



# Responsible Ohioans for Cannabis

February 17, 2015

Hon. Mike Dewine  
Ohio Attorney General  
30 E. Broad St., 14<sup>th</sup> Floor  
Columbus, Ohio 43215

**RECEIVED**

FEB 17 2015

Ohio Attorney General  
Constitutional Offices Section

Dear Attorney General Dewine,

Pursuant to Ohio Revised Code 3519.01, please find enclosed: 1) 84 part petitions containing 479 signatures of purported qualified Ohio electors, 2) the full text of a Constitutional Amendment entitled the End Ohio Cannabis Prohibition Act (EOCPA), and 3) a proposed summary of the amendment for your examination and certification.

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

Please direct all correspondence related to the Petition to members of the EOCPA Committee to Represent the Petitioners.

Don McAdams  
352 White Cliffs Ct.  
Springfield, OH 45503  
(937) 505-7298

David Taylor  
1500 Lucas Dr.  
Springfield, OH 45506




Tonya Davis  
4524 Croftshire Dr.  
Kettering, OH 45440  
(937) 435-7298

Committee Email: [Info@ResponsibleOhioans.org](mailto:Info@ResponsibleOhioans.org)

Sincerely,

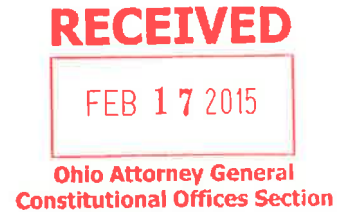
Don McAdams

Enclosures

Responsible Ohioans for Cannabis  8952 Selma Pike, South Charleston, Ohio 45368  
(937) 505-7298  [www.ResponsibleOhioans.org](http://www.ResponsibleOhioans.org)  [Info@ResponsibleOhioans.org](mailto:Info@ResponsibleOhioans.org)

Number: \_\_\_\_\_ Issued To: \_\_\_\_\_ County: \_\_\_\_\_  
Date(s) From: \_\_\_\_\_ To: \_\_\_\_\_ (edited 10/03/2013)

**INITIATIVE PETITION**  
**Amendment to the Constitution**  
**Proposed by Initiative Petition**  
**To be submitted directly to the electors**  
**Amendment**  
Title: The End Ohio Cannabis Prohibition Act



**Summary**

A person, individual, or corporate entity, while acting in accordance with the provisions pursuant to this article, shall be presumed to be engaging in activities made legal by this article, and shall not be subject to disciplinary action, search, seizure of property, arrest, prosecution, any criminal or civil penalties, nor be denied any right or privilege including but not limited to employment, child custody, healthcare, public assistance, organ transplant, purchase and possession of firearms and ammunition, and access to any banking or financial services by any person, organization, or entity for producing, cultivating, possessing, transporting, distributing, consuming, or otherwise engaging in or using cannabis, cannabis products, cannabis products for personal use, and cannabis paraphernalia. This protection extends to employers and owners of property who hire, lease, or rent property for commercial and non-commercial production of cannabis, or allow the consumption of cannabis products for personal use, pursuant to this article.

Any commercial or non-commercial production of cannabis products for personal use pursuant to this article may include providing, receiving, buying, selling, and possessing cannabis products for personal use and cannabis paraphernalia. Any person who is at least 18 years of age may produce, cultivate, possess, transport, distribute, consume, or otherwise engage in the use of cannabis products for personal use and cannabis paraphernalia. The manufacture, marketing, distribution, or sales between adults 18 years of age or older of equipment or accessories designed to assist in the planting, cultivation, harvesting, curing, processing, packaging, storage, analysis, consumption, or transportation of cannabis and cannabis products shall not be prohibited. There shall be no age restrictions for any cannabis, cannabis products, or cannabis paraphernalia or equipment that is not intended for personal use. Medical necessity for cannabis, cannabis products, cannabis products for personal use, and cannabis paraphernalia may be used as an affirmative defense in the State of Ohio for persons of any age. If the defendant is a minor under 18 years of age whom has not been emancipated, he or she must provide proof of their parent or legal guardian's consent to use cannabis, cannabis products, cannabis products for personal use, and cannabis paraphernalia, in addition to any evidence offered to prove the medical necessity claim.

This article does not authorize any person to provide cannabis products for personal use to a minor. This article does not authorize any person to possess cannabis products for personal use or engage in the personal use of cannabis products in a school bus or in any correctional facility. It does not authorize any person to smoke cannabis products for personal use while on any form of public transportation or in any public place that prohibits it, nor does it authorize any person to operate, navigate, or control any motor vehicle, aircraft, or motor boat while under the influence of cannabis products for personal use.

This article prohibits testing for cannabis metabolites as a requirement for employment, insurance, and any licenses, and from being considered in determining other impairment or intoxication. No person shall be considered under the influence of cannabis products for personal use solely because of the presence of metabolites or components of cannabis in his or her body. A person must display impaired behavior as a result of the personal use of cannabis products to be considered under the influence of cannabis.

Nothing in this article shall require any person or business in lawful possession of property to allow a guest, client, customer, visitor, or employee to cultivate cannabis or engage in the personal use of cannabis products on that property, or an employer to allow an employee to work while under the influence of or administer cannabis products for personal use at the workplace.

Any licensed commercial production company, licensed commercial retail company, University, vocational school, or any individual may research cannabis and any cannabis product for any of its industrial, environmental, medical, or other applications, and they may educate the public in regards to their findings, or findings from credible studies done elsewhere. The topics of research and education may include, but are not limited to, how to cultivate cannabis plants, how to maintain legal compliance with this article, what the best practices are for safety and security when engaging in the personal use of cannabis products, any medical harms or benefits from the personal use of cannabis products, any harms or benefits of commercial production on the environment, and any industrial applications for building materials, composites, biodiesel fuel, or any other uses.

The commercial production of cannabis shall have no limits on the number of cannabis plants to be cultivated or the amount of cannabis products for personal use that may be possessed at any given time. The non-commercial production of cannabis shall be limited to cultivation of no more than 99 cannabis plants and possession of no more than 99 kilograms of cannabis products for personal use at any given time. The weight of any non-cannabis food or other ingredients that the cannabis products for personal use may be mixed with or diluted in, and any parts of the cannabis plants that are non-psychoactive, such as the roots, stalks, stems, and seeds, are hereby prohibited from being included for the purposes of determining the weight of the cannabis products for personal use.

Any commercial or non-commercial cultivator of cannabis for personal use is to take any necessary means to secure their cultivation site so as to prevent any unlawful entry into the cultivation site or area, and the cannabis plants are to remain secured unless they are being transported, transferred from one person to another, or displayed at a commercial retail establishment or an educational location for educational purposes.

Any person, company, or organization may provide cannabis products for personal use and cannabis paraphernalia to any person who is at least 18 years of age after verifying their age with a valid photo ID issued by this or any other State or US Territory.

There may be no limits or restrictions placed on the potency of cannabis products for personal use by any governing body in the State. A rating system of potency may be established, if necessary, but may only be used as a source of reference. This article prohibits any branch of government from creating or enforcing any laws, taxes, fees, ordinances, special zoning requirements, or other restrictions against commercial cannabis farmers, manufacturers, processors, and distributors that are more restrictive than those found in this article, and from otherwise assuming powers related to the personal use of cannabis products not expressly granted by this article.

This article prohibits any permit, license, or tax being required for the non-commercial production of cannabis. If the distribution of cannabis and cannabis products results in \$400 of income or more in a given tax year, then a sales tax shall be applicable for the State at the prevailing sales tax rate and the income must be reported when filing taxes. If sales total \$5,800 of income or more in a given tax year, then the distributor must file for their commercial production or concessionary licenses as applicable.

The legislature is authorized to enact legislation using reasonable standards to delegate licensing and oversight authority for commercial production on parcels of land that are zoned for agricultural use to the Ohio Department of Agriculture to license the commercial production and distribution of cannabis, cannabis products for personal use, and other cannabis products similar to any other plant industry in the State, as may be appropriate. If the license application is for the distribution of cannabis products for personal use, an additional commercial license may be required as a concessionary establishment. If insurance companies will not offer coverage for industries related to cannabis at comparable rates to those charged for any other grain producer or wholesaler, then that requirement shall be prohibited for the purposes of obtaining, renewing, or otherwise instating the license. If the cultivation of cannabis is for the purpose of replenishing fallow land and the cannabis will not be harvested, then licenses, fees, ordinances, and any other regulations are prohibited.

The legislature is authorized to enact legislation using reasonable standards to delegate licensing and oversight authority for commercial production on parcels of land that are zoned for commercial use to the Ohio Department of Commerce to license the commercial production and concessionary establishments to distribute cannabis products for personal use similar to any other commercial producer, retailer, or wholesaler in the State. If insurance companies will not offer coverage for industries related to cannabis products for personal use at comparable rates to those charged for any other commercial producer, retailer, or wholesaler, then that requirement shall be prohibited for the purposes of obtaining, renewing, or otherwise instating the license.

The legislature is also authorized to enact legislation using reasonable standards to license sufficient cultivation sites and

concessionary establishments to provide a reasonable supply and commercial access to persons of legal age, so as to discourage and prevent the misuse of, and illicit traffic in such products. The legislature may require a license or permit fee payable to the State for commercial production, except that the fees shall not exceed \$1,250.00 in combined total for each commercial cultivation site or concessionary establishment, they must be refunded within 30 days if the license or permit is rejected or denied for any reason, and they shall be required no more frequently than an annual basis.

The legislature may also (1) place a sales tax on the commercial sales of cannabis and cannabis products for the State at the prevailing sales tax rate, (2) determine an acceptable and uniform standard of determining impairment based on performance testing, to restrict persons impaired by cannabis products for personal use from operating, navigating, or controlling any motor vehicle, aircraft, or motorboat, or otherwise engaging in conduct that may affect public safety while under the influence of cannabis products for personal use, and (3) regulate the personal use of cannabis products in enclosed and/or restricted public places, in any correctional facility, or on any form of public transportation, except that any property or business owner shall have the sole discretion as to whether or not cannabis products for personal use may be possessed, cultivated, or consumed on their property.

Within 90 days of the effective date of this article, the legislature shall establish procedures necessary to license commercial production and commercial retail of cannabis and cannabis products in accordance with other provisions of this act. Within 120 days of the effective date of this article, if the legislature, either delegated through the Ohio Department of Agriculture, the Ohio Department of Commerce, or any other governing authority, has not established the licensing procedures, fails to govern the manner in which it shall accept new and renewal applications for licenses, or fails to respond to such an application within 30 days of receipt if applications are being accepted, then any license or permit that would have been afforded to the State shall not be required and a zoning permit shall be deemed a license for the commercial production or commercial retail, or both if both licenses are not available by the specified time. Should such licensing be enacted at a later date, licensing fees and requirements are hereby prohibited from being assessed prior to the date of such an enactment.

Any local governing entity with power over that area's zoning laws may enact zoning ordinances which limit the number of commercial cultivation sites and concessionary establishments for cannabis products for personal use within its jurisdiction, except that (1) No ordinance may completely prohibit such businesses, (2) No one shall be obstructed by any ordinance from delivering cannabis or cannabis products to anyone else, (3) No commercial production site or concessionary establishment may be obstructed from commercial production and distribution of cannabis products for personal use on a parcel zoned for agricultural or commercial use, (4) If only one concessionary establishment is to be allowed, no ordinance may relegate it to an area within the municipality with the highest crime rate, (5) Such an ordinance must be made pursuant to this article.

Enactment of this initiative shall include: amnesty, immediate release from prison, jail, parole, and probation, and clearing, expungement, and deletion of all criminal records for cannabis charges and convictions which are hereby no longer illegal in the State of Ohio. People to whom cannabis consumption was a probation or parole violation that triggered an original sentence are included within this provision, regardless of the nature of the original sentence. Within 60 days of the passage of this article, the Attorney General shall develop and distribute a one-page application, providing for the destruction of all cannabis criminal records in Ohio for any such offense covered by this Act. Such forms shall be distributed to district and city attorneys and made available at all police departments in the State to persons hereby affected. Upon filing such form with any Superior Court and a payment of a fee of \$10, the Court shall liberally construe these provisions to benefit the defendant. Upon the Court's ruling under this provision the arrest record shall be set aside and destroyed. Such persons may truthfully state that they have never been arrested or convicted of any cannabis related offense which is hereby no longer illegal in the State of Ohio.

Pursuant to the Ninth and Tenth Amendments to the Constitution of the United States and the Sovereignty of the State of Ohio, the People of Ohio hereby repudiate and challenge Federal cannabis prohibitions that conflict with this article. Any State or local law enforcement personnel that assists any federal agency or its officers in investigating, raiding, or arresting persons for activities that are hereby made legal by this act shall be guilty of a misdemeanor of the first degree.

The following terms used in this summary have the following meanings for the purpose of this amendment: "Cannabis" means any plant of the Genus Cannabis, cannabis sativa L, cannabis Americana, cannabis chinensis, cannabis indica, cannabis ruderalis, cannabis sativa, or any other Species of Cannabis. "Cannabis Paraphernalia" means any device created and used solely to aid in the personal use of cannabis products, such as pipes or bowls, rolling papers, vaporizers, extraction devices and any other delivery system. "Cannabis Products" means all products made from cannabis, including, but not limited to: clothing, building materials, paper, fiber, biodiesel fuel, automobile parts, lubricants, plastics, paint, seed for cultivation, animal feed, oil, food, seed, seed protein, seed oil, seed cake, dietary fiber, hemp, marihuana, marijuana, including any derivative, concentrate, extract, flower, leaf, particle, preparation, elixir, tincture, resin, root, salt, seed, stalk,

stem, or any preparation or extract thereof. "Commercial Production" means the licensed production of cannabis and cannabis products for sale on parcels of land zoned either for agricultural or commercial use pursuant to this article. "Non-Commercial Production" means the production of cannabis and cannabis products for individual use and limited sales on parcels of land zoned for residential or agricultural use pursuant to this article. "Personal Use" means smoking, vaporizing, eating, or otherwise ingesting cannabis products that have a euphoric or intoxicating effect for any relaxational, meditative, religious, spiritual, recreational, or other purpose. "Public place" means a location or property that is not owned or possessed by a private company or individual, and is open to the general public, such as a community park, sidewalk, street, or publicly owned land. "Pursuant to this Article" means complying with the limitations and requirements set forth in this article, refraining from committing acts not authorized by this article, and abiding by local zoning ordinances established in accordance with this article.

If any section or subsection of this article, or, the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of any section or subsection within the article that can be given effect without the invalid section or subsection, and to this end the provisions of this article are severable. This Article shall take effect immediately following its approval by the electors of Ohio.

**End of summary**

**CERTIFICATION OF THE ATTORNEY GENERAL**

This certification of the Attorney General will be inserted when it is provided.

**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.

Don McAdams	David Taylor	Tonya Davis
8952 Selma Rd.	1500 Lucas Dr.	4524 Croftshire Rd.
South Charleston, OH 45368	Springfield, OH 45506	Kettering, OH 45440

Committee Email: [info@responsibleohioans.org](mailto:info@responsibleohioans.org)

**Be it resolved by the people of the State of Ohio that the Constitution of the State of Ohio be amended by adding a new article to read as follows:**

## **ARTICLE ( ): End Ohio Cannabis Prohibition Act**

### **Section 1. Acts Not Authorized**

(A) This article shall not authorize any person to engage in, and does not prevent the imposition of any civil, criminal, or other penalties for:

- (1) Providing cannabis products for personal use to a minor.
- (2) Possessing cannabis products for personal use or engaging in the personal use of cannabis products in a school bus or in any correctional facility,
- (3) Smoking cannabis products for personal use while on any form of public transportation or in any public place that prohibits it,
- (4) Operating, navigating, or controlling any motor vehicle, aircraft, or motorboat while under the influence of cannabis products for personal use.

(B) This article prohibits any branch of government or entity with governing powers at any level within the State from creating or enforcing any laws, taxes, fees, ordinances, special zoning requirements, or other restrictions against commercial cannabis farmers, manufacturers, processors, and distributors that are more restrictive than those found in this article, and from otherwise assuming powers related to the personal use of cannabis products not expressly granted by this article.

(C) This article prohibits testing for cannabis metabolites as a requirement for employment, insurance, and any licenses, and from being considered in determining other impairment or intoxication. No person shall be considered under the influence of cannabis products for personal use solely because of the presence of metabolites or components of cannabis in his or her body, and must display impaired behavior as a result of the personal use of cannabis products to be considered under the influence of cannabis.

(D) This article prohibits any permit, license, or tax being required for the non-commercial production of cannabis, except that if the distribution of cannabis and cannabis products results in:

- (1) Four hundred US dollars (\$400.00) of income or more in a given tax year, then a sales tax shall be applicable for the State at the prevailing sales tax rate and the income must be reported when filing taxes,
- (2) Five thousand and eight hundred US dollars (\$5,800.00) of income or more in a given tax year, then the distributor must file for their commercial production or concessionary licenses as applicable.

### **Section 2. Acts Not Required**

(A) Nothing in this article shall require

- (1) Any person or business in lawful possession of property to allow a guest, client, customer, visitor, or employee to cultivate cannabis or engage in the personal use of cannabis products on that property,
- (2) An employer to allow an employee to work while under the influence of or administer cannabis products for personal use at the workplace.

### **Section 3. Rights**

(A) Any licensed commercial production company, licensed commercial retail company, University, vocational school, or any individual, pursuant to all other provisions of this article, shall have the right (1) to research cannabis and any cannabis product for any of its industrial, environmental, medical, or other applications, and (2) to educate the public in regards to their findings, or findings from credible studies done elsewhere. The topics of research and education may include, but are not limited to:

- (1) How to cultivate cannabis plants free of mold, pesticides, or other substances that may be harmful,
- (2) Maintaining legal compliance with this article,
- (3) Best practices for safety and security when producing and using cannabis products,
- (4) Any medical harms or benefits from cannabis products,
- (5) Any harms or benefits of commercial production on the environment,
- (6) Any industrial applications for building materials, composites, biodiesel fuel, or any other uses.

(B) Any commercial or non-commercial production of cannabis products for personal use pursuant to this article may include providing, receiving, buying, selling, and possessing cannabis products for personal use and cannabis paraphernalia.

(C) Any person who is at least eighteen (18) years of age may produce, cultivate, possess, transport, distribute, consume, or otherwise engage in the use of cannabis products for personal use and cannabis paraphernalia.

(D) Any person, company, or organization may provide cannabis products for personal use and cannabis paraphernalia to any person who is at least eighteen (18) years of age.

(E) The manufacture, marketing, distribution, or sales between adults eighteen (18) years of age or older of equipment or accessories designed to assist in the planting, cultivation, harvesting, curing, processing, packaging, storage, analysis, consumption, or transportation of cannabis products for personal use shall not be prohibited.

(F) There shall be no age restrictions for any cannabis, cannabis products, or cannabis paraphernalia or equipment that is not intended for personal use.

(G) Medical necessity for cannabis, cannabis products, cannabis products for personal use, and cannabis paraphernalia may be used as an affirmative defense in the State of Ohio for persons of any age, provided that if the defendant is a minor under eighteen (18) years of age whom has not been emancipated, he or she must provide proof of their parent or legal guardian's consent to use cannabis, cannabis products, cannabis products for personal use, and cannabis paraphernalia, in addition to any evidence offered to prove the medical necessity claim.

#### **Section 4. Licenses, Taxes, and Regulations**

(A) The legislature is authorized upon thorough investigation, to enact legislation using reasonable standards to:

(1) Delegate licensing and oversight authority for commercial production on parcels of land that are zoned for agricultural use to the Ohio Department of Agriculture to license the commercial production and distribution of cannabis, cannabis products for personal use, and other cannabis products similar to any other plant industry in the State, including but not limited to: Grain Commodity Producer, Handler, or Tester, Nursery Dealer or Inspection, Feed, and Seed licenses, as may be appropriate, except that:

- (a) If the license application is for the distribution of cannabis products for personal use, an additional commercial license may be required as a concessionary establishment per subsection (A)(2) of this section,
- (b) Licensing fees must not be in excess of this Section,
- (c) If insurance companies will not offer coverage for industries related to cannabis at comparable rates to those charged for any other grain producer or wholesaler, then that requirement shall be prohibited for the purposes of obtaining, renewing, or otherwise instating the license.
- (d) If the cultivation of cannabis is for the purpose of replenishing fallow land and the cannabis will not be harvested, then licenses, fees, ordinances, and any other regulations are prohibited.

(2) Delegate licensing and oversight authority for commercial production on parcels of land that are zoned for commercial use to the Ohio Department of Commerce to license the commercial production and concessionary establishments to distribute cannabis products for personal use similar to any other commercial producer, retailer, or wholesaler in the State, except that:

- (a) Licensing fees must not be in excess of this Section,
- (b) If insurance companies will not offer coverage for industries related to cannabis products for personal use at comparable rates to those charged for any other commercial producer, retailer, or wholesaler, then that requirement shall be prohibited for the purposes of obtaining, renewing, or otherwise instating the license.

(3) License sufficient cultivation sites and concessionary establishments to provide a reasonable supply and commercial access to persons of legal age, so as to discourage and prevent the misuse of, and illicit traffic in such products.

(4) Require a license or permit fee payable to the State for commercial production, except that the fees:

(a) Shall not exceed one thousand two hundred and fifty US dollars (\$1,250.00) in combined total for each commercial cultivation site or concessionary establishment,

(b) Must be refunded within thirty (30) days if the license or permit is rejected or denied for any reason,

(c) Shall be required no more frequently than an annual basis.

(5) Place a sales tax on the commercial sale of cannabis and cannabis products for the State at the prevailing sales tax rate.

(6) Determine an acceptable and uniform standard of determining impairment based on performance testing, to restrict persons impaired by cannabis products for personal use from operating, navigating, or controlling any motor vehicle, aircraft, or motorboat, or otherwise engaging in conduct that may affect public safety while under the influence of cannabis products for personal use.

(7) Regulate the personal use of cannabis products in enclosed and/or restricted public places, in any correctional facility, or on any form of public transportation, except that any property or business owner shall have the sole discretion as to whether or not cannabis products for personal use may be possessed, cultivated, or consumed on their property.

## **Section 5. Zoning Ordinances**

(A) A city, village, township, or any other municipality of this State, or, in the case of an unincorporated area, the county or other entity with power over that area's zoning laws, may enact zoning ordinances which limit the number of commercial cultivation sites and concessionary establishments for cannabis products for personal use within its jurisdiction, except that:

(1) No ordinance may completely prohibit such businesses,

(2) No one shall be obstructed by any ordinance from delivering cannabis, cannabis products, or cannabis paraphernalia to anyone else,

(3) No commercial production site or concessionary establishment may be obstructed from commercial production and distribution of cannabis products for personal use on a parcel zoned for agricultural or commercial use,

(4) If only one concessionary establishment is to be allowed, no ordinance may relegate it to an area within the municipality with the highest crime rate,

(5) Such an ordinance must be made pursuant to this article.

## **Section 6. Protections**

(A) A person, individual, or corporate entity, while acting in accordance with the provisions pursuant to this article, including but not limited to a person who uses cannabis products for personal use or owns or works at a commercial cultivation site or concessionary establishment, shall be presumed to be engaging in activities made legal by this article, and shall not be subject to disciplinary action, search, seizure of property, arrest, prosecution, any criminal or civil penalties, nor be denied any right or privilege including but not limited to employment, child custody, healthcare, public assistance, organ transplant, purchase and possession of firearms and ammunition, and access to any banking or financial services by any person, organization, or entity for producing, cultivating, possessing, transporting, distributing, consuming, or otherwise engaging in or using cannabis, cannabis products, cannabis products for personal use, or cannabis paraphernalia.

(B) No owner of property may be penalized or denied any benefit by any entity or person, including those listed in subsection (A) of this section, for leasing or renting property for commercial or non-commercial production of cannabis, or for allowing the consumption of cannabis products for personal use on their property, pursuant to this article. They may assess additional rules and fees regarding these activities on their property.



## **Section 7. Limitations**

(A) There may be no limits or restrictions placed on the potency of cannabis products for personal use by any governing body in the State. A rating system of potency may be established, if necessary, but may only be used as a source of reference.

(B) The commercial production of cannabis shall have no limits on the number of cannabis plants to be cultivated or the amount of cannabis products for personal use that may be possessed under the commercial license at any given time.

(C) The non-commercial production of cannabis shall be limited to cultivation of no more than 99 cannabis plants and possession of no more than 99 kilograms of cannabis products for personal use at any given time, except that the weight of any non-cannabis food or other ingredients that the cannabis products for personal use may be mixed with or diluted in, and any parts of the cannabis plants that are non-psychoactive, such as the roots, stalks, stems, and seeds, are hereby prohibited from being included for the purposes of determining the weight of the cannabis products for personal use.

## **Section 8. Requirements**

(A) Any commercial or non-commercial cannabis cultivator of cannabis for personal use is to take any necessary means to secure their cultivation site, either by fencing in the area with a locked gate or growing indoors in a lockable building or room, so as to prevent any unlawful entry into the cultivation site or area, and the cannabis plants are to remain secured unless they are:

- (1) Being transported because the person or entity possessing the cannabis plants is moving or is providing them to an educational course,
- (2) In the process of being transferred from one person or entity to another person or entity,
- (3) Being displayed at a commercial retail establishment or an educational location for educational purposes.

(B) Any person or entity dispensing cannabis products for personal use or cannabis paraphernalia must verify that the purchaser is at least eighteen (18) years of age via a valid photo ID issued by this or any other State or US Territory.

## **Section 9. Legislature Duties and Powers**

(A) Within ninety (90) days of the effective date of this article, the legislature shall establish procedures necessary to license the commercial production and commercial retail of cannabis and cannabis products in accordance with other provisions of this act.

(B) Within one hundred and twenty (120) days of the effective date of this article, if the legislature, either delegated through the Ohio Department of Agriculture, the Ohio Department of Commerce, or any other governing authority, has not established the requirements of subsection (A) of this Section, fails to govern the manner in which it shall accept new and renewal applications for licenses, or fails to respond to such an application within thirty (30) days of receipt if applications are being accepted, then any license or permit that would have been afforded to the State shall not be required and a zoning permit shall be deemed a license for the commercial production or commercial retail, or both if both licenses are not available by the specified time.

(C) Should such licensing be enacted at a later date, licensing fees and requirements are hereby prohibited from being assessed prior to the date of such an enactment.

## **Section 10. Authority**

Pursuant to the Ninth and Tenth Amendments to the Constitution of the United States and the Sovereignty of the State of Ohio, the People of Ohio hereby repudiate and challenge Federal cannabis prohibitions that conflict with this article. Any State or local law enforcement personnel that assists any federal agency or its officers in investigating, raiding, or arresting persons for activities that are hereby made legal by this act shall be guilty of a misdemeanor of the first degree.

## **Section 11. Amnesty and Expungement**

(A) Enactment of this article shall include amnesty, immediate release from prison, jail, parole, and probation, and clearing, expungement, and deletion of all criminal records for cannabis charges and convictions which are hereby no longer illegal in the State of Ohio. People to whom cannabis consumption was a probation or parole violation that triggered an original sentence are included within this provision, regardless of the nature of the original sentence.

(B) Within sixty (60) days of the passage of this article, the Attorney General shall develop and distribute a one-page application, providing for the destruction of all cannabis criminal records in Ohio for any such offense covered by this article. Such forms shall be distributed to district and city attorneys and made available at all police departments in the State to persons hereby affected. Upon filing such form with any Superior Court and a payment of a fee of ten US dollars (\$10.00), the Court shall liberally construe these provisions to benefit the defendant in furtherance of the amnesty and dismissal provision of this section. Upon the Court's ruling under this provision the arrest record shall be set aside and be destroyed. Such persons may then truthfully state that they have never been arrested or convicted of any cannabis related offense which is hereby no longer illegal in the State of Ohio.

## **Section 12. Severability**

If any section or subsection of this article, or, the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of any section or subsection within the article that can be given effect without the invalid section or subsection, and to this end the provisions of this article are severable.

## **Section 13. Definitions**

(A) For the purposes of this article, the following definitions shall be applied:

- (1) The term "Cannabis" means any plant of the Genus Cannabis, cannabis sativa L, cannabis Americana, cannabis chinensis, cannabis indica, cannabis ruderalis, cannabis sativa, or any other Species of Cannabis.
- (2) The term "Cannabis Paraphernalia" means any device created and used solely to aid in the personal use of cannabis products, such as pipes or bowls, rolling papers, vaporizers, extraction devices and any other delivery system.
- (3) The term "Cannabis Products" means all products made from cannabis, including, but not limited to: clothing, building materials, paper, fiber, biodiesel fuel, automobile parts, lubricants, plastics, paint, seed for cultivation, animal feed, oil, food, seed, seed protein, seed oil, seed cake, dietary fiber, hemp, marihuana, marijuana, including any derivative, concentrate, extract, flower, leaf, particle, preparation, elixir, tincture, resin, root, salt, seed, stalk, stem, or any preparation or extract thereof.
- (4) The term "Commercial Production" means the licensed production of cannabis and cannabis products for sale on parcels of land zoned either for agricultural or commercial use pursuant to this article.
- (5) The term "Non-Commercial Production" means the production of cannabis and cannabis products for individual use and limited sales on parcels of land zoned for residential or agricultural use pursuant to this article.
- (6) The term "Personal Use" means smoking, vaporizing, eating, or otherwise ingesting cannabis products that have a euphoric or intoxicating effect for any relaxational, meditative, religious, spiritual, recreational, or other purpose.
- (7) The term "Public place" means a location or property that is not owned or possessed by a private company or individual, and is open to the general public, such as a community park, sidewalk, street, or publicly owned land.
- (8) The term "Pursuant to this Article" means complying with the limitations and requirements set forth in this article, refraining from committing acts not authorized by this article, and abiding by local zoning ordinances established in accordance with this article.

## **Section 14. Date of Effect**

This Article shall take effect immediately following its approval by the electors of Ohio.

**STATEMENT OF CIRCULATOR**

I, \_\_\_\_\_, declare under penalty of election falsification that I am the circulator of the foregoing petition containing the signatures of \_\_\_\_\_ electors, that the signatures appended hereto were made and appended in my presence on the date set opposite each respective name, and are the signatures of the persons whose names they purport to be or of attorneys in fact acting pursuant to section 3501.382 of the Revised Code, and the electors signing this petition did so with knowledge of the contents of same. I am employed to circulate this petition by \_\_\_\_\_ (name and address of employer). (The preceding sentence shall be completed as required by section 3501.38 of the Revised Code *if the circulator is being employed* to circulate the petition.)

I further declare under penalty of election falsification in accordance with section 3501.38 of the Revised Code that I witnessed the affixing of every signature to the foregoing petition paper, that all signers were to the best of my knowledge and belief the signature of the person whose signature purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

(Circulator's Signature) \_\_\_\_\_

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

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

**RECEIVED**

FEB 17 2015

Ohio Attorney General  
Constitutional Offices Sect