

The Constitution of the State of Ohio
Article I, Bill of Rights, Section 1
*All people have the same basic and independent
and have certain inalienable rights, among which are
those of enjoying and securing life, and liberty,
acquiring, possessing and protecting property, and
seeking and obtaining happiness and safety.*



Ohio Medical Cannabis Act 2012
614-406-0529
contact@omca2012.org
www.omca2012.org

January 12, 2012

Hon. Mike DeWine
Ohio Attorney General
30 East Broad Street, 14th Floor
Columbus, OH 43215

ATTORNEY GENERALS OFFICE

JAN 12 2012

RECEIVED
CONSTITUTIONAL OFFICES

Dear Attorney General DeWine,

Pursuant to Ohio Revised Code 3519.01, please find enclosed: 1.) 211 part petitions containing the signatures of well over 1,000 purported qualified Ohio electors, 2.) the full text of a Constitutional amendment entitled the Ohio Medical Cannabis Amendment, 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 Committee to Represent the Petitioners:

Dr. Robert Fittrakis, Esq.
1021 East Broad Street
Columbus, OH 43205

Theresa Gray
11540 Lancaster Dr.
Auburn Township, OH 44023

Connie Everett
5717 Bromley Avenue
Worthington, OH 43085

Mary Jane Borden
175 Fairview Avenue
Westerville, OH 43081

Don E Wirtshafter, Esq.
6998 SR 329
Guysville, OH 45735

contact@omca2012.org

Sincerely,

Theresa Gray and Mary Jane Borden

Enclosures: OMCA2012 Petitions

Number _____ County _____
Issued to _____ Date of Issuance _____
(NAME OF SOLICITOR)

INITIATIVE PETITION

Amendment to the Constitution

Proposed by Initiative Petition

To be submitted directly to the electors

Amendment

Title: The Ohio Medical Cannabis Amendment

SUMMARY

To amend Article XV of the Ohio Constitution by adding a Section 12 to provide for the use and regulation of medical Cannabis in the State of Ohio.

- In accordance with Article 1: Bill of Rights, Section 1 of the Constitution of the State of Ohio, allows eligible residents, who have attained the age of majority and been diagnosed with a debilitating medical condition, to use, possess, produce and acquire medical Cannabis, also known as medical marihuana or medical marijuana, in amounts sufficient to meet their medical needs and alleviate their suffering.
- Protects eligible residents from discrimination, interference by the State, invasion of privacy, breach of confidentiality, arrest and prosecution regarding their medical use of Cannabis.
- Allows eligible residents to possess drug paraphernalia and to access goods and services to enable their use of medical Cannabis.
- Allows eligible individuals or organizations to grow, process, distribute, transport, purchase or sell medical Cannabis in its various forms to eligible residents according to rules and regulations as established by a Commission of Cannabis Control. Permits the commercial production and distribution of medical Cannabis under the regulatory control of the Commission. The sale of Cannabis shall be considered the sale of tangible personal property for purposes of collection of State and local sales taxes.
- Mandates that the State of Ohio support, uphold and defend the rights enumerated in Section 1 of the Amendment.
- Lists debilitating medical conditions, including but not limited to glaucoma, HIV/AIDS, cancer, and Crohn's disease. Includes chronic conditions that produce symptoms such as severe or chronic pain or nausea. Allows a Commission of Cannabis Control or the General Assembly of the State of Ohio to further designate qualifying debilitating medical conditions.
- Permits research and educational institutions to study the medicinal properties of medical Cannabis, but does not require the use of Cannabis as a medical treatment.
- Does not authorize individuals to operate a motorized conveyance while under the influence of Cannabis; does not prohibit civil or criminal penalties for undertaking a task under the influence of Cannabis that would constitute negligence or professional malpractice.
- Defines being "under the influence" of medical Cannabis as "based upon scientific evidence of impairment." Being under the influence would not be determined solely by the presence of active or inactive metabolites of Cannabis in an eligible resident's urine, blood, tissue hair or skin, or as detectible by other measures of body chemistry.
- Creates an Ohio Commission of Cannabis Control which supports and upholds the rights of eligible residents; licenses, regulates and controls medical Cannabis in Ohio; and ensures statewide compliance with this Amendment.
- Establishes a Board of the Ohio Commission of Cannabis Control consisting of three registered Ohio voters, who shall also be eligible residents after the Commission establishes regulations; two licensed practitioners; one farmer, who shall be a license or permit holder after the Commission implements a licensing and permitting system; one representative of the Ohio Civil Rights Commission; and two licensed attorneys. These nine members shall be Ohio residents, with no more than four of the same political party, and shall serve staggering initial terms of three members for a one year term, three

members for two year terms and three members for three year terms. The initial appointments to the Commission board shall be made by this Amendment's Committee to Represent the Petitioners. Succeeding terms of the Commission shall be three years in length and members shall be selected by the Governor and approved by the Senate. Vacancies on the Commission shall not impair the remaining Commissioners from exercising all powers of the Commission.

- Gives the Commissioners the authority to enact and amend regulations, recommendations or findings in accordance with this Amendment and the Ohio Administrative Procedure Act.
 - Requires that the proposed regulations shall uphold the Rights enumerated in Section 1 of the amendment, and shall include protection from arrest and prosecution of eligible residents, providers, authorized personnel, and other entities providing legal access to medical Cannabis.
 - Requires the Commission to license or authorize other personnel to regulate medical cannabis within the state.
- Mandates that the Board of the Commission conduct its first meeting within 90 days of an affirmative vote by the electors of the state; that regulations be in place within 270 days of an affirmative vote; and that implementation of the licensing and permitting system created by this Amendment take place within 360 days of an affirmative vote.
- Funding.
 - The General Assembly shall provide adequate funds to cover the costs of implementing this Amendment, based on recommendations set forth by the Commissioners. The operating expenses of the Commission shall be funded by its reasonable fees and fines.
 - Establishes that fines, regulatory fees, licenses and permits shall be determined by the Commission, that they be based on the anticipated costs and expenses necessary to operate the Commission, and not be cost prohibitive for eligible residents or providers.

end of summary

CERTIFICATION OF THE ATTORNEY GENERAL

This certification of the Attorney General, pursuant to Ohio Revised Code 3519.01(A), will be inserted when it is provided. It must be submitted with at least one thousand (1,000) 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.

Dr. Robert Fittrakis, Esq.
1021 East Broad Street
Columbus, OH 43205

Theresa Gray
11540 Lancaster Dr.
Auburn Township, OH 44023

Connie Everett
5717 Bromley Avenue
Worthington, OH 43085

Mary Jane Borden
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Don E Wirtshafter, Esq.
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	Print Last Name	

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City	County	Ward/Precinct	Zip Code	Date of Signing
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58. Signature	Print First Name	Initial
	Print Last Name	

Address on file with the Board of Election (i.e. W – West) and Street (i.e. Ave – Avenue)

City	County	Ward/Precinct	Zip Code	Date of Signing
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59. Signature	Print First Name	Initial
	Print Last Name	

Address on file with the Board of Election (i.e. W – West) and Street (i.e. Ave – Avenue)

City	County	Ward/Precinct	Zip Code	Date of Signing
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60. Signature	Print First Name	Initial
	Print Last Name	

Address on file with the Board of Election (i.e. W – West) and Street (i.e. Ave – Avenue)

City	County	Ward/Precinct	Zip Code	Date of Signing
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Full text of the Amendment

Be it resolved by the people of the State of Ohio: That the Constitution of the State of Ohio be amended by adopting a section to be designated as Section 12 of Article XV thereof, to read as follows:

Article XV: Section 12. Medical Cannabis.

Section 1. Rights.

In accordance with Article 1: Bill of Rights, Section 1 of the Constitution of the State of Ohio:

- (A) Residents of the State of Ohio, who have attained the age of majority and who are diagnosed with a debilitating medical condition, shall be eligible residents for the purpose of using medical Cannabis, also known as medical marihuana or medical marijuana, to alleviate their suffering.
- (B) Eligible residents shall have the right to use medical Cannabis to alleviate their suffering and to possess an amount of medical Cannabis sufficient to meet their medical needs.
- (C) Eligible residents shall have the right to be free of discrimination and interference from the State of Ohio with regard to their use of medical Cannabis.
- (D) Eligible residents shall have the right to privacy and confidentiality with respect to their use of medical Cannabis, including but not limited to any records kept by the State pertaining to such use.
- (E) Eligible residents shall have the right to produce their own medical Cannabis, and to acquire medical Cannabis sufficient to alleviate their suffering from state-licensed providers without fear of arrest, prosecution or undue interference by the state.
- (F) Eligible residents shall have the right to access goods and services to enable their use of medical Cannabis.
- (G) Within the State of Ohio, it shall be a legal right for individuals or organizations, deemed eligible by the Ohio Commission of Cannabis Control, to grow, process, distribute, transport, purchase or sell medical Cannabis in its various forms to eligible residents according to rules and regulations as established by the Ohio Commission of Cannabis Control.
- (H) The State of Ohio shall support, uphold and defend these rights.

Section 2. Limitations.

- (A) Nothing in this Amendment requires the use of Cannabis as a medical treatment.
- (B) Nothing in this Amendment shall prohibit the reasonable regulation and control of the commercial production and distribution of medical Cannabis by the Ohio Commission of Cannabis Control as set forth in Section 3.
- (C) Nothing in this Amendment shall prohibit the sale of medical Cannabis to eligible residents, nor prevent research or educational institutions from studying the medicinal properties of medical Cannabis; nor prohibit the reasonable application of fines or fees pursuant to the regulation and control of medical Cannabis within the State in accordance with Section 4. The sale of Cannabis is sale of tangible personal property for purposes of collection of State and local sales taxes.
- (D) Debilitating medical conditions include, but are not limited to the following: glaucoma; multiple congenital cartilaginous exostosis; multiple sclerosis; nail-patella syndrome; positive status for human immunodeficiency virus and acquired immune deficiency syndrome (HIV/AIDS); Alzheimer's disease; amyotrophic lateral sclerosis; cancer; celiac disease; Crohn's disease; hepatitis C; myelomalacia; post traumatic stress; rheumatoid arthritis; sickle cell anemia; injury or disease to the spinal cord, spinal column, or vertebra; Tourette's syndrome; a chronic or debilitating disease or medical condition or its treatment that produces cachexia or wasting syndrome, severe or chronic pain, severe or chronic nausea, seizures, including those characteristic of epilepsy, or severe or persistent muscle spasms; and any additional medical condition or its treatment that may be designated by the Commission or set forth by the General Assembly pursuant to Section 3.
- (E) Nothing in this Amendment authorizes any person to engage in, and does not prohibit the imposition of civil, criminal or other penalties for undertaking any task under the influence of Cannabis, when doing so would constitute negligence or professional malpractice; or to operate, navigate or be in actual physical control of any motorized conveyance while under the influence of Cannabis.
- (F) An eligible resident shall not be considered to be under the influence of medical Cannabis solely because of the presence of active or inactive metabolites of Cannabis in the eligible resident's urine, blood, tissue, hair or skin or as detectable by any other measure of body chemistry. The legal definition of impairment as a result of medical Cannabis use and applicable testing to determine such impairment shall be based on scientific evidence of impairment.
- (G) The possession of drug paraphernalia used by an eligible resident to consume, possess or store medical Cannabis shall not be grounds for arrest or prosecution of the eligible resident, or of agents who are serving the eligible resident.

Section 3. The Commission.

- (A) There is hereby created the Ohio Commission of Cannabis Control, which shall support and uphold the rights enumerated in Section 1; license, regulate and control medical Cannabis in Ohio; and ensure statewide compliance with this Amendment.

(B) The appointments to the Board of the Commission shall total nine members: three members to serve an initial one year term, three members to serve initial two year terms and three members to serve initial three year terms. Three members are to be registered Ohio voters, who shall also be eligible residents after regulations to be established by the Commission are in place; two members are to be licensed practitioners; one member is to be a farmer, who shall be a license or permit holder after implementation of a licensing and permitting system by the Commission; one member is to represent the Ohio Civil Rights Commission; and two members are to be licensed attorneys. Each Commissioner shall be an Ohio resident. No more than four (4) members shall be affiliated with the same political party. Initial appointments to the Commission shall be selected by the Committee to Represent the Petitioners for this Amendment. Succeeding terms of the Commission shall be three years in length and members shall be selected by the Governor and approved by the Senate. No vacancy in the Commission shall impair the right of the remaining Commissioners to exercise all powers of the Commission.

(C) The Board of the Commission shall be duly constituted and conduct its first official meeting within ninety (90) days of an affirmative vote by the electors of the state. The Commission shall have regulations in place within 270 days of an affirmative vote. Implementation of the licensing and permitting systems created by this Amendment shall take place within 360 days of an affirmative vote.

(D) The Commissioners shall have the authority to enact and amend regulations, recommendations or findings as they pertain to medical Cannabis in accordance with this Amendment, and to the procedures in the Ohio Administrative Procedure Act.

(E) The proposed regulations shall support, uphold and defend the Rights enumerated in Section 1 and shall include provisions for the protection from arrest and prosecution of eligible residents, providers and other entities who provide legal access to medical Cannabis for the benefit of eligible residents. The Commission shall license or authorize other personnel to regulate medical Cannabis within the State.

Section 4. Funding.

(A) The General Assembly shall provide adequate funds to cover the costs of implementing the provisions set forth by this Amendment, based on recommendations set forth by the Commissioners.

(B) Fines, regulatory fees, licensing fees and permit fees shall be determined by the Commission. Fines, regulatory fees, license fees and permit fees shall be based upon anticipated costs and expenses for the necessary operations of the Commission in a manner that shall not be cost prohibitive for eligible residents or providers.

(C) All operating expenses of the Commission shall be funded by the reasonable fees and fines adopted to implement the activities authorized by this Amendment.

End of full text of the Amendment

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 that 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.

(signed) _____

(address of circulator's permanent address in this state) _____

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