence of Marijuana, nor Marijuana Products. No person, nor Corporation, shall export from Ohio to any other state or foreign country Marijuana, Marijuana Products, Marijuana Leaves, Marijuana Seeds, Marijuana Seedlings, Marijuana Tissue Cultures, Marijuana Plants, nor any natural byproduct of Manufacturing Marijuana Products, unless such export is permitted under federal law. No person shall engage in public use of Marijuana, Marijuana Products, nor Marijuana Accessories.

4. **Protections.** In a prosecution related to any alleged act permitted by this Amendment, any person may invoke any Section of this Amendment as an affirmative defense to the offense charged. Jurisdictions shall not subject any person to arrest for any alleged act permitted by this Amendment. Jurisdictions shall not subject any person, nonprofit organization, nor Corporation, to search, nor seizure, of any currency, chattel, nor property, based upon any alleged act expressly permitted by this Amendment. Jurisdictions shall not alienate any person, nonprofit organization, nor Corporation, of any right, privilege, immunity, nor protection guaranteed by this Amendment, the Ohio Constitution and laws, the United States Constitution and laws, nor local ordinance, based upon any alleged act permitted by this Amendment.

#### **D. Medical Cannabis Control**

1. **Effective Date.** This Section shall be effective March 1, 2017, unless otherwise provided in this Section.
2. **Patients**
  - a. **Rights.** Any person over the age of 18 who is a resident of Ohio diagnosed with a Qualifying Condition or issued a Doctor's Recommendation may request a free Patient ID Card from the Ohio Department of Health. Patients over the age of 18 may purchase Marijuana, Marijuana Products, and Marijuana Accessories, without being subject to retail Marijuana Tax. Patients over the age of 18 may possess up to 200 grams of Marijuana, 1,000 grams of Marijuana Solids, 5 liters of Marijuana Liquids, and 50 grams of Marijuana Concentrates. Patients over the age of 18 may possess, in their homes, or otherwise in a Secured indoor area of their property away from public view, any Marijuana in excess of 200 grams, Marijuana Solids in excess of 1,000 grams, Marijuana Liquids in excess of 5 liters, and Marijuana Concentrates in excess of 50 grams, from Marijuana Plants cultivated and harvested by those Patients, or their Caregivers, according to Section F of this Amendment.
  - b. **Qualifying Conditions and Eligibility.** Any person who is a resident of Ohio diagnosed with a Qualifying Condition shall automatically qualify for a Patient ID Card. Qualifying 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; muscular dystrophy;

- neurofibromatosis; polyneuropathy; amyotrophic lateral sclerosis; cancer; celiac disease; Crohn's disease; chronic pancreatitis; lupus; Huntington's disease; hydromyelia; hydrocephalus; hepatitis C; myelomalacia; inflammatory bowel disease; interstitial cystitis; causalgia; chronic inflammatory demyelinating; post-traumatic stress; reflex sympathetic dystrophy; residual limb pain; Parkinson's disease; Sjogren's syndrome; cervical dystonia; spinocerebellar ataxia; syringomyelia; Tarlov cysts; rheumatoid arthritis; dystonia; fibrous dysplasia; sickle cell anemia; injury or disease to the spinal cord, spinal column or vertebra; traumatic brain injury; post-concussion syndrome; anorexia, 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 added to the list of Qualifying Conditions by the Ohio Department of Public Health according to Section I of this Amendment. Any person who is a resident of Ohio that has procured a Doctor's Recommendation shall be eligible for a Patient ID Card.
- c. **Protections.** No employer shall terminate a Patient's employment because that Patient tests positive for the presence of Delta 9-tetrahydrocannabinol, or any other compound found in Marijuana or Marijuana Products, provided that Patient does not use Marijuana, Marijuana Products, nor Marijuana Accessories, during his or her hours of employment, nor at the employer's place of business without the employer's express permission. No medical organization may deny any Patient an organ or tissue transplant because of that Patient's use of Marijuana, Marijuana Products, nor Marijuana Accessories.
3. **Minor Patients.** Minor Patients may use Marijuana, Marijuana Products, and Marijuana Accessories with the written consent of a Guardian. Minor Patients under the age of 18 shall not purchase Marijuana, Marijuana Products, nor Marijuana Accessories.
  4. **Guardians of Minor Patients and Incapacitated Patients**
    - a. **Rights.** Any Guardian of a Minor under the age of 18 who is a resident of Ohio diagnosed with a Qualifying Condition or issued a Doctor's Recommendation may, on behalf of those Minors, request a free Patient ID Card from the Ohio Department of Health. Any Guardian of an Incapacitated person who is a resident of Ohio diagnosed with an Qualifying Condition or issued a Doctor's Recommendation may, on behalf of those Incapacitated persons, request a free Patient ID Card from the Ohio Department of Health. Guardians of Patients may, on behalf of those Patients, purchase Marijuana, Marijuana Products, and Marijuana Accessories without being subject to retail Marijuana Tax, provided those Guardians have first procured those Patients' Patient ID Cards. Guardians of Patients may, on behalf of those Patients, possess up to 200 grams of Marijuana, 1,000 grams of Marijuana Solids, 5 liters of Marijuana Liquids, and 50 grams of Marijuana Concentrates. Guardians of Patients may, on behalf of those Patients, possess, in their homes, or otherwise in a Secured indoor area of their property away from public view, any Marijuana in excess of 200 grams, Marijuana Solids in excess of 1,000 grams, Marijuana Liquids in excess of 5 liters, and Marijuana Concentrates in excess of 50 grams, from Marijuana Plants cultivated and harvested by those Guardians, or their Caregivers, according to Section F of this Amendment. Guardians of Patients may administer Marijuana, Marijuana Products, and Marijuana Accessories to those Patients.
    - b. **Restrictions.** Guardians of Patients shall not use, gift, nor trade Marijuana, Marijuana Products, nor Marijuana Accessories, purchased on behalf of those Patients.
    - c. **Protections.** No public children services agency, nor public adult protective services agency, shall subject any Guardians of Patients, to any civil action for abuse, neglect, nor dependency based solely on that Patient's use of Marijuana, Marijuana Products, nor Marijuana Accessories.
  5. **Patient Groups**
    - a. **Rights.** Up to 5 total combined Patients over the age of 18, or Guardians of Patients, may establish and Operate a Patient Group. Patient Groups shall designate a Caregiver who may supply Marijuana and Marijuana Products for member Patients according to Section F of this Amendment. Caregivers may Deliver Marijuana and Marijuana Products to member Patients. Patient Groups may reimburse Caregivers for expenses incurred while supplying Marijuana and Marijuana Products for member Patients, including reasonable compensation for that Caregiver's labor.

- b. **Restrictions.** Patient Groups and Caregivers shall not sell, gift, trade, nor otherwise distribute Marijuana, nor Marijuana Products. Patients over the age of 18 and Guardians of Patients shall be member Patients of no more than one Patient Group. If a Patient over the age of 18, or Guardian of a Patient, is a member Patient of a Patient Group, that Patient, or Guardian of a Patient, shall not otherwise cultivate and harvest Marijuana Plants according to Section F of this Amendment.

**6. Doctors**

- a. **Rights.** Doctors may recommend Marijuana, Marijuana Products, and Marijuana Accessories, to any person who, in those Doctors' good faith professional diagnosis, could benefit from Marijuana, Marijuana Products, and Marijuana Accessories.
- b. **Restrictions.** Doctors shall not sell, gift, nor trade, Marijuana, Marijuana Products, nor Marijuana Accessories. Doctors shall not own, nor benefit from, any financial interest in any Commercial Marijuana Entity.
- c. **Protections.** The State Medical Board of Ohio, or its equivalent, shall not revoke any Doctor's licenses, nor subject any Doctor to any penalty, nor any investigation, solely because that Doctor recommends Marijuana, Marijuana Products, nor Marijuana Accessories.

**E. Commercial Cannabis Control**

- 1. **Effective Date.** This Section shall be effective May 1, 2017, unless otherwise provided in this Section.

- 2. **Marijuana Production**

- a. **Marijuana Cultivation Sites**

- i. **Rights.** Any Adult, or Corporation, may establish and Operate Marijuana Cultivation Sites, provided that Adult, or Corporation, has first procured the appropriate licenses from the Division of Marijuana Control. Marijuana Cultivation Sites may purchase and possess Marijuana Seeds, Marijuana Seedlings, Marijuana Tissue Cultures, Marijuana Plants, and any tools, instruments, or equipment reasonably required to Operate a Marijuana Cultivation Site. Marijuana Cultivation Sites may possess Marijuana and Marijuana Leaves. Marijuana Cultivation Sites may privately sell, gift, and trade Marijuana to Marijuana Manufactories, Marijuana Wholesalers, and Marijuana Retailers. Marijuana Cultivation Sites may privately sell, gift, and trade Marijuana Seeds, Marijuana Seedlings, and Marijuana Tissue Cultures to Adults, Guardians of Patients, Caregivers, Patients over the age of 18, Marijuana Cultivation Sites, and Marijuana Wholesalers. Marijuana Cultivation Sites may privately sell, gift, and trade Marijuana Leaves to Marijuana Manufactories and Marijuana Wholesalers. Marijuana Cultivation Sites may privately sell, gift, and trade any tools, instruments, or equipment reasonably required to Operate a Marijuana Cultivation Sites to Marijuana Cultivation Sites and Marijuana Wholesalers.
    - ii. **Restrictions.** Marijuana Cultivation Sites shall not Operate as any other Commercial Marijuana Entity, unless that Marijuana Cultivation Site has first procured the appropriate licenses from the Division of Marijuana Control. Marijuana Cultivation Sites shall not allow Minors on their premises, unless that Minor is a Patient over the age of 18. Marijuana Cultivation Sites shall not be larger than 25 acres.
    - iii. **Quality Testing.** All Marijuana to be sold, traded, or otherwise distributed by Marijuana Cultivation Sites shall first be sample tested by a Marijuana Quality Testing Lab for cannabinoid content levels, pesticides, fungicides, molds, mildews, and any other compounds, chemicals, or substances ordered by the Division of Marijuana Control according to Section J of this Amendment.
    - iv. **Taxation.** Marijuana Cultivation Sites shall demand the following Marijuana Tax on all sales and trades of Marijuana, Marijuana Leaves, and Marijuana Seedlings: (A) \$1 per gram on all sales of Marijuana; (B) \$0.25 per gram on all sales of Marijuana Leaves; and (C) \$5 per Marijuana Seedling. On or before the 23<sup>rd</sup> day of each month, Marijuana Cultivation Sites shall electronically file with the Division of Marijuana Control a written statement of the quantities of Marijuana, Marijuana Leaves, and Marijuana Seedlings sold, gifted, and traded during the preceding calendar month. On, or before the 23<sup>rd</sup> day of each month, Marijuana Retailers shall deposit with the Division of Marijuana Control all Marijuana Tax receipts. If a Marijuana Cultivation Site also

holds any other Commercial Marijuana Entity licenses, a sale of Marijuana, Marijuana Leaves, or Marijuana Seedlings will be deemed to occur if and when that Commercial Marijuana Entity takes any action with respect to such Marijuana, Marijuana Leaves, or Marijuana Seedlings for which other Commercial Marijuana Entity licenses are required, regardless of whether the Marijuana Cultivation Site continues to own or possess the Marijuana, Marijuana Leaves, or Marijuana Seedlings.

**b. Marijuana Manufactories**

- i. Rights.** Any Adult, or Corporation, may establish and Operate Marijuana Manufactories, provided that Adult, or Corporation, has first procured the appropriate licenses from the Division of Marijuana Control. Marijuana Manufactories may purchase from Marijuana Cultivation Sites and Marijuana Wholesalers Marijuana and Marijuana Leaves. Marijuana Manufactories may purchase any tools, instruments, or equipment reasonably required to Operate a Marijuana Manufactory. Marijuana Manufactories may possess Marijuana, Marijuana Products, Marijuana Leaves, any natural byproducts of Manufacturing Marijuana Products, and any tools, instruments, or equipment reasonably required to Operate a Marijuana Manufactory. Marijuana Manufactories may privately sell, gift, and trade Marijuana Products to Marijuana Wholesalers and Marijuana Retailers. Marijuana Manufactories may privately sell, gift, and trade Marijuana, Marijuana Leaves, any natural byproducts of Manufacturing Marijuana Products, and any tools, instruments, or equipment reasonably required to Operate a Marijuana Manufactory, to Marijuana Manufactories and Marijuana Wholesalers. Marijuana Manufactories may Manufacture Marijuana Products with Marijuana and Marijuana Leaves from Marijuana Plants cultivated and harvested according to Section F of this Amendment for the persons who cultivated and harvested those Marijuana Plants. Marijuana Manufactories may Deliver Marijuana Products Manufactured with Marijuana and Marijuana Leaves from Marijuana Plants cultivated and harvested according to Section F of this Amendment to the persons who cultivated and harvested those Marijuana Plants.
- ii. Restrictions.** Marijuana Manufactories shall not Operate as any other Commercial Marijuana Entity, unless that Marijuana Manufactory has first procured the appropriate licenses from the Division of Marijuana Control. Marijuana Manufactories shall not allow Minors on their premises.
- iii. Quality Testing.** All Marijuana Products to be sold, traded, or otherwise distributed by Marijuana Manufactories shall first be sample tested by a Marijuana Quality Testing Lab for cannabinoid content levels, pesticides, fungicides, molds, mildews, and any other compounds, chemicals, or substances ordered by the Division of Marijuana Control according to Section J of this Amendment.

**3. Marijuana Quality Testing Labs**

- a. Rights.** Any Adult, or Corporation, may establish and Operate Marijuana Quality Testing Labs, provided that Adult, or Corporation, has first procured the appropriate licenses from the Division of Marijuana Control. Marijuana Quality Testing Labs may possess Marijuana, Marijuana Products, Marijuana Seeds, Marijuana Seedlings, Marijuana Plants, Marijuana Leaves, any natural byproducts of Manufacturing Marijuana Products, and any tools, instruments, or equipment reasonably required to Operate a Marijuana Quality Testing Lab. Marijuana Quality Testing Labs may purchase any tools, instruments, or equipment reasonably required to Operate a Marijuana Quality Testing Lab. Marijuana Quality Testing Labs may sell, gift, and trade, any tools, instruments, or equipment reasonably required to Operate a Marijuana Quality Testing Lab to Marijuana Quality Testing Labs and Marijuana Wholesalers.
- b. Testing.** Marijuana Quality Testing Labs shall test Marijuana and Marijuana Products for cannabinoid content levels, pesticides, fungicides, molds, mildew, and any other compounds, chemical, or substances ordered by the Division of Marijuana Control pursuant to this Amendment.
- c. Restrictions.** Marijuana Quality Testing Labs shall not Operate as any other Commercial Marijuana Entity. Marijuana Quality Testing Labs shall not allow Minors on their premises.

**4. Marijuana Distribution**

- a. Wholesalers**

- i. Rights.** Any Adult, or Corporation, may establish and Operate Marijuana Wholesalers, provided that Adult, or Corporation, has first procured the appropriate licenses from the Division of Marijuana Control. Marijuana Wholesalers may purchase from Marijuana Cultivation Sites Marijuana, Marijuana Leaves, Marijuana Seeds, and Marijuana Seedlings. Marijuana Wholesalers may purchase from Marijuana Manufactories Marijuana, Marijuana Products, Marijuana Leaves, and any natural byproduct of Manufacturing Marijuana Products. Marijuana Wholesalers may purchase from Marijuana Retailers Marijuana and Marijuana Products. Marijuana Wholesalers may purchase from Marijuana Wholesalers Marijuana, Marijuana Products, Marijuana Seeds, Marijuana Seedlings, Marijuana Tissue Cultures, Marijuana Leaves, and any natural byproducts of Manufacturing Marijuana Products. Marijuana Wholesalers may purchase from any Commercial Marijuana Entity any tools, instruments, or equipment reasonably required to Operate any Commercial Marijuana Entity. Marijuana Wholesalers may purchase Marijuana Accessories. Marijuana Wholesalers may possess Marijuana, Marijuana Products, Marijuana Accessories, Marijuana Seeds, Marijuana Seedlings, Marijuana Tissue Cultures, Marijuana Leaves, any natural byproducts of Manufacturing Marijuana Products, and any tools, instruments, or equipment reasonably required to Operate any Commercial Marijuana Entity. Marijuana Wholesalers may privately sell, gift, and trade Marijuana to Marijuana Manufactories, Marijuana Wholesalers, and Marijuana Retailers. Marijuana Wholesalers may privately sell, gift, and trade Marijuana Products and any tools, instruments, or equipment reasonably required to Operate a Marijuana Retailer to Marijuana Wholesalers and Marijuana Retailers. Marijuana Wholesalers may privately sell, gift, and trade Marijuana, Marijuana Leaves, natural byproducts of Manufacturing Marijuana Products, and any tools, instruments, or equipment reasonably required to Operate a Marijuana Manufactory to Marijuana Wholesalers and Marijuana Manufactories. Marijuana Wholesalers may privately sell, gift, and trade Marijuana Seeds, Marijuana Seedlings, Marijuana Tissue Cultures, and any tools, instruments, or equipment reasonably required to cultivate and harvest Marijuana Plants, to Adults, Guardians of Patients, Patients over the age of 18, Marijuana Wholesalers, and Marijuana Cultivation Sites. Marijuana Wholesalers may privately sell, gift, and trade any tools, instruments, or equipment reasonably required to Operate a Marijuana Cultivation Site to Marijuana Wholesalers and Marijuana Cultivation Sites.
  - ii. Restrictions.** Marijuana Wholesalers shall not Operate as any other Commercial Marijuana Entity, unless that Marijuana Wholesaler has first procured the appropriate licenses from the Division of Marijuana Control. Marijuana Wholesalers shall not allow Minors on their premises, unless that Minor is a Patient over the age of 18.
- b. Marijuana Retailers**

  - i. Rights.** Any Adult, or Corporation, may establish and Operate Marijuana Retailers, provided that Adult, or Corporation, has first procured the appropriate licenses from the Division of Marijuana Control. Marijuana Retailers may purchase Marijuana from Marijuana Cultivation Sites and Marijuana Wholesalers. Marijuana Retailers may purchase Marijuana Products from Marijuana Manufactories and Marijuana Wholesalers. Marijuana Retailers may purchase Marijuana Accessories and any tools, instruments, or equipment reasonably required to Operate a Marijuana Retailer. Marijuana Retailers may possess Marijuana, Marijuana Products, Marijuana Accessories, and any tools, instruments, or equipment reasonably required to Operate a Marijuana Retailer. Marijuana Retailers may publicly sell, gift, and trade Marijuana, Marijuana Products, and Marijuana Accessories to Adults, Patients over the age of 18, and Guardians of Patients. Marijuana Retailers may privately sell, gift, and trade Marijuana, Marijuana Products, and Marijuana Accessories to Adults, Patients over the age of 18, Guardians of Patients, Marijuana Wholesalers, and Marijuana Retailers. Marijuana Retailers may privately sell, gift, and trade any tools, instruments, or equipment reasonably required to Operate a Marijuana Retailer to Marijuana Wholesalers and Marijuana Retailers. Marijuana Retailers may Deliver Marijuana, Marijuana Products, and Marijuana Accessories to Patients over the age of 18, and Guardians of Patients.



- ii. **Restrictions.** Marijuana Retailers shall not Operate as any other Commercial Marijuana Entity, unless that Marijuana Retailer has first procured the appropriate licenses from the Division of Marijuana Control Marijuana. Marijuana Retailers shall not allow Minors on their premises, unless that Minor is a Patient over the age of 18. No Marijuana Retail Store shall sell, gift, nor trade any Adult more than 50 grams of Marijuana, 250 grams of Marijuana Solids, 1 liter of Marijuana Liquids, and 10 grams of Marijuana Concentrates per day. No Marijuana Retail Store shall sell, gift, nor trade, any Patient over the age of 18, nor Guardian of a Patient, more than 100 grams of Marijuana, 500 grams of Marijuana Solids, 2 liters of Marijuana Liquids, and 25 grams of Marijuana Concentrates per day. Marijuana Retailers shall not sell Marijuana, nor Marijuana Products to any person noticeably intoxicated.
- iii. **Taxation.** Marijuana Retailers shall not demand a Marijuana Tax on any sales to Patients over the age of 18, nor Guardians of Patients. Marijuana Retailers shall otherwise demand a 5% Marijuana Tax on all sales and trades of Marijuana and Marijuana Products. On, or before the 23<sup>rd</sup> day of each month, Marijuana Retailers shall file with the Division of Marijuana Control a statement of the quantities of Marijuana and Marijuana Products sold, gifted, and traded during the preceding calendar month. On, or before the 23<sup>rd</sup> day of each month, Marijuana Retailers shall deposit with the Division of Marijuana Control all Marijuana Tax receipts from all sales and trades of Marijuana and Marijuana Products during the preceding calendar month. Marijuana Retailers may withhold from their Marijuana Tax receipt deposits the total cost, up to one percent of gross revenue during the preceding calendar month, of any Marijuana, Marijuana Products, and Marijuana Accessories gifted, to Economically Disadvantaged Patients over the age of 18 and Economically Disadvantaged Guardians of Patients during the preceding calendar month.

## 5. **Marijuana Social Clubs**

- a. **Rights.** Any Adult, or Corporation, may establish and Operate Marijuana Social Clubs, provided that Adult, or Corporation, has first procured the appropriate licenses from the Division of Marijuana Control. Marijuana Social Clubs may purchase and possess Marijuana Accessories.
- b. **Restrictions.** Marijuana Social Clubs shall not shall not Operate as any other Commercial Marijuana Entity, unless that Marijuana Social Club has first procured the appropriate licenses from the Division of Marijuana Control Marijuana. Marijuana Social Clubs shall not allow Minors on their premises, nor serve alcohol.

## 6. **Licensing**

### a. **Preapproved Licenses**

- i. **Applications.** Any Adult, or Corporation, may apply for and procure preapproved licenses beginning May 1, 2017. The Division of Marijuana Control shall determine and set a fee for preapproved license applications of no less than \$250, but no more than \$500, no later than April 1, 2017. The Division of Marijuana Control shall design and make electronically available confidential preapproved license application forms that collect, at minimum, the information required by this Amendment no later than April 1, 2017.
  - A. **Adults.** Preapproved license application forms shall gather all applicants' full legal names and signatures, Social Security Numbers, and home addresses. Preapproved license application forms shall direct applicants to specify the types of Commercial Marijuana Entity licenses for which they are applying and disclose all felony convictions.
  - B. **Corporations.** Preapproved license application forms shall direct applicant Corporations to attach copies of those Corporations' Articles of Incorporation. Preapproved license application forms shall gather the full legal names, home addresses, Social Security Numbers, and signatures of all directors, officers, and partners of all applicant Corporations. Preapproved license application forms shall gather the business address of all applicant Corporations. Preapproved license application forms shall direct applicant Corporations to specify the types of Commercial Marijuana Entity licenses for which they are applying. Preapproved license application forms shall direct all directors, officers, and partners of all applicant Corporations to disclose any and all felony convictions.

- ii. Decision.** The Division of Marijuana Control shall issue preapproved licenses to any Adults, or Corporations, whose preapproved license applications are filed appropriately within 30 days of receiving those applications, unless that applicant's preapproved license application discloses a felony conviction. If any applicant's preapproved license application discloses any prior felony convictions, the Division of Marijuana Control shall issue a preapproved license or reject that application within 30 days of receiving that application. The Division of Marijuana Control shall reject any applicants if those applicants disclose any felony convictions for Financial Crimes within the preceding 5 years. The Division of Marijuana Control shall issue a preapproved license to any applicants who have not been convicted of any felony within the preceding 3 years. The Division of Marijuana Control shall reject any applicants convicted of any other felony within the preceding 3 years, unless that conviction is for a nonviolent Marijuana felony. The Division of Marijuana Control shall not reject any applicants on the basis of a nonviolent Marijuana felony conviction.
  - iii. Grounds for Revocation.** The Division of Marijuana Control may cancel or suspend any preapproved license if the Division of Marijuana Control finds or has reasonable grounds to believe that the preapproved licensee has violated any provision of this Amendment or any regulation adopted pursuant to this Amendment, has made a false representation or statement to the Division of Marijuana Control in order to induce or prevent action by the Division of Marijuana Control, failed to disclose a felony conviction on their preapproved license application, or has since been convicted of a felony other than a nonviolent Marijuana felony.
- b. Licenses**
- i. Activation.** Any Adult, or Corporation, may activate licenses beginning June 1, 2017, provided that Adult, or Corporation, has first procured the appropriate preapproved licenses from the Division of Marijuana Control. The Division of Marijuana Control shall determine and set a fee for license activations of no less than \$500, but no more than \$1,000, no later than May 1, 2017. The Division of Marijuana Control shall design and make electronically available confidential license activation forms that collect, at minimum, the information required by this Amendment no later than May 1, 2017.

    - A. Adults.** License activation forms shall gather preapproved licensees' full legal names, signatures, Social Security Numbers, and home addresses. License activation forms shall direct preapproved licensees to attach copies of the preapproved licenses that preapproved licensee is activating.
    - B. Corporations.** License activation forms shall direct preapproved licensee Corporations to attach copies of those Corporations' Articles of Incorporation. License activation forms shall gather the full legal names, addresses, Social Security Numbers, and signatures of all directors, officers, and partners of all preapproved licensee Corporations. License activation forms shall gather the business address of all preapproved licensee Corporations. License activation forms shall direct preapproved licensee Corporations to attach copies of the preapproved licenses those Corporations are activating.
  - ii. Qualifications.** All Adults and Corporations who activate licenses shall meet license qualifications provided by this Section. The Division of Marijuana Control may determine and implement additional reasonable license qualifications, provided those qualifications, separately and aggregated, do not Unduly Burden any Adult or Corporation's ability to activate a license.

    - A. Resident Board Members.** At least one third of a Commercial Marijuana Entity's board of directors, officers, or partners shall be residents of the State of Ohio.
    - B. Property Rights.** All Adults and Corporations who hold licenses for any Commercial Marijuana Entities shall either own the land upon which, or the building structures within which, those Commercial Marijuana Entities are situated, or they shall have the written consent of the Adult or Corporation who owns that land or structure.
    - C. Zoning.** Commercial Marijuana Entities shall be situated no less than 1,000 feet away from the primary building structure of any state chartered elementary or secondary school, publicly

owned library, state licensed child day care facility, public playground, or private playground, unless those structures or playgrounds were built after the date upon which the licenses attached to those Commercial Marijuana Entities were first activated. Commercial Marijuana Entities shall be situated in locations zoned for commercial or industrial use, except that Marijuana Cultivation Sites may also be situated in locations zoned for agricultural or rural use.

- iii. Inspections.** The Division of Marijuana Control shall thoroughly conduct all inspections enumerated by this Section of any Commercial Marijuana Entity for which any Adult or Corporation has activated a license within 30 days of receiving notice of that activation.
- A. Criminal Background Checks.** The Division of Marijuana Control shall conduct criminal background checks on all Adults, and all directors, officers, and partners of all Corporations, who activate a license. If those criminal background checks reveal no prior felony convictions that went undisclosed during preapproval, nor any new felony convictions, then the Division of Marijuana Control shall consider this Inspection passed. If the Division of Marijuana Control discovers any prior felony convictions during a criminal background check that went undisclosed during preapproval, or any felony convictions that occurred after preapproval, the Division of Marijuana Control shall reject that license activation and that Adult or Corporation shall wait 5 years before attempting to activate any other licenses.
- B. Local Building Code Inspection.** The Division of Marijuana Control shall inspect every building structure and area within which Commercial Marijuana Entities are to Operate. If those building structures and areas are in compliance with all local building codes and ordinances, the Division of Marijuana Control shall consider this Inspection passed. If any structure in which any Commercial Marijuana Entity is to Operate fails to comply with all local building codes and ordinances, the Division of Marijuana Control shall reject that license activation.
- C. Security Inspection.** The Division of Marijuana Control shall ensure that all Commercial Marijuana Entities have working security cameras filming all areas within which Commercial Marijuana Entities are to Operate and that all footage captured by those security cameras is maintained by those Commercial Marijuana Entities for at least 12 months. The Division of Marijuana Control shall ensure that all Commercial Marijuana Entities have implemented, and posted in plain view, fire escape plans for every building structure and area within which Commercial Marijuana Entities are to Operate. The Division of Marijuana Control shall ensure that all building structures and areas within which Commercial Marijuana Entities are to Operate are Secured during non-business hours. The Division of Marijuana Control shall ensure that all Marijuana, Marijuana Products, Marijuana Accessories, Marijuana Seeds, Marijuana Seedlings, Marijuana Tissue Cultures, Marijuana Plants, Marijuana Leaves, any natural product or byproduct of cultivating and harvesting Marijuana Plants, and any natural byproduct of Manufacturing Marijuana Products are Secured during non-business hours. If all these conditions are met, the Division of Marijuana Control shall consider this Inspection passed. If any of these conditions are not met, the Division of Marijuana Control shall reject that license activation.
- D. Packaging and Labeling Inspection.** The Division of Marijuana Control shall inspect all Commercial Marijuana Entities' Marijuana, Marijuana Products, and Marijuana Accessories. If those Commercial Marijuana Entities' Marijuana and Marijuana Products are packaged and labeled according to the regulations designed and implemented by the Division of Marijuana Control according to Section J of this Amendment, the Division of Marijuana Control shall consider this Inspection passed. If any Commercial Marijuana Entities' Marijuana and Marijuana Products are not packaged and labeled according to the regulations designed and implemented by the Division of Marijuana Control according to Section J of this Amendment, the Division of Marijuana Control shall reject that license application.

- E. Software Test.** The Division of Marijuana Control shall inspect all Commercial Marijuana Entities' Seed to Sale Software and Accounting Software. If that software is intact and working properly, the Division of Marijuana Control shall consider this Inspection passed. If that software is not intact and working properly, the Division of Marijuana Control shall reject that license activation.
- F. Records Inspection.** The Division of Marijuana Control shall inspect all Commercial Marijuana Entities' financial books, records, and accounts. Commercial Marijuana Entities shall maintain and keep all financial books, records, and accounts required by this Amendment for 2 years. If those Commercial Marijuana Entities are in compliance with this Amendment and all applicable laws and regulations, the Division of Marijuana Control shall consider this Inspection passed. If those Commercial Marijuana Entities are not in compliance with this Amendment and all applicable laws and regulations, the Division of Marijuana Control shall reject that license activation.
- G. Other Inspections.** The Division of Marijuana Control may determine, implement, and conduct other reasonably necessary inspections, provided those inspections, separately and aggregated, do not Unduly Burden any Commercial Marijuana Entities.
- iv. Decision.** The Division of Marijuana Control shall issue licenses within 60 days of receiving notice of activation to all Adults and Corporations who activate licenses, provided those Adults and Corporations have paid in full their activation fees, meet license qualifications, and pass all inspections. The Division of Marijuana Control shall reject within 60 days of receiving notice of activation all Adults and Corporations who activate licenses and fail to meet license qualifications or fail to pass inspections. Unless otherwise provided in this Section, any Adult or Corporation who fails to meet license qualifications or pass inspections may resubmit notice of activation up to two times, provided that Adult or Corporation waits at least 90 days after receiving notice of rejection, remedies any deficiencies, and pays full activation fees for each resubmission.
- v. Fees.** The fee for a new Commercial Marijuana Entity license shall be \$5,000. The fee for a new Commercial Entity Marijuana license shall be paid in full within 10 days of receiving notice of activation. The Division of Marijuana Control shall determine and set fees for license renewals pursuant to this Amendment, no later than June 1, 2018. The fee for renewing a license shall be: (A) \$5,000 for Commercial Marijuana Entities earning less than \$200,000 gross revenue in the preceding year; (B) \$10,000 for Commercial Marijuana Entities earning between \$200,000 and \$500,000 gross revenue in the preceding year; (C) no less than \$15,000, but no more than \$25,000, for Commercial Marijuana Entities earning between \$500,000 and \$1,000,000 gross revenue in the preceding year; and (D) no less than \$25,000, but no more than \$50,000, for Commercial Marijuana Entities earning more than \$1,000,000 gross revenue in the preceding year.
- vi. Annual Inspections.** The Division of Marijuana Control shall conduct all inspections enumerated by Section E(6)(b)(iv) of this Amendment of all Commercial Marijuana Entities that renew licenses. The Division of Marijuana Control shall conduct random Minor sales prevention spot checks at all Marijuana Retailers no less than twice per year.
- vii. Grounds for Revocation.** The Division of Marijuana Control may cancel or suspend any license if the Division of Marijuana Control finds or has reasonable grounds to believe that the licensee has violated any provision of this Amendment or any regulation adopted pursuant to this Amendment; has made a false representation or statement to the Division of Marijuana Control in order to induce or prevent action by the Division of Marijuana Control; has maintained an unsanitary establishment; has misrepresented to a customer any Marijuana, Marijuana Products, Marijuana Accessories, Marijuana Seeds, Marijuana Seedlings, Marijuana Tissue Cultures, Marijuana Plants, Marijuana Leaves, any natural byproduct of Manufacturing Marijuana Products, or any tools, instruments, or equipment reasonably required to Operate any Commercial Marijuana Entity, sold by the licensee; or has been convicted of any felony other than a nonviolent Marijuana felony since that license was issued.

**viii. Multiple Licenses and Transferability.** Any Adult, or Corporation may hold multiple Commercial Marijuana Entity licenses, but all Commercial Marijuana Entity Licenses shall be nontransferable.

## **F. Noncommercial Cannabis Control**

**1. Effective Date.** This Section shall be effective January 1, 2017, unless otherwise provided in this Section.

### **2. Cultivation and Harvest of Marijuana Plants**

#### **a. Rights**

**i. Adults.** Adults may purchase and possess Marijuana Seeds, Marijuana Seedlings, Marijuana Tissue Cultures, and any tools, instruments, and equipment reasonably required to cultivate and harvest Marijuana Plants. Adults may possess up to 6 Marijuana Plants and Marijuana Leaves. Adults may cultivate and harvest up to 6 Marijuana Plants at any time in their homes, or otherwise on their property. If two or more Adults share the same home, those Adults may not cultivate more than 12 total Marijuana Plants at any time between them. Adults may gift and trade Marijuana from Marijuana Plants cultivated and harvested by those Adults according to this Section to Adults, Patients over the age of 18, and Guardians of Patients.

**ii. Patients.** Beginning March 1, 2017, Patients over the age of 18 and Guardians of Patients may purchase and possess Marijuana Seeds, Marijuana Seedlings, Marijuana Tissue Cultures, Marijuana Plants, and any tools, instruments, and equipment reasonably required to cultivate and harvest Marijuana Plants. Patients over the age of 18 and Guardians of Patients may possess up to 12 Marijuana Plants and Marijuana Leaves. Patients over the age of 18 and Guardians of Patients may cultivate and harvest up to 12 Marijuana Plants at any time in their homes, or otherwise on their property. If two or more Patients over the age of 18, or Guardians of Patients, share the same home, those persons may not cultivate more than 24 total Marijuana Plants at any time between them, unless they establish a Patient Group according to Section D of this Amendment and one of those persons is designated Caregiver. Patients over the age of 18 and Guardians of Patients may gift and trade Marijuana from Marijuana Plants cultivated and harvested by those Patients or Guardians of Patients according to this Section to Patients over the age of 18 and Guardians of Patients.

**iii. Caregivers.** Beginning March 1, 2017, Caregivers may purchase and possess Marijuana Seeds, Marijuana Seedlings, Marijuana Tissue Cultures, Marijuana Plants, and any tools, instruments, and equipment reasonably required to cultivate and harvest Marijuana Plants on behalf of member Patients of that Caregiver's Patient Group. Caregivers may possess up to 12 Marijuana Plants per member Patient of that Caregiver's Patient Group and Marijuana Leaves. Caregivers may cultivate and harvest up to 12 Marijuana Plants per member Patient of that Caregiver's Patient Group at any time in their homes, or otherwise on their property.

**b. No Sale.** No person shall sell any Marijuana, nor Marijuana Leaves, from Marijuana Plants cultivated and harvested in their home on otherwise on their property according to this Section.

**c. Security.** If persons cultivate and harvest Marijuana Plants in their homes, or otherwise in an indoor area of their property, all Marijuana Seeds, Marijuana Seedlings, Marijuana Tissue Cultures, Marijuana Plants, Marijuana Leaves, and Marijuana must be in a Secured interior room with no outside windows away from public view. If persons cultivate and harvest outdoor Marijuana Plants, all Marijuana Seeds, Marijuana Seedlings, Marijuana Tissue Cultures, Marijuana Plants, Marijuana Leaves, and Marijuana must be in a Secured area away from public view. The Division of Marijuana Control may determine and implement additional reasonable security regulations pursuant to this Amendment, provided those regulations, separately and aggregated, do not Unduly Burden any person's ability to cultivate and harvest Marijuana Plants according to this Section.

### **3. Marijuana Products**

**a. Rights.** Adults, Caregivers, and Patients over the age of 18 may possess any natural byproducts of Manufacturing Marijuana Products, and any tools, instruments, or equipment reasonably required to Manufacture Marijuana Products. Adults, Caregivers, and Patients over the age of 18 may

Manufacture Marijuana Products in their homes, or otherwise in an indoor area of their property, in a Secured interior room with no public windows.

- b. **Restrictions.** No person shall sell any Marijuana Products Manufactured with Marijuana, nor Marijuana Leaves, from Marijuana Plants cultivated and harvested in their homes or otherwise on their property according to this Section. No person shall Manufacture Marijuana Products in their homes utilizing Hazardous materials or Hazardous processes.
- c. **Security.** If Adults, Caregivers, or Patients over the age of 18 Manufacture Marijuana Products according to this Section, all Manufacturing, and all Marijuana Leaves, Marijuana Products, and any natural byproducts of Manufacturing Marijuana Products must be in a Secured interior room with no outside windows away from public view. The Division of Marijuana Control may determine and implement additional reasonable security regulations pursuant to this Amendment, provided those regulations, separately and aggregated, do not Unduly Burden any person's ability to Manufacture Marijuana Products on their property.

#### **G. Industrial Cannabis Control**

- 1. **Effective Date.** This Section shall be effective June 1, 2017.
- 2. **Industrial Hemp Farms**
  - a. **Rights.** Any Adult, or Corporation, may establish and Operate Industrial Hemp Farms, provided that Adult, or Corporation, has first secured the appropriate licenses from the Ohio Department of Agriculture. Industrial Hemp Farms may purchase and possess Industrial Hemp Seeds, Industrial Hemp Plants, and any tools, instruments, or equipment reasonably required to cultivate and harvest Industrial Hemp Plants. Industrial Hemp Farms may possess Industrial Hemp. Industrial Hemp Farms may privately sell, gift, and trade Industrial Hemp to merchants. Industrial Hemp Farms may privately sell, gift, and trade Industrial Hemp Seeds, Industrial Hemp Plants, and any tools, instruments, or equipment reasonably required to cultivate and harvest Industrial Hemp Plants to Industrial Hemp Farms.
  - b. **No Marijuana.** Industrial Hemp Farms shall not cultivate and harvest Marijuana Plants.
- 3. **Licensing and Regulation.** The Ohio Department of Agriculture shall issue Industrial Hemp licenses and regulate Industrial Hemp in the same manner it would any other crop.
- 4. **Manufacturing and Distribution.** Any merchant may Manufacture with Industrial Hemp, or sell, gift, trade, or otherwise distribute Industrial Hemp.

#### **H. Local Rights and Restrictions**

- 1. **Effective Date.** This Section shall be effective immediately upon passage of this Amendment.
- 2. **Bans.** No Locality shall ban, nor Unduly Burden, Adult possession, Adult use, Patient possession, Patient use, noncommercial cultivation and harvest of Marijuana Plants, noncommercial Marijuana Product Manufacturing, nor Industrial Hemp Farms. Localities may totally ban commercial Marijuana and Marijuana Product production and distribution by Popular Vote. Localities may ban Commercial Marijuana Entities individually by Popular Vote.
- 3. **Local Taxes.** Localities shall not levy any additional taxes on sales of Marijuana, Marijuana Leaves, Marijuana Seedlings, Marijuana Products, nor Marijuana Accessories, unless that tax is a sales tax applied to all consumer goods sold in that Locality.
- 4. **Conflicting Laws and Regulations.** Localities shall not enact any laws, nor ordinances, nor set forth any additional regulations, that conflict with this Amendment, nor Unduly Burden any person or corporation's rights under this Amendment.

#### **I. Duties of the Ohio Department of Health**

- 1. **Effective Date.** This Section shall be effective immediately upon passage of this Amendment, unless otherwise provided in this Section.
- 2. **Patient ID Cards.** Beginning March 1, 2017, The Ohio Department of Health shall issue free Patient ID Cards to any resident of Ohio over the age of 18 who is diagnosed with a Qualifying Condition or issued a Doctor's Recommendation within 30 days of receiving that person's Patient ID Card application. The Ohio Department of Health shall issue free Patient ID Cards to any Guardian of an Ohio resident diagnosed with a Qualifying Condition or issued a Doctor's Recommendation within 30 days of receiving that

Guardian's Patient ID Card application. Patient ID Cards issued to Guardians of Patients shall identify the Guardian authorized to act on those Patients' behalf. The Ohio Department of Health shall issue free Economically Disadvantaged Patient ID Cards to any Ohio resident over the age of 18 who is diagnosed with a Qualifying Condition or issued a Doctor's Recommendation within 30 days of receiving that Economically Disadvantaged Patient ID Card application, provided that Patient can offer proof of Economically Disadvantaged status. The Ohio Department of Health shall issue free Economically Disadvantaged Patient ID Cards to any Guardian of an Ohio resident who is diagnosed with a Qualifying Condition or issued a Doctor's Recommendation within 30 days of receiving that Economically Disadvantaged Patient ID Card application, provided that Guardian can offer proof of Economically Disadvantaged status.

3. **Registries.** The Ohio Department of Health shall create and maintain a confidential Patient registry that identifies every Patient and stores all data gathered from Patient ID Card applications and Doctor's Recommendations. The Ohio Department of Health shall create and maintain a confidential Caregiver registry that identifies every Caregiver, their Patient Group and member Patients, and stores all data gathered from designations of Caregivers.
4. **Forms.** The Ohio Department of Health shall design and make electronically available Patient ID Card application forms, Doctor's Recommendation forms, and Designation of Caregiver forms, that collect, at minimum, the information required by this Amendment no later than February 1, 2017. Patient ID Card application forms shall be confidential and gather the Patient's full legal name, signature, Social Security Number, and home address and the full legal name, signature Social Security Number, and home address of any Guardian. Patient ID Card application forms shall direct Patients and any Guardians to disclose whether they are Economically Disadvantaged and, if they are, to attach proof. Patient ID Card application forms shall direct Patients and any Guardians to attach signed written copies of their diagnoses or their Doctor's Recommendation. Doctor's Recommendation forms shall be confidential and gather the Patient's full name, home address, and Social Security Number, any Guardian's full name, home address, and Social Security Number, and the Doctor's full name, business address and signature. Doctor's Recommendation forms shall direct Doctors to attach signed written copies of the Patient's diagnoses. Designation of Caregiver forms shall be confidential and gather all member Patients' full names, home addresses, signatures, and Social Security Numbers, any Guardians' full names, home addresses, and Social Security numbers, the Caregiver's full name, signature, and Social Security Number, and the address of the property at which the Caregiver shall cultivate and harvest Marijuana and Manufacture Marijuana Products.
5. **Qualifying Conditions.** The Ohio Department of Health shall review the Qualifying Conditions list every year. The Ohio Department of Health may identify additional Qualifying Conditions based on peer-reviewed scientific evidence.
6. **Doctor Conduct.** The Ohio Department of Health shall determine and implement regulations for Doctor conduct when issuing Doctor's Recommendations, provided those regulations, separately and aggregated, do not Unduly Burden any Doctors, Patients, nor Guardians of Patients. The Ohio Department of Health shall determine and implement regulations for Doctors whose advertisements relate to Marijuana, Marijuana Products, Marijuana Accessories, or Doctor's Recommendations, provided those regulations, separately and aggregated, do not Unduly Burden any Doctors, Patients, nor Guardians of Patients.
7. **Medical Research.** The Ohio Department of Health shall found the Ohio Medical Marijuana Research Lab no later than January 1, 2018. The Ohio Medical Marijuana Research Lab shall conduct research on potential medical benefits, uses, applications, and forms of Marijuana, provide medical Marijuana policy guidance to the Ohio Department of Health, and issue and oversee public and private medical Marijuana research grants. The Ohio Department of Health shall determine and implement medical Marijuana research guidelines and regulations that promote the progress of medical Marijuana research.
8. **Medical Marijuana Regulations Generally.** The Ohio Department of Health may design and implement additional medical Marijuana regulations reasonably necessary to protect the rights of Patients, Guardians of Patients, and Doctors, pursuant to this Amendment, provided those regulations, separately and

aggregated, do not Unduly Burden any Patients, Guardians of Patients, Doctors, or Commercial Marijuana Entities.

**J. The Division of Marijuana Control**

1. **Effective Date.** This Section shall be effective immediately upon passage of this Amendment.
2. **Foundation.** The Ohio Department of Commerce shall found a Division of Marijuana Control that shall imitate the Division of Liquor Control no later than February 1, 2017. The superintendent of the Division of Marijuana Control shall be a Marijuana policy expert. The Division of Liquor Control shall assist the Ohio Department of Commerce during the design and launch of the Division of Marijuana Control in every reasonably practicable manner.
3. **OVI Committee.** The Division of Marijuana Control shall commission a committee to define a new standard for determining whether a person is operating a motor vehicle Under Influence of Marijuana or Marijuana Products by measuring actual impairment in scientifically articulable terms, rather than a per se limit, no later than July 1, 2017. That committee shall define a new standard no later than January 1, 2018.
4. **Licensing.** The Division of Marijuana Control shall not limit the number of licenses issued for any Commercial Marijuana Entities. The Division of Marijuana Control shall create and maintain a confidential licensee registry that identifies every licensee, stores all data gathered from preapproved license applications, license activations, inspections, and statements of quantities sold, and keeps a record of all deposited and owed Marijuana Tax receipts, licensing fees, and any penalties incurred. The Division of Marijuana Control shall create and maintain a separate, segregated account for deposit of licensing fee and penalty receipts. Licensing fee and penalty receipts collected by the Division of Marijuana Control shall first be applied to any costs associated with the Division of Marijuana Control incurred by the Ohio Department of Commerce, then to any costs incurred by the Ohio Department of Health during discharge of its duties under this Amendment, then to any costs incurred by the Ohio Department of Agriculture during discharge of its duties under this Amendment. If any licensing fee and penalty receipts collected by the Division of Marijuana Control yet remain, the remaining licensing receipts shall be distributed to the Ohio General Revenue Fund.
5. **Regulation**
  - a. **Seed to Sale Software.** The Division of Marijuana Control shall solicit competing bids for a contract to supply Seed to Sale Software that shall be implemented statewide by all Commercial Marijuana Entities. The Division of Marijuana Control shall award that contract no later than May 1, 2017, and that Seed to Sale Software shall be made available for purchase to Adults and Corporations with preapproved licenses no later than June 1, 2017. Seed to Sale Software shall assign each Marijuana Seed, Marijuana Seedling, Marijuana Tissue Culture, and Marijuana Plant a unique barcode and track in real time the location, chain of custody, pesticides and fungicides used, all related costs for each Marijuana Seed, Marijuana Seedling, Marijuana Tissue Culture, and Marijuana Plant, and the Marijuana, Marijuana Products, Marijuana Leaves, and natural byproducts of Manufacturing Marijuana Products that can be traced back to those Marijuana Seeds, Marijuana Seedlings, Marijuana Tissue Cultures, and Marijuana Plants through every stage of production, quality testing, and distribution. Seed to Sale Software shall allow for auditing of all Marijuana Seeds, Marijuana Seedlings, Marijuana Tissue Cultures, Marijuana Plants, Marijuana, Marijuana Products, Marijuana Leaves, and natural byproducts of Manufacturing Marijuana Products.
  - b. **Quality Testing.** The Division of Marijuana Control may determine and implement additional quality testing regulations for Marijuana Cultivation Sites and Marijuana Manufactories pursuant to this Amendment, provided those regulations, separately and aggregated, do not Unduly Burden any Commercial Marijuana Entities.
  - c. **Packaging and Labeling.** The Division of Marijuana Control shall determine and implement packaging and labeling regulations for all Marijuana and Marijuana Products sold by Commercial Marijuana Entities pursuant to this Amendment no later than June 1, 2017. Those regulations, separately and aggregated, shall not Unduly Burden any Commercial Marijuana Entities. Packaging and labeling regulations shall require all Marijuana and Marijuana Concentrates to be sold in an air



- tight packages, clearly identified as Marijuana or Marijuana Concentrates not for Minor consumption, with labels that clearly list cannabinoid content levels, dosage and usage recommendations and instructions, and weight. Packaging and labeling regulations shall require all Marijuana Solids and Marijuana Liquids to be sold in air tight pre-packaged units, clearly identified as Marijuana Solids or Marijuana Liquids not for Minor consumption, with labels that clearly list cannabinoid content levels, dosage and usage recommendations and instructions, and weight or volume.
- d. **Accounting Software.** The Division of Marijuana Control shall solicit competing bids for a contract to supply Accounting Software that shall be implemented statewide by all Commercial Marijuana Entities. The Division of Marijuana Control shall award that contract no later than May 1, 2017, and that Accounting Software shall be made available for purchase to Adults and Corporations with preapproved licenses no later than June 1, 2017. Accounting Software shall adhere to and apply generally accepted accounting principles.
  - e. **Security.** The Division of Marijuana Control may determine and implement additional security regulations for Commercial Marijuana Entities, provided those regulations, separately and aggregated, do not Unduly Burden Commercial Marijuana Entities.
  - f. **Sanitation.** The Division of Marijuana Control shall determine and implement sanitation regulations for all Commercial Marijuana Entities pursuant to this Amendment no later than June 1, 2017. Those regulations, separately and aggregated, shall not Unduly Burden any Commercial Marijuana Entities.
  - g. **Consumer Protection.** The Division of Marijuana Control shall determine and implement regulations for Commercial Marijuana Entities that protect consumers from Financial Crimes pursuant to this Amendment no later than June 1, 2017. Those regulations, separately and aggregated, shall not Unduly Burden any Commercial Marijuana Entities.
  - h. **Advertising.** The Division of Marijuana Control shall determine and implement advertising regulations for Commercial Marijuana Entities pursuant to this Amendment. Those regulations, separately and aggregated, shall not Unduly Burden any Commercial Marijuana Entities.
  - i. **Pollution and Waste.** The Division of Marijuana Control may determine and implement pollution and waste regulations for Commercial Marijuana Entities pursuant to this Amendment, provided those regulations, separately and aggregated, do not Unduly Burden any Commercial Marijuana Entities.
  - j. **Generally.** The Division of Marijuana Control may design and implement additional reasonably necessary regulations for Commercial Marijuana Entities pursuant to this Amendment, including, but not limited to, adjusting licensing fees as needed to address any surpluses or deficits generated by licensing receipts or the lack thereof, provided those regulations and adjustments, separately and aggregated, do not Unduly Burden any Commercial Marijuana Entities.
  - k. **Violations.** The Division of Marijuana Control shall determine and implement reasonably proportionate penalties to be levied against Commercial Marijuana Entities that violate any Commercial Marijuana Entity regulations determined and implemented by the Division of Marijuana Control pursuant to this Amendment or otherwise provided in this Amendment.
6. **Taxation.** The Division of Marijuana Control shall create and maintain a separate, segregated account for deposits of Marijuana Tax receipts. The Marijuana Taxes required to be demanded in Section E of this Amendment constitute a lien upon, and have the effect of an execution duly levied against, any and all property of Commercial Marijuana Entities, attaching at the time the Marijuana, Marijuana Products, Marijuana Leaves, Marijuana Seedlings, and Marijuana Plants subject to Marijuana Taxes were sold or traded, and until the remaining Marijuana Tax receipts are deposited with the Division of Marijuana Control. The lien created by this Amendment is paramount to all private liens or encumbrances. The Division of Marijuana Control may inspect the books, records, and accounts of any Commercial Marijuana Entity at any time, if the Division of Marijuana Control finds or has reasonable grounds to believe that the licensee has falsified its books, records, or statements of quantities sold, or engaged in tax fraud, tax evasion, or any other Financial Crime. The Marijuana Tax receipts covering the periods for which statements of quantities sold are required to be rendered by Section E of this Amendment shall be deposited with the Division of Marijuana Control before the time for filing such statements expires. If not so deposited, a penalty of 10 percent and interest at the rate of 1 percent per month or fraction of a

month shall be added and collected. For reporting periods beginning on or after January 1, 2022, the rates of Marijuana Taxes in Section E of this Amendment may be adjusted for each biennium according to the cost-of-living adjustment for the calendar year. The Division of Marijuana Control shall compute the rates for each biennium by adding to each rate in Section E of this Amendment the product obtained by multiplying the rate by a factor that is equal to 0.25 multiplied by the percentage, if any, by which the monthly averaged U.S. City Average Consumer Price Index for the 12 consecutive months ending August 31 of the prior calendar year exceeds the monthly averaged U.S. City Average Consumer Price Index for the 12 consecutive months ending December 31, 2020. Marijuana Tax receipts shall be distributed quarterly beginning January 1, 2018. Marijuana Tax receipts shall first be applied to any costs incurred by the Ohio Department of Health during discharge of its duties under this Amendment, unless otherwise provided in this Section, then to any costs incurred by the Ohio Department of Agriculture during discharge of its duties under this Amendment, unless otherwise provided in this Section, then to any costs associated with the Division of Marijuana Control incurred by the Ohio Department of Commerce that might remain after distribution of licensing receipts. Remaining Marijuana Tax receipts shall be distributed as follows:

- a. **Municipal and Township Governments.** 20% of remaining Marijuana Tax receipts shall be distributed to municipal and township governments, on a per capita basis, to be used for bridge and road repair, and other infrastructure improvements.
- b. **County Governments.** 20% of remaining Marijuana Tax receipts shall be distributed to county governments, on a per capita basis, to be used for bridge and road repair, and other infrastructure improvements.
- c. **Public Pensions.** 15% of remaining Marijuana Tax receipts shall be distributed, in equal shares, to the Ohio Public Employees Retirement System, the School Employees Retirement System, the State Teachers Retirement System, the Police and Fire Pension Fund, and the Highway Patrol Retirement System.
- d. **Schools.** 15% of remaining Marijuana Tax receipts shall be distributed to the Ohio School Facilities Commission to be used for construction of new public elementary and secondary schools.
- e. **Drug Education.** 10% of remaining Marijuana Tax receipts shall be distributed to the Ohio Department of Mental Health and Addiction Services to be used for evidence and fact based drug education programs in the classroom.
- f. **Medical Treatment for Addiction.** 10% of remaining Marijuana Tax receipts shall be distributed to the Ohio Department of Mental Health and Addiction Services to be used for compassionate, evidence and fact based, effective medical treatment for those suffering from addiction.
- g. **Ohio Medical Marijuana Research Lab.** 5% of remaining Marijuana Tax receipts shall be distributed to the Ohio Department of Health to be used to fund the Ohio Medical Marijuana Research Lab.
- h. **Industrial Hemp Research.** 5% of remaining Marijuana Tax receipts shall be distributed to the Ohio Department of Agriculture to be used for Industrial Hemp research grants.

#### **K. Ohio General Assembly**

1. **Effective Date.** This Section shall be effective immediately upon passage of this Amendment.
2. **Ohio Revised Code.** The Ohio General Assembly shall modify the Ohio Revised Code in any manner that implements the provisions of this Amendment that is not in conflict with this Amendment. The Ohio General Assembly shall not modify the Ohio Revised Code in any manner that conflicts with this Amendment.
3. **Penalties for Possession of Marijuana and Marijuana Products in Excess of Limits Prescribed in this Amendment.** Any Adult discovered in possession of more than 100 grams but less than 200 grams of Marijuana, more than 500 grams but less than 1,000 grams of Marijuana Solids, more than 2 liters but less than 5 liters of Marijuana Liquids, or more than 25 grams but less than 50 grams of Marijuana Concentrates may be subject to a minor misdemeanor and assessed a fine of no more than \$150, unless that Adult has procured a Patient ID Card, or that Adult, or a Corporation that employs that Adult, has procured an appropriate Commercial Marijuana Entity license. Any Adult or Patient over the age of 18

discovered in possession of more than 200 but less than 1,000 grams of Marijuana, more than 1,000 grams but less than 5,000 grams of Marijuana Solids, more than 5 liters but less than 25 liters of Marijuana Liquids, or more than 50 grams but less than 250 grams of Marijuana Concentrates may be subject to a minor misdemeanor and assessed a fine of no more than \$250, unless that person, or a Corporation that employs that person, has procured an appropriate Commercial Marijuana Entity license. The Ohio General Assembly shall modify the Ohio Revised Code for possession of more than 1,000 grams of Marijuana, 5,000 grams of Marijuana Solids, 25 liters of Marijuana Liquids, and 250 grams of Marijuana Concentrates in a manner consistent with the provisions of this Amendment. No possession limit in this Section shall be applied to Marijuana, nor Marijuana Products, from Marijuana Plants cultivated and harvested according to Section F of this Amendment by the person in possession of that Marijuana or Marijuana Products, provided that person is not discovered in possession of that Marijuana or Marijuana Products in public.

- 4. Funding.** If licensing fee and penalty receipts and Marijuana Tax receipts have been exhausted and costs incurred by the Ohio Department of Commerce, Ohio Department of Health, or Ohio Department of Agriculture during discharge of their duties under this Amendment still remain, the Ohio General Assembly shall provision funds for any remaining costs incurred.
- L. No Refusal of Duties.** Neither the Ohio General Assembly, the Ohio Department of Commerce, the Ohio Department of Health, nor the Ohio Department of Agriculture may refuse to perform any duty under this Amendment on the basis that producing, Manufacturing, distributing, possessing, or using Marijuana, Marijuana Products, or Marijuana Accessories is prohibited by federal law.
- M. Conflicting Amendments.** This Amendment repeals in its entirety any amendment to the Ohio Constitution, not resolved as of January 1, 2015 but resolved before November 8, 2016, providing for regulation and control of *Cannabis indica*, *Cannabis sativa*, or *Cannabis ruderalis*, or any other *Cannabis* flora, in any form, use, or application. If an initiative that conflicts with this Amendment is placed on the ballot at the regular general election held throughout this state on November 8, 2016, and if both this Amendment and the conflicting initiative are approved by a majority of votes cast thereon, the conflicting initiative is repealed in its entirety if this Amendment receives a number of affirmative votes greater than the number of affirmative votes received by the conflicting initiative.
- N. Severability and Conflicting Laws.** The provisions of this Amendment are hereby declared to be severable and self-executing, except where otherwise indicated in this Amendment. The provisions of this Amendment shall supersede all conflicting state and local laws, charters, regulations, and other provisions of the Ohio Constitution. If any provision of this Amendment, or the application of such provision to any person or circumstance, is declared invalid by any court for any reason, such declaration shall not affect the validity of the remaining portions of this Amendment.

STATEMENT OF CIRCULATOR

I, Sri Kaur, declare under penalty of election falsification that I am the circulator of the foregoing petition paper containing the signatures of 10 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

NA

(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.

Sri Kaur  
(Signed)

10133 South Court  
(Address of circulator's permanent residence in this state) Number and Street, Road, or Rural Route

Brecksville  
City, Village or Township

OH 44141  
State Zip Code

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