

Pot issue up for vote - TribToday.com - News, Sports, Jobs, Community Information - Tribune Chronicle

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WARREN - Voters will choose on Tuesday if marijuana will be legal in Ohio, an issue complicated by debate over whether doing so will create a monopoly on marijuana production in the state.

If approved, Issue 3 as it will appear on the ballot will amend the state's Constitution to legalize marijuana for medical and recreational use and allow for marijuana farms and processing centers at 10 sites in the state. In addition, up to 1,159 marijuana retail stores could be opened.

In an attempt to thwart Issue 3 is Issue 2, which Ohio lawmakers created in response to concerns that Issue 3 writes a monopoly on marijuana growth into the Constitution. If passed, Issue 2 would amend the Constitution to prevent future amendments from establishing a "monopoly, oligopoly or cartel." There's also language that would nullify Issue 3 if it were decided that it creates a monopoly on marijuana farming.

Article Photos



Issue 3 - Marijuana issue

For and against

Thomas Jones, a Warren resident who supports marijuana legalization, said he feels Issue 3 tries to establish marijuana farms in the same way the casino amendment authorized casinos at four specific locations in Ohio.

"It's not a monopoly, it's a stepping stone," Jones said. "And, there's going to be a lot more than 10 people making money on this."

Fact Box

Arguments for Issue 3

Personal choice: Issue 3 legalizes marijuana for medicinal and personal use and lets Ohioans older than 21 possess, buy and grow a small amount for their own use

Compassionate care: Authorizes non-profit dispensaries for medicinal marijuana, which doctors can prescribe to treat a number of ailments

Job creation: Creates an industry that will create tens of thousands of jobs and permits, regulates and taxes marijuana sales by licensed

growers and farmers; millions in tax revenue will be given to local governments

Arguments against Issue 3

Creates a billion-dollar monopoly for a small group of wealthy investors, gives them exclusive rights to commercial marijuana profits in Ohio

Puts children at risk by legalizing marijuana-infused products like candy and cookies and the limit on personal possession will result in exposure to children and youth

Will flood Ohio with marijuana by letting adults 21 and older possess as much as 9 ounces of marijuana and four flowering plants at home; 1,159 marijuana retail stores will be allowed in the state

A Warren resident who lived in California and smoked marijuana for medical reasons also doesn't believe Issue 3 creates a monopoly.

The man wished to remain anonymous out of fear of consequences if the legalization effort fails.

"I think they could have worded (the issue) better, because since you can grow your own plants at home ... you wouldn't need to go to (stores)," he said.

Jeff Orr, a captain with the Trumbull County Sheriff's Office and commander of the Trumbull-Ashtabula Group Law Enforcement Task Force, questioned why investors in the farms haven't been more forthcoming with their identities.

"Is that to protect the legitimate businesses they're involved in?" Orr said.

A public opinion poll of 1,074 registered voters in Ohio done Sept. 1 to Oct. 1 by the University of Akron found 46 percent of voters would vote in favor of Issue 3 and 46 percent would not.

The poll also found 32 percent of voters were still undecided on Issue 2, while 40 percent reported they would vote for it and 28 percent said they would vote against it.

If Ohioans approve Issues 2 and 3, what will happen is uncertain. Ohio courts are expected to determine the outcome, a spokesman for the Ohio Attorney General's Office said.

Orr said he disagrees with the argument that legalizing marijuana will make life easier for law enforcement because pot is a money-maker

on the black market.

"We can talk to policemen in other states and they'll tell us that legalization doesn't ease the burden because the black market (marijuana) continues to come in," Orr said. "So we have to deal with the legalized stuff, plus black market."

Marijuana in 1970 was classified by the federal government as a Schedule 1 controlled substance, which requires it meet three criteria: It has to have a high potential for abuse, no accepted medical use in the United States and a lack of acceptable safety for its use under medical supervision.

Not federally scheduled is alcohol, a substance Jones said he feels is much more likely to lead to driving under the influence and death.

Still, Orr said that's not a reason to legalize marijuana; it's a reason to keep a consistent negative attitude toward substances that can be abused. Legalizing marijuana, he said, will add to the problems of drunken driving.

The man from Warren said he thinks the idea that marijuana is a gateway drug to stronger drugs is a myth.

"I've been smoking this stuff for 40 years, and I've had no desire to do anything stronger," he said. "Heroin, that's crazy. I wouldn't even think of it."

Whether Ohio legalizes marijuana, he feels moving it off of the Schedule 1 list and recognizing legitimate medical uses for it would be appropriate given that states that legalize marijuana for medical use are acting at odds with federal law.

"That would pretty much end all of this controversy," he said. "You can't have federal law and state law coexisting that way."

Orr is waiting for the U.S. Food and Drug Administration to approve marijuana or marijuana-derived medication people don't have to smoke before he recognizes it as a legitimate medical treatment.

"Let's get it in a pharmacy, not a store on the side that says 'medical marijuana,'" Orr said. "We already have drug stores."

If it is legalized, the man from Warren predicts Ohio will be safer.

"It'll save people from getting killed, literally," he said. "You have to go to these bad guys to get your medicine, and it's bad enough that they're overcharging you and the state doesn't get a dime."

But, Orr said adding stores wouldn't matter because the black market marijuana will still be cheaper.

"People who go to stores are going to be new users, not those that already have a place to buy it," Orr said.

Taxes

Issue 3 sets up a plan for distributing the tax revenue from marijuana sales in Ohio.

Marijuana farms and product manufacturing facilities would have their revenue taxed at 15 percent, while retail stores would be taxed at 5 percent. Up to 1,159 retail stores could be created in Ohio.

That revenue would be distributed back to Ohio in three main ways: 55 percent would go to Ohio municipalities and townships based on population, 30 percent would go to Ohio counties based on population and 15 percent would be split among an Ohio Marijuana Control Commission, a marijuana innovation and business incubator in Cuyahoga County, and mental health and addiction prevention and treatment programs and services.

Also, if the commission chooses, it also can create programs to subsidize medical marijuana for patients who can't afford the full cost and to help fund the non-profit medical marijuana dispensaries, which would be allowed if it passes.

Faith Oltman, a spokeswoman for ResponsibleOhio, a group supporting the amendment, said once the market stabilizes in 2020, Trumbull County and townships and municipalities here are expected to share about \$8.1 million new tax revenue per year. Mahoning County and its townships and municipalities are expected to share \$9.1 million in new tax revenue per year.

Orr thinks that's an overestimation.

"That's evident by what's happened in other states where it was overestimated," Orr said. "But, we don't have the dollars to fight their ads."

If Issue 3 passes, residents of Mahoning County would see one of six marijuana testing facilities built near a college or university in the county, though those facilities don't have to be part of a college or university, Oltman said.

The location in Mahoning County has not been decided, Oltman said. The closest of the 10 proposed marijuana farms to the Mahoning Valley would be in Stark and Summit counties.

Crime and punishment

In Ohio, possessing less than 100 grams of marijuana is not a jailable offense, though it's still a minor misdemeanor that can result in a \$150 fine and driver's license suspension.

Orr feels decriminalization is a good middle ground between legalization and criminalization since the punishment is mild, but kids are still advised to stay away from it.

"You couldn't make the penalties for marijuana any less than they are unless you make it legal," Orr said.

Because it's decriminalized already, Jones doesn't see the harm in voters seeing what Ohio is like if they legalize it.

"And if it is bad, put it back on the ballot and we'll outlaw it," Jones said.