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RECEIVED
APR 30 2018
Ohio Attorney General
Constitutional Offices Section

April 30, 2018

Via Hand Delivery
The Honorable Mike DeWine
Ohio Attorney General
30 East Broad Street, 16th Floor
Columbus, Ohio 43215

RE: *Petition & Summary for Proposed Amendment to the Ohio Constitution*

Dear General DeWine:

Pursuant to R.C. § 3519.01(A), enclosed herewith is a re-submitted petition to amend the Ohio Constitution by initiative submitted by my clients, Susan Stone, Paul Castle, Thomas Jackson, and Stephanie Rawlins, as members of the petition committee. The petition contains the signatures of approximately in excess of 1,000 electors, as well as the full text of the amendment to be proposed and a revised summary of that text.

Please do not hesitate to contact me if you have any questions regarding this filing.

Sincerely,



Patrick M. Quinn

PMQ/

Encl.

2018-04-30 - L-AG

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

INITIATIVE PETITION

Amendment to the Constitution Proposed by Initiative Petition

To be submitted directly to the electors

Amendment

TITLE: Marijuana Rights and Regulations

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**Ohio Attorney General
Constitutional Offices Section**

PROPOSED SUMMARY

This amendment will add a new Section 24 to Article 1 of the Ohio Constitution to endow the Rights of persons in Ohio age 21 years and older to possess, cultivate, process, use, transport, sell, purchase and share marijuana in Ohio; and the laws, rules, regulations, ordinances and resolutions created under this amendment shall place limitations on those Rights in residences, public spaces and commerce; and

Will give authority to the General Assembly to create laws concerning impairment by marijuana that are similar to those for alcohol, laws concerning marijuana use in public spaces that are similar to those for alcohol and tobacco, and laws restricting access for minors that are similar to alcohol; and gives the General Assembly and local governments the authority to enforce with criminal or civil penalties violations of laws, rules and regulations or ordinances and resolutions, respectively, created under this amendment; and

Will leave in place the State medical marijuana program; and

Will authorize the General Assembly to modify certain subsections and provisions in the amendment; and

Will protect landlords from tenant marijuana cultivation and processing and protect employers concerning employee marijuana use, allow employers to maintain drug free work place policies that exclude marijuana and to enjoy the benefits of workers compensation insurance reductions such policies may bring, and the amendment will not interfere with federal restrictions on employment; and

Will give authority to municipal and township governments to create ordinances and resolutions, respectively, that may limit marijuana cultivation and processing for personal use and to create zoning regulations for marijuana businesses, with such businesses being lawfully located only in those voting precincts in which a majority of the votes cast regarding this amendment are in favor of passage, or in any voting precinct which, after the effective date of this amendment and by local initiative, votes to approve of the locating of marijuana businesses within such precinct; and

Will give authority to the General Assembly to regulate marijuana commerce through license of marijuana businesses, through requirement of newly built structures to produce marijuana, through regulation of pesticides and contaminants, through regulation of processing, through a tracking system for marijuana crops and products, through regulation of advertising and packaging, through a consumer protection system that shall include mandatory registration and testing of marijuana crops and products and the authority to tax retail sale of marijuana and marijuana products, and require all marijuana businesses to provide security for premises, employees and products and to provide secure and documented transportation for products; and

Will require all persons involved in marijuana commerce to have a permit issued by the State which is similar to a driver's license and which shall be available to Ohio citizen age 21 or older with exclusions for certain

criminal offenses and exceptions for certain marijuana offenses, and which shall have a residency requirement of two years that the General Assembly may, at its discretion, amend any time seven years after the effective date of the amendment; and

Will forbid any government agency to cultivate, produce, process or sell marijuana or marijuana infused products for commercial purpose and will not require or prevent the General Assembly or Administration from establishing a department, agency or office to oversee the operation of law under this section; and

Will give the Supreme Court of Ohio exclusive, original jurisdiction in all cases challenging laws, rules, regulations, ordinances or resolutions in conflict with the statement of Rights (subsection [A]) and matters of taxation (subsection [H]); and

Will require the General Assembly to enact and enable laws consistent with the amendment within 240 days after the effective date of the amendment and the amendment will supersede conflicting state and local laws, regulations, ordinances, resolutions or other provisions of this constitution. *end of summary*

CERTIFICATION OF THE ATTORNEY GENERAL

This certification of the Attorney General, pursuant to Ohio Revised Code Section 3519.01 (A), will be inserted when it is provided. This initial petition must be submitted with at least one thousand (1000) valid signatures of Ohio electors before the Attorney General will issue that certification.

COMMITTEE TO REPRESENT THE PETITIONERS

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

Paul L. Castle 13022 New Delaware Rd. Mount Vernon Ohio 43050

Thomas Jackson 7597 N Coolville Ridge, Athens, OH 45701

Stephanie A. Rawlins 1717 Barrington Rd, Upper Arlington Ohio 43221

Susan M. Stone, 273 Buena Vista Ave, Utica Ohio, 43080

Full text of the Amendment

§Marijuana Rights and Regulations

Whereas, the majority of States of these United States have regulated marijuana; and

Whereas, we believe that marijuana prohibition has infringed on our individual liberty, endangered the well-being and safety of Ohio families and is in conflict with a just and civil society; and

Whereas, we believe that an Ohio citizen's Rights to life, liberty and the pursuit of happiness includes the adult use of marijuana as a Right; and understand that this amendment applies only to Ohio law and State action, and does not immunize violations of federal law;

Now Therefore Be it Resolved by the People of the State of Ohio that Article I of the Ohio Constitution is hereby amended to add the following Section: §24 Marijuana Rights and Regulations:

(A) Rights

The Rights of all persons 21 years and older in Ohio to use in a manner they choose, and to possess, cultivate, process, transport, sell, purchase and share marijuana and marijuana products in Ohio shall not be infringed except for the limitations set forth in this section.

(B) General Limitations

- (1) Laws and penalties concerning the public use of marijuana products shall be substantially similar to those for alcohol and tobacco products.
- (2) Laws and penalties concerning marijuana use in a vehicle or operating a vehicle or heavy equipment while impaired by marijuana and public intoxication by marijuana shall be substantially the same as those for alcohol; the State shall reasonably determine what constitutes impairment under this provision.
- (3) Laws and penalties concerning the use of marijuana in public institutions and community facilities shall be substantially similar to those for alcohol and tobacco products.
- (4) Laws and penalties concerning marijuana and minors shall be substantially the same as those for alcohol.
- (5) Medical use of marijuana shall be regulated under State medical marijuana law.
- (6) It may be a felony offense to transport marijuana or marijuana products into or out of Ohio for commercial purpose except as this provision may be amended by the General Assembly.

(C) Employer Protection Limitations

- (1) Nothing in this section shall:
 - (a) require an employer to permit or accommodate an employee's use, possession, or distribution of marijuana;
 - (b) prohibit an employer from refusing to hire, discharge, discipline, or otherwise take an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's use of marijuana;
 - (c) prohibit an employer from establishing and enforcing a drug testing policy, drug-free workplace policy, or zero-tolerance drug policy;

(d) interfere with any federal restrictions on employment, including the regulations adopted by the United States department of transportation in Title 49 of the Code of Federal Regulations, as amended;

(e) permit a person to commence a cause of action against an employer for refusing to hire, discharge, discipline, discriminate, retaliate, or otherwise take an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment related to marijuana; or

(f) affect the authority of the administrator of workers' compensation to grant rebates or discounts on premium rates to employers that participate in a drug-free workplace program established in accordance with rules adopted by the administrator under Chapter 4123. of the Revised Code; and a person who is discharged from employment because of that person's use of marijuana shall be considered to have been discharged for just cause for purposes of division (D) of section 4141.29 of the Revised Code if the person's use of marijuana was in violation of an employer's drug-free workplace policy or zero-tolerance policy.

(2) This subsection may be amended by the General Assembly.

(D) Cultivation for Personal Adult Use Limitations

(1) The legislative authority of a municipal corporation may adopt an ordinance, or a board of township trustees may adopt a resolution that may reasonably limit marijuana cultivation and processing for personal adult use and may enforce those limits with civil penalties that do not include civil asset forfeiture but may include forfeiture of marijuana plant material.

(2) Marijuana cultivated in residences or their curtilages for personal adult use shall be reasonably secure from minors, out of public view and not create a public nuisance; violations of this provision may be no more severe than a civil or misdemeanor offense.

(3) Marijuana cultivated for personal adult use may not be sold, bartered or traded; violations of this provision may be no more severe than a misdemeanor offense.

(4) Volatile or dangerous marijuana oil extraction methods may not be used in a residence or its curtilage to process marijuana for personal use; violations of this provision may be no more severe than a misdemeanor offense.

(5) No intoxicating marijuana products shall be sold out of a residence or its curtilage; violations of this provision may be no more severe than a misdemeanor offense.

(6) Landlords may prohibit marijuana production and processing.

(E) Marijuana Commerce Limitations

(1) Marijuana businesses shall be lawful only in those voting precincts in which the majority of the votes cast regarding this amendment are in favor of passage, or in those voting precincts which approve, by local initiative after the effective date of this amendment, the locating of Marijuana businesses within such precincts.

(2) The legislative authority of a municipal corporation may adopt an ordinance, or a board of township trustees may adopt a resolution to apply appropriate and reasonable zoning regulations and reasonably limit the type, location, operating hours and number of marijuana businesses within the municipal corporation or within the unincorporated territory of the township, respectively.

(3) No business shall possess, cultivate, process, transport, purchase or sell marijuana or marijuana products for commercial purpose without first holding a marijuana business license issued by the State.

- (4) Marijuana businesses shall be licensed by the State and may operate in the same way as any business except that only businesses that specialize in marijuana may cultivate, possess, process, sell or test marijuana products for commercial purpose and no marijuana business shall also sell alcoholic beverages or tobacco products.
- (5) Marijuana product retailers shall be apportioned, licensed, inspected and regulated in substantially the same manner and with substantially the same cost and capitalization requirements, if any, as beer retailers. Marijuana product retailers shall purchase marijuana product inventory only from a licensed marijuana distributor, processor or cultivator. Marijuana product retailers may sell marijuana in plant form, marijuana products and related hard goods and may provide reasonably secure retail delivery services.
- (6) Marijuana product wholesale brokers shall be licensed, inspected and regulated in a manner similar to and with substantially the same cost and capitalization requirements, if any, as beer wholesalers.
- (7) Commercial marijuana processors and businesses that manufacture infused marijuana products shall be licensed, inspected and regulated in substantially the same manner and with substantially the same cost and capitalization requirements, if any, as food processors. The State shall reasonably determine and regulate extraction and purification processes used for the extraction of marijuana oils.
- (8) Commercial marijuana cultivators shall be licensed, inspected and regulated in substantially the same manner and with substantially the same cost and capitalization requirements, if any, as plant nurseries. Commercial marijuana cultivation shall be classified as agriculture. Commercial marijuana shall be cultivated only in enclosed buildings with newly installed electric buildout, newly built greenhouses or newly built shade houses, except that non-intoxicating varieties may be cultivated in fields. All commercial marijuana cultivation shall be out of public view at ground level. Marijuana cultivators may sell marijuana in plant form only to licensed marijuana cultivators, processors, distributors and retail businesses.
- (9) All commercial marijuana businesses shall provide reasonable security for their premises, products and employees and shall provide manifested and reasonably secure transportation for commercial marijuana products between business locations.
- (10) The State may determine reasonable requirements for packaging and labeling of retail marijuana products and may prohibit products and packaging that may appeal to children.
- (11) The State may provide a seed to sale tracking system for commercial marijuana products.
- (12) The State may reasonably regulate advertising related to marijuana businesses, marijuana and marijuana products.
- (13) No government agency may cultivate, produce, process or sell marijuana or marijuana infused products for commercial purpose.
- (14) Any person in Ohio age 21 or over may, for their personal use, make retail purchases of marijuana or marijuana products allowed under this section.
- (15) No person shall license, own, operate or work for a marijuana business in Ohio without first holding a commercial marijuana permit issued by the State.
- (16) No commercial marijuana business in Ohio shall hire, employ or retain a person who does not hold a commercial marijuana permit.
- (17) Violations of law under this subsection may be no more severe than a misdemeanor offense.

(F) The Commercial Marijuana Permit Limitations

(1) No person in Ohio shall possess, cultivate, produce, process, transport, purchase or sell marijuana or marijuana products for commercial purpose without first holding a commercial marijuana permit issued by the State; violations of this provision may be no more severe than a misdemeanor offense.

(2) The permit shall be issued through application by the State. The permit shall be available to any qualified Ohio citizen 21 years or older who has been a resident of Ohio for at least two consecutive years immediately prior to application for the permit; the General Assembly at its discretion may amend the residency requirement of this provision at any time seven years after the effective date of this section.

(3) The permit applicant shall be required to pass a written exam, with accommodation made for the disabled, before receiving the permit. The permit exam shall be used to validate that the applicant has fair understanding of Ohio marijuana law and their rights, obligations and responsibilities under Ohio marijuana law. The permit exam shall be given at a time and place substantially similar to a driver's license exam and the form of the permit shall be substantially similar to, and cost no more than, a driver's license. The permit must be renewed every four years.

(4) No person that is incarcerated or under judicial order may hold a commercial marijuana permit. The State may revoke or refuse to renew or issue the permit to a person who has been convicted of:

- a. a child abuse, domestic violence or sexual assault offense; or
- b. three misdemeanor offenses of law created under this section within a seven-year period; or
- c. a felony offense of law created under this section; or
- d. any other felony offense less than seven years prior to application that is reasonably related to the person's fitness to hold a permit.

(5) A felony marijuana offense in any jurisdiction more than five years prior to the effective date of this section, or a civil infraction or misdemeanor marijuana offense prior to the effective date of this section, or a marijuana offense which may conflict with the intent of this section after its effective date, shall not be a test to apply for, obtain, hold or renew the permit.

(G) Consumer Protection Limitations

(1) The State shall establish standards of pesticide use in commercial marijuana crops and permissible levels of contaminants, adulterants, pesticides etc. in all marijuana products and marijuana infused products in the interest of consumer protection and public safety.

(2) Commercial marijuana crops shall be registered with the state and commercial marijuana crops and products shall be tested by independent laboratories that shall certify that the marijuana crops and marijuana products meet State standards for purity before being released for consumption through processing or sale.

(3) The laboratories shall be licensed, inspected and regulated by the State.

(4) All harvested commercial marijuana crops shall be held actually or constructively by a testing laboratory until the crop has been certified or certification has been denied. The State may extend this provision to include marijuana infused products.

(5) Marijuana crops or products that are denied certification are considered unfit for consumption and shall be destroyed; there shall be a process to appeal a denial of certification.

(6) The State shall not regulate cannabinoid content of marijuana in plant or extract form; the state may regulate the cannabinoid content of marijuana infused products.

(7) Violations of this subsection may be a criminal offense as determined by the General Assembly.

(H) Taxation

The General Assembly may place a reasonable and economically viable tax on the retail sales of commercial marijuana products and marijuana infused products sold in Ohio and apply all appropriate and necessary State tax law and penalties to that tax.

(I) Power to Create Administrative Unit

Nothing in this section shall require or prevent the General Assembly or Administration from establishing a department, agency or office to oversee the operation of law under this section.

(J) Severability

The provisions of this section are intended to be severable, and the invalidity of one or more of such provisions shall not affect the validity of the remaining provisions.

(K) Original Jurisdiction

The Supreme Court of Ohio shall have exclusive, original jurisdiction in all cases challenging laws, rules, regulations, ordinances or resolutions in conflict with [A] or [H] of this Section.

(L) Effective date

This section shall go into effect 30 day after passage. The General Assembly shall within 240 days after the effective date enact and enable laws, rules and regulations consistent with this section.

(M) Definitions

As used in this section:

1. "Electric buildout" refers to the complete electrical installation, lights and equipment needed to grow marijuana.
2. "Marijuana" means any member or material of the plant genus Cannabis, known commonly and in law as marijuana or hemp.
3. "Marijuana product" means any harvested marijuana, marijuana extraction or marijuana infused product.
4. "Marijuana infused product" means any product containing marijuana or marijuana extract as an additive.
5. "Newly built" means built after the effective date of this section.
6. "Newly installed" means installed after the effective date of this section.
7. "Process" as it refers to marijuana means the extraction of oils from marijuana plant material.

(N) Conflicting Laws

This section shall supersede any conflicting state and local laws, rules, regulations, ordinances, and resolutions and no other provisions of the Ohio Constitution shall impair the Rights enumerated herein.

end full text of amendment

STATEMENT OF CIRCULATOR

I, Thomas Jackson, declare under penalty of election falsification that I am the circulator of the foregoing petition paper containing the signatures of ~~the~~ 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 _____

N/A

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

I further declare under penalty of election falsification in accordance with section 3501.38 of the Revised Code that I witnessed the affixing of every signature to the foregoing petition paper, that all signers were to the best of my knowledge and belief 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.



(Signed)

(Address of circulator's permanent residence)

7597 N. Coolville Ridge Rd

Number and Street, Road or Rural Route

Athens, OH 45701

City, State, Zip

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