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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 July 20, 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 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 July 30, 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.

The summary omits important information from the amendment. For example, there is no language in the summary explaining that a patient registry card is deemed granted if the Ohio Medical Cannabis Commission fails to enact a process by which to accept applications and renewals for patient registry cards or if it fails to respond to applications within the time limits set forth in sections W and BB of the amendment.

In addition, the summary fails to address the reasons that the Ohio Medical Cannabis Commission may revoke a registry certificate or registry card as outlined in sections X and CC of the amendment, or the requirement in section DD that the suspension, revocation, or denial of a registry card or a registry certificate is subject to judicial review by the Franklin County Court of Common Pleas.

The summary also fails to address the actions that the Ohio Medical Cannabis Commission would be required to take within 90 to 120 days after the effective date of the amendment as set forth in sections Y through BB of the amendment. The amendment requires the Commission to establish the process for accepting and reviewing applications for renewals and registry within 90 days. The amendment requires the Commission to issue registry cards or certificates within 120 days to applicants who submit an application or renewal with specified documentation and information, including proof of Ohio residency, permission for a background check, and the physical address of the cannabis cultivation site, if any. The summary omits all of these requirements. Although the summary mentions that the Commission shall establish a verification system, it fails to mention that the Commission is required to ascertain certain types of information about an applicant listed in section Y of the amendment. The summary also fails to mention the requirements for a commercial cultivation center agent, as outlined in section H of the amendment.

Finally, while the summary provides in section B-b that certain individuals administering cannabis to minor patients “shall not be criminalized,” this prohibition is absent from the amendment.

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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