



JIM PETRO
ATTORNEY GENERAL
STATE OF OHIO

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April 19, 2006

VIA HAND-DELIVERY

Honorable J. Kenneth Blackwell
Ohio Secretary of State
180 E. Broad Street, 16th Floor
Columbus, OH 43266

Re: Proposed Constitutional Amendment – Art. XV, §12 (Smoking Limitations))

Dear Mr. Blackwell:

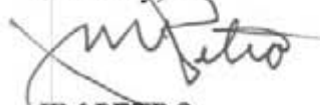
In accordance with the provisions of Section 3519.01(A) of the Ohio Revised Code, a written petition proposing an amendment to the Ohio Constitution, Article XV, §12, was submitted for my examination, together with a summary of that initiated proposed amendment. A copy of the proposal and of the summary is enclosed.

Having considered only the language of the proposed constitutional amendment which the petitioners seek to submit to the Secretary of State for submission to the voters, and the summary of the proposed constitutional amendment appearing on the petition as submitted to my office, I conclude that the summary is a fair and truthful statement of the measure to be proposed, and have so certified this finding to the attorney representing the petitioners on this date as follows:

Without passing upon the advisability of the approval or rejection of the measure to be referred, but pursuant to the duties imposed upon the Attorney General's Office under Section 3519.01(A) of the Ohio Revised Code, I hereby certify that the summary is a fair and truthful statement of the proposed constitutional amendment to Article XV.

I am hereby filing with you this letter containing the above certification and the attached petition containing the measure to be referred and the petitioners' summary.

Sincerely,


JIM PETRO
ATTORNEY GENERAL

JMP:ajm
Enclosure
cc: Chief Counsel, Secretary of State

FULL TEXT OF AMENDMENT

Be it resolved by the people of the State of Ohio, that Article XV, Section 12 to the Ohio Constitution

"Section 12. The General Assembly shall pass laws to limit or prohibit smoking of tobacco or tobacco products in all enclosed, public areas of this state except that no law shall prohibit smoking and/or the use of tobacco or tobacco products in any of the following:

- A) any retail establishment that holds itself out as being devoted primarily to the on-site sale of tobacco, tobacco products, and tobacco product accessories and derives not less than fifty percent of its total gross sales from the on-site sale of tobacco, tobacco products, and tobacco product accessories;
- B) any private residence or privately owned facility that is not open to the public;
- C) any separate smoking area within an eating establishment that designates an area within the premises that is completely separated from the rest of the premises by walls or doors in which smoking is permitted;
- D) any establishment that sells intoxicating liquor for on-premises consumption in which the annual revenue produced by the sale of food does not exceed sixty percent of total annual sales;
- E) any public area where bingo or bowling is played;
- F) any designated areas of any facility leased or rented to the public on a temporary basis for residential use including, but not limited to a hotel, motel, adult day care facility, nursing home or rehabilitation center, provided that smoking is permitted only in separate portions of the premises;
- G) any facility or business establishment from which minors are prohibited;
- H) any place, track or enclosure where an authorized permit holder conducts live or satellite horse racing.

This amendment supersedes and renders invalid any ordinance or local law in existence as of the date of this amendment to the extent such ordinance or law prohibits smoking and/or the use of tobacco or tobacco products in an establishment or place exempted by the language set forth in Section 12. The amendment also would prevent such laws or ordinances from taking effect in the future.

INITIATIVE PETITION

Number 1

County FRANKLIN

Issued to MICHAEL SEMICA
(NAME OF SOLICITOR)

Date of Issuance 4/5/06

Amendment to the Constitution Proposed by Initiative Petition
To be Submitted Directly to the Electors

AMENDMENT

An Amendment to the Ohio Constitution to require the General Assembly to enact laws to limit or prohibit smoking of tobacco products in all enclosed, public areas of the state except for certain types of facilities or portions of facilities.

SUMMARY OF THE AMENDMENT

The proposed amendment would add Article XV, Section 12 to the Ohio Constitution to require that the General Assembly pass laws to limit or prohibit smoking of tobacco or tobacco products in all enclosed, public areas of this state and to provide that no laws may prohibit the use of tobacco or tobacco products in any of the following:

- A) any retail establishment that holds itself out as being devoted primarily to the on-site sale of tobacco, tobacco products, and tobacco product accessories and derives not less than fifty percent of its total gross sales from the on-site sale of tobacco, tobacco products, and tobacco product accessories;
- B) any private residence or privately owned facility that is not open to the public;
- C) any designated smoking area within an eating establishment that is completely separated from the rest of the premises by walls and doors;
- D) any establishment that sells intoxicating liquor for on-premises consumption in which the annual revenue from the sale of food does not exceed sixty percent of total annual sales;
- E) any public area where bingo or bowling is played;
- F) any designated, separate areas of any facility leased or rented to the public on a temporary basis for residential use such as a hotel, motel, adult day care facility, nursing home or rehabilitation center;
- G) any facility or business establishment from which minors are prohibited; and
- H) any place, track or enclosure where an authorized permit holder conducts live or satellite horse racing.

This amendment supersedes and renders invalid any ordinance or local law in existence as of the date of this amendment to the extent such ordinance or law prohibits smoking and/or the use of tobacco or tobacco products in an establishment or place exempted by the language set forth in Section 12. The amendment also would prevent such laws or ordinances from taking effect in the future.

CERTIFICATION OF THE ATTORNEY GENERAL

*(To be obtained following circulation of initial 100 signatures
and presentation to the Ohio Attorney General)*

COMMITTEE TO REPRESENT THE PETITIONERS

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

William J. Delaney
2016 Bucklew Drive
Toledo, OH 43613

Jacob C. Evans
4903 Britton Farm Court
Hilliard, OH 43026

David A. George
430 Tamiami Trail
Akron, OH 44303



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April 19, 2005

VIA FAX AND FIRST CLASS MAIL

Jacob C. Evans
Ohio Licensed Beverage Association
37 West Broad Street, Suite 480
Columbus, Ohio 43215

Re: Proposed Constitutional Amendment – Art. XV, §12 (Smoking Limitations)

Dear Mr. Evans:

In accordance with the provisions of Section 3519.01(A) of the Ohio Revised Code, a written petition bearing a copy of a proposed constitutional amendment was submitted for my examination, together with a summary of that proposed amendment, on April 7, 2006.

Having considered only the language of the constitutional amendment which you propose to submit to the Secretary of State for submission to the voters, and a summary of that proposed constitutional amendment appearing on the petition you have submitted, I am of the opinion that the summary is a fair and truthful statement of the measure to be proposed. I am therefore submitting to you the following certification, which will also be transmitted to the Secretary of State:

Without passing upon the advisability of the approval or rejection of the measure to be referred, but pursuant to the duties imposed upon the Attorney General's Office under Section 3519.01(A) of the Ohio Revised Code, I hereby certify that the summary is a fair and truthful statement of the proposed constitutional amendment to Article XV.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Petro", written over a horizontal line.

JIM PETRO
ATTORNEY GENERAL

JMP:ajm
Enclosure
cc: Chief Counsel, Secretary of State