



# MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

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Sandra Kay Riggs  
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Re: Ohio Medical Cannabis Amendment

Dear Committee:

In accordance with the provisions of R.C. 3519.01(A), on September 24, 2015, I received a written petition proposing to add the Ohio Medical Cannabis Amendment to Ohio's Constitution and a summary of the proposed amendment. One of my statutory duties as Attorney General is to send all of the part-petitions to the appropriate county boards of elections for signature verification. With all of the counties reporting back, at least 1,000 signatures already have been verified.

Pursuant to R.C. 3519.01(A), I must examine the summary and determine whether it is a fair and truthful statement of the proposed amendment. If I conclude that the summary is fair and truthful, I must certify that fact to the Secretary of State within ten days of receiving it. In this instance, the tenth day falls on Sunday, October 4, 2015. Therefore, my determination is due Monday, October 5, 2015.

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

There are a number of discrepancies between the summary and the proposed amendment:

- The summary states in section A(10), "Each County of Ohio will be allowed one Caregiver per 1,000 residents." In contrast, section Y(2) of the proposed amendment allows for one Caregiver "per each 5,000 residents within any given county."
- The summary in section E(a) states that "the Petitioners and Governor of Ohio shall appoint the Commissioners for the OMCC." In contrast, section F of the proposed amendment states that the Commissions "shall be duly elected within ninety (90) days of the Amendment approved by the affirmative vote by the Ohio electorate." Though other

language in the proposed amendment describes appointments, this sentence on elections is in conflict with the summary.

- The summary in section H states, “Minor patients under the age of twenty one years old must have the supervision and guidance of his/her parent or legal guardian.” The proposed amendment at several points conflicts with this restriction, for example in section CC(23), which allows minors to be under the supervision “of a mother/father, grandparents, guardian, state, city or county institution.”
- The summary states in section M that a Commercial Cultivation Center fee “shall be Fifty Thousand (\$50,000.00) Dollars.” Section Z(4) of the proposed amendment, however, sets the fee at \$25,000.00.
- Section N in the summary, providing a fund for qualifying patients, has no corresponding provision in the proposed amendment.
- The summary in section T provides legal protections for medical patients “under 21 years of age or older” with possession of up to 240 grams of usable medical cannabis. In contrast, section Q of the proposed amendment provides those protections for medical patients 18 years of age or older for possession of up to 200 grams of usable medical cannabis.

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

Very respectfully yours,



Mike DeWine  
Ohio Attorney General

cc: Committee to Represent the Petitioners

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