

Now That The Smoke Has Cleared ... The Status Of Legalized Marijuana In Ohio

Logan County Area Safety Council

Thursday, December 17, 2015



Presented by:

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NOW THAT THE SMOKE HAS CLEARED ... THE STATUS OF LEGALIZED MARIJUANA IN OHIO

I. NOV. 3, 2015 ELECTION RESULTS:

NO 64.1%
YES 35.9% (Per Ballotpedia.org)

II. WHY OHIO'S MARIJUANA INITIATIVE WENT DOWN IN FLAMES:

Bad timing and objections to “crony capitalism” helped defeat Issue 3.
(<https://Reason.com>) Jacob Sullum Nov. 9, 2015

According to the latest Gallup poll, 58 percent of Americans think marijuana should be legal. Surveys conducted in March and October found that most Ohioans agree. Two reasons why experts believe the Initiative failed:

A. Ohio voters do not like crony capitalism. Ohio State law professor Douglas Berman, says, “. . . even in a purple state like Ohio, the advocacy against reform wasn't, 'Marijuana is this evil weed.' It was, 'Don't trust those monopolists to legalize weed.'”

B. Voters who participate in off-year elections are not very keen on legalization. A Bowling Green State University poll conducted in mid-October reinforces the point that off-year elections are not favorable to marijuana legalization. People who cast ballots in years when presidency is not at issue tend to be older, more Republican and more likely to oppose legalization.

Rob Kampa, Executive Director of Marijuana Policy Project (“MPP”), states that those pushing legalization should focus their efforts on presidential election years. “The more voters that turn out, the more support we tend to see for marijuana policy reform.”

III. WILL LEGALIZATION OF MARIJUANA IN OHIO BE RETURNING TO THE BALLOT?

Short Answer: Yes, most likely, but it will look different.

Since Election Day, lawmakers have demonstrated renewed interest in discussing marijuana policy change. On November 4, Senate Minority Leader Joe Schiavoni and Senator Kenny Yuko sent a letter to the General Assembly leaders calling on them to work toward bipartisan legislation to legalize medical marijuana. Even Governor John Kasich is open to studies regarding whether medical marijuana should be approved, deferring to *doctors’ expertise*. A recent Quinnipiac poll shows 90 percent support for medical marijuana among Ohioans. (Marijuana Policy Project)

LegalizeOhio2016 is a coalition for free market cannabis legalization. The group is collecting signatures to introduce a fair, sensible and regulated cannabis policy in Ohio.
(<https://legalizeohio2016.org>)

IV. CURRENT LAW ON MARIJUANA:

Under federal law, the use, possession, sale, cultivation, and transportation of cannabis (marijuana) in the United States is illegal. However, the federal government announced that if a state wants to pass legislation to decriminalize cannabis for recreational or medical use they can do so, provided they have some type of regulation system in place. The Justice Department stated that it will not challenge a state's marijuana laws as long as they do not run counter to certain federal enforcement priorities, such as selling pot to minors.

The following states have legalized marijuana for both recreational and medical purposes: **Colorado, Washington, Alaska and Oregon.** In addition, the cities of Portland and South Portland, in the state of Maine, have legalized marijuana in their specific jurisdictions by ordinance. In the District of Columbia, marijuana is fully legalized for recreational and medical use, but you can't "buy" it because Congress has blocked the commercial sale of the substance for recreational purposes.

Some states have opted to "decriminalize" marijuana use and possession as opposed to "legalizing" it, while others permit its use for medical purposes only. All total, twenty-three (23) states and the District of Columbia permit the use of marijuana in some form:

- Alaska, Arizona, California, Colorado, Connecticut, Delaware, Georgia, Hawaii, Illinois, Maine, Massachusetts, Michigan, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, Rhode Island, Oregon, Vermont, Washington all permit medical use with a doctor's recommendation
- Eleven states have both medical marijuana and decriminalization laws.
- Nine states and Guam have only legalized medical marijuana.
- Four states and the U.S. Virgin Islands have only decriminalized possession laws.

V. OTHER STATES TRYING TO BRING LEGISLATION IN 2016:

Nevada, California, Massachusetts, Michigan, Arizona, Vermont, Maine, Florida, Missouri and Rhode Island. - All of them are trying to legalize recreational marijuana except for Florida, which is trying to legalize medical marijuana. All of the states that are trying to legalize recreational marijuana already have medical, except for Missouri.

Marijuana Tidbits

1. Since selling pot is legal in Colorado, can I freely sell a joint wherever and to whomever I want in that state?

No. In order to legally sell pot in the cities and counties that allow it, you need a license. And even then, just like with alcohol, you can only legally sell to those who are at least 21.

2. If someone wants to buy pot legally but doesn't live in Colorado, what are their options?

Out-of-state buyers can only purchase a quarter of an ounce at a time, while in-state residents can purchase an ounce. And, obviously, don't think you can legally take your pot back home as a souvenir from your Colorado vacation. That's still illegal.

3. So I can buy and recreationally smoke pot legally in Colorado. I guess that means I can light up at my favorite Denver bar or coffee shop, right?

Don't even think about it. Amendment 64, the constitutional amendment approved by voters in 2012 legalizing pot, does not permit public consumption, and Denver has an ordinance banning it. Smoking on ski slopes is banned. Smoking while driving is banned. Basically, the only place you can legally smoke pot is in a private residence with the owner's permission.

4. Wait, can't the federal government put a stop to all this?

In December of 2012, after Colorado and Washington state legalized recreational marijuana (sales will become legal in Washington later this spring), President Obama told Barbara Walters in an interview that "it does not make sense" for the federal government to prioritize going after recreational users of a drug in a state that has legalized it. In August of 2013, the Justice Department said it would not challenge state laws sanctioning the use of marijuana for medicinal or recreational purposes so long as drug sales do not run counter to certain federal enforcement priorities, such as distribution to minors.

5. And how much will legal pot cost? (2013)

It could fluctuate as the market adjusts to supply and demand — and you also have to factor in taxes. In one Denver marijuana shop on Wednesday, a one-eighth-ounce bag cost \$45 before taxes and nearly \$55 after, KUSA reported.

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Practice Areas

Litigation
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Randall has been with Martin, Browne, Hull & Harper since 2003, and has been a partner with the firm since 2008.

Randall serves as general counsel for numerous private corporations. His practice areas include general defense litigation with an expertise in labor and employment, workers' compensation, and contract disputes.

Randall has represented a broad range of businesses with regard to wrongful discharge litigation, OCRC/EEOC charges, unfair labor practice charges, union grievances and workers' compensation claims. Randall has extensive trial experience throughout Ohio in both State and Federal courts.

Born: Springfield, Ohio

Education: College of Charleston (B.S., cum laude, 1993)
University of Cincinnati College of Law (J.D., 2000)
- Editor-in-Chief, University of Cincinnati Law Review (1999-2000)

Bar Admissions: State of Ohio
U.S. District Court
- Southern District of Ohio
- Northern District of Ohio

Professional Organizations: Ohio State Bar Association (Member)
- Board of Governors, District 6 Representative (Term 2013-2016)
Clark County Bar Association (Member)
Ohio Association of Civil Trial Attorneys (Member)

Awards & Recognitions: Selected for *Ohio Super Lawyers* (2010-2013)
Selected for *Ohio Super Lawyers, Rising Stars* (2005)

Current Civic Activities: Clark County Mental Health Foundation
- Trustee (2004-Present); Chair (2014 – Present)
Selective Service Board
- Board Member (2004-Present)
The Springfield Foundation
- Trustee (2004-Present); Secretary (2012-Present);
Chair of the Personnel Committee (2006 – Present)
Community Health Foundation
- Trustee (2015 – Present)

Past Activities: Junior Achievement of Mad River Region
- Chair (2009-2010); Secretary (2003-2009)

Other Interests: STAR, Springfield Triathletes & Area Racers, Founding Member