



# **Ohio Patient Network**

[www.OhioPatientsNetwork.org](http://www.OhioPatientsNetwork.org)



4/5/2016

Dear Government Oversight Committee,

Chairman Coley, Vice Chairman Seitz, Ranking Member Yuko, Senators Balderson, Brown, Burke, Jordan, LaRose, Obhof, Patton, Peterson, and Skindell. Two years ago I came to Columbus speaking on behalf of Ohio NORML, the state chapter of National Organization for the Reform of Marijuana Laws, in support of Senate Concurrent Resolution 27 proposed by Senators Eklund, Skindell and Seitz. Today I am no longer associated with Ohio NORML and serve as the President of the oldest medical marijuana organization here in Ohio, Ohio Patient Network.

Current Ohio drug laws, even those concerning minor marijuana or paraphernalia offenses, mandate that “the court shall suspend for not less than six months or more than five years the offender's driver's or commercial driver's license”. These laws have their origin in a Federal 1991 legislation called the Solomon-Lautenberg amendment (See Editorial in Attachment 1). It required States to impose a mandatory six-month driver's license suspension for drug offenses, or face loss of federal highway funds. States were allowed to pass legislation opting out of this law with no loss of highway funds.

I undertook a survey of other States' laws concerning marijuana and driver's license suspension and found that the majority of states do not even have these laws. They opted out, please see my map (Attachment 2) included in my testimony packet. A further examination of the states that still have these types of laws on the books reveals that Ohio has one of the toughest laws; driver's license suspension can be up to five years in Ohio. Laws like these are a detriment to Ohio's economy.

People without a driver's license are likely to either lose a job or not able to obtain one. Criminal justice experts agree that employment is critical to a person's success, but it is also important to our own state's economic success.

I am a cancer survivor, who used marijuana during my many months of chemo therapy. Luckily, I personally have not been affected by this law, but many Ohioans have been.



# **Ohio Patient Network**

[www.OhioPatientsNetwork.org](http://www.OhioPatientsNetwork.org)



I have two letters (Attachment 3) from Michael Revercomb and Heather Fitzgerald who live here in Columbus but were unable to attend today's hearing. Both Heather's and Michael's lives have been deeply affected by the loss of their driver's licenses due to a minor misdemeanor marijuana offense. Attached are short statements of Michael's & Heather's personal experiences. Note these letters are from when SCR 27 was being discussed.

My concerns on the proposed language are basically focused on the change from **SHALL SUSPEND** to **MAY SUSPEND**. I will be frank. If an offense has nothing to do with driving our laws should not take a driver's license away. On a separate page (Attachment 4), I suggest a change to the bill's language. I urge you to support my proposed change and this important legislation not because you support or oppose marijuana reform, but because you care about Ohio's economy.

Senator Seitz, thank you for proposing this important compliment to SB 337 the Collateral Sanctions Bill.

Sincerely,

Robert Ryan  
President  
Ohio Patient Network  
513-552-4495  
[rryan@ohiopatientsnetwork.org](mailto:rryan@ohiopatientsnetwork.org)

Home Address  
9514 Conklin Ave  
Blue Ash, Ohio, 45242  
513-207-3964  
[rob@robryan.org](mailto:rob@robryan.org)

## Opinion: Don't suspend licenses for pot



December 7, 2014

When it comes to Ohio's marijuana policy, almost everyone – left, right, or center – agrees on one drug-war law reform that is long overdue in Ohio: driver's license suspension. Decades ago, Ohio accepted a 1992 federal mandate requiring a mandatory six-month license suspension for anyone convicted of a misdemeanor marijuana possession. This provision was authored by New Jersey's liberal Senator Frank Lautenberg, trying to prove that he was just as tough on the War on Drugs as conservatives.

Lautenberg's highway transportation funding cuts were to be tied to state compliance with the federal mandate. There was considerable disagreement concerning this law by numerous states' representatives, particularly from Western states. As a compromise, an "opt out" clause was added, which permitted the states to maintain their federal highway funds. The clause required state legislators to pass a resolution of their opposition to the federal mandate and the governor to send the resolution to the Secretary of Transportation.

Most states did exactly that. Today the majority of states do not suspend driver's licenses for drug offenses like pot possession. But Ohio still follows that '90s federal mandate and has one of the toughest laws in the country. Someone convicted of a minor misdemeanor simple pot possession in Ohio results in a minimum six months' suspension, but can potentially result in having their license suspended for up to five years.

Ohio political leaders have stepped up to correct this overdue and sensible marijuana law reform. Ohio House and Senate legislators have passed resolutions HCR55 and SCR27 to opt out of the federal mandate. State Senator Bill Seitz (R-Green Township) has done an outstanding job bringing this resolution to the Ohio Senate.

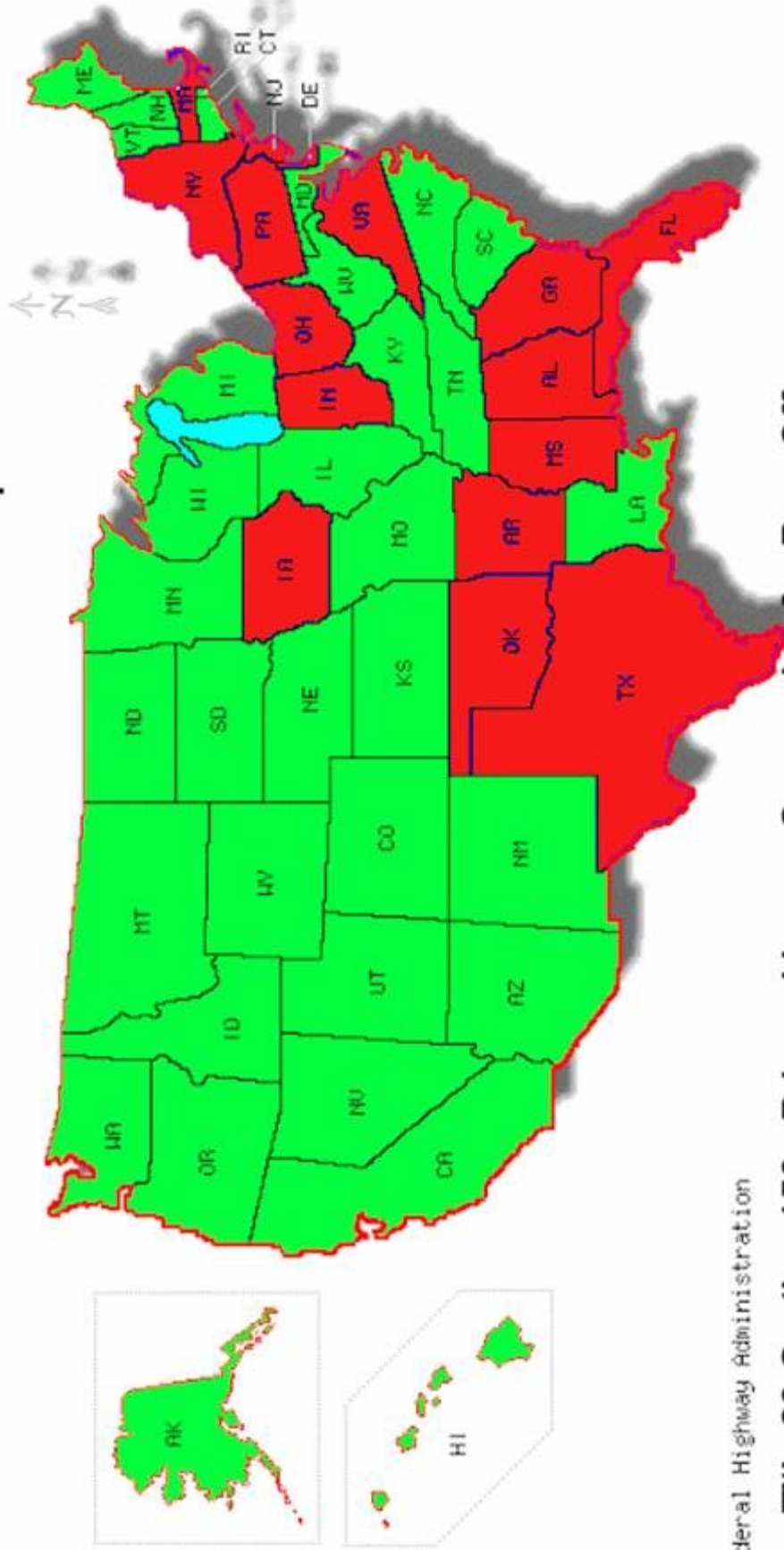
Ohio NORML is not alone in supporting ending Ohio's adherence to the federal mandate. The Judicial Conference of Ohio Judges does not support drivers' license suspensions for drug offenses. The American Association of Motor Vehicle Administrators – the national trade group for Department of Motor Vehicles, of which Ohio is a member – supports ending mandatory drivers' license suspensions for pot possession. In an 80-page report, the AAMVA summarizes how the research shows conclusively that suspensions not related to driving waste government resources, harm traffic safety and undermine goals such as getting child support paid.

A driver's license is critical to getting or keeping a job. National studies have shown that 42 percent of people lose their jobs when their license is suspended. Sometimes a judge will make an exception and permit the offender to drive to work and back home. But that does not cover going to the hardware store or the mall. According to Ohio Bureau of Motor Vehicles records, there are over 145,000 Ohioans with license suspensions due to drug offenses. Overall the federal mandated sanctions have an unintended and negative impact on Ohio's economy and jobs.

A secondary problem comes up when some of these people drive anyway. They either have a good reason or worse do it out of disrespect for a law that had no connection to their driving. This creates an even larger problem of people driving with a suspended license. Our courts have become clogged with driving under suspension cases. They also make an even deeper legal hole for someone to climb out of.

The next step is for Governor Kasich to send the matter to the Secretary of the Department of Transportation in Washington. Then our state legislature is free to revise state law, removing the suspension language without losing any Federal Highway funds. Finally some common sense is being shown in this endless War on Drugs, which really should be called Prohibition 2.0.

# Driver's License Suspension Federal Drug Possession Mandate Map



**NOTES:**  
Source: Federal Highway Administration

## **Enforces Title 23 Section 159 : Drivers License Suspension for Drug Offenses**



Rejected the Federal Mandate



Follows the Federal Mandate

## Personal Statements by Heather Fitzgerald in support of SCR 27

Heather Fitzgerald  
1293 Neil Ave B2  
Columbus, OH  
43201

February 3, 2014

In October of 2012 I was charged with paraphernalia in Erie County, Ohio, after a small glass pipe was found under a seat in my vehicle. I retained an attorney, as a charge of this kind would negatively impact my academic scholarships. At this time I was unaware that the charge also carried an automatic six month license suspension.

Once in front of the judge, I respectfully explained my position as a student and single mother, explaining to him that without my scholarships I would have to end my college career for several years. It was with gratitude that I accepted a lesser charge of Disorderly Conduct. The judge then explained that he was required by law to impose a six month license suspension, that his hands were tied.

While I am incredibly grateful to the Erie County Court for helping me to keep my scholarships, I had to drop all classes because of the automatic license suspension. I have an 8 year old son, and there are no school busses in our area. Because of the suspension, I had to get another job to pay for transportation costs. This six month period fell in the winter months, and when it was too cold to walk I had to pay costly cab fees. My son and I did not live on the bus line, so transportation of any kind was very difficult. A neighbor of ours had yellow D.U.I. plates from THREE previous D.U.I. offenses, and he was legally able to drive. Thankfully he was kind enough to help us when he could.

I understand that I committed an illegal offense, and I accept that a legal punishment was warranted and necessary. However; I implore you to make the punishment fit the crime. Losing my license had nothing to do with my offense, and it impacted my life and the life of my family in such a way that we were unable to get on our feet for almost six months after license renewal. The financial and educational implications of the punishment I received were incredibly detrimental to us.

I write this statement in hopes that this law can be changed, and that other families and individuals will not feel the life altering effects like we did. By taking licenses away from otherwise law abiding citizens, you are doing a disservice to everyone affected by them, not just the individuals themselves.

Thank you for your time,

Heather FitzGerald

## Personal Statements by Michael Revercomb in support of SCR 27

Michael Revercomb  
121 Noteman Rd.  
Plain City, OH  
43064  
February 16, 2014

In 2001, Michael Revercomb was convicted to marihuana and paraphernalia possession. It was found during a routine traffic stop where Michael was stopped for the heinous crime of rolling 3 feet past a stop sign line before stopping at it. After a short search, officers in Marysville Ohio located and seized approximately 20 dollars worth of marihuana and a small metal marihuana pipe. He was convicted of this crime and sentenced to a year of probation, over 300 dollars in fines and a 6 month loss of his driver's license.

Michael was only 6 weeks prior a member of the United States Army reserve after receiving an honorable discharge. Because a little known law called the "Higher Education Act" Michael lost his G.I. Bill and all access to federal financial aid for a higher education, ruining Michael chance of becoming a high school social studies teacher. He lost access to his V.A. loan, which is intended to help American soldiers purchase their first home.

Finally and the reason we are here today is that Michael lost his driver's license. Not because he was driving under the influence of marihuana which is absolutely illegal under Ohio law, but simply because he was in possession of it. As a result, Michael lost a lucrative job working for Nestle R&D in Marysville, Ohio. He was a young man, just out of the military, working and looking to pursue a higher education. A simple marihuana possession and paraphernalia charge derailed all of it.

That is the consequences of our current marihuana laws, especially the provision that requires a judge to remove the driver's license of any person convicted of marihuana/marihuana possession or paraphernalia possession regardless of the situation.

This is an example of why these laws should be changed. People's lives are derailed and their potential diminished.

SCR 27 will prevent future occurrences of the unintended consequences as experienced by Michael Revercomb.

## As proposed change to Ohio Revised Code in SB204

(G)(1) In addition to any other sanction imposed upon an offender for a violation of this section, the court ~~shall~~ may suspend for not ~~less than six months or~~ more than five years the offender's driver's or commercial driver's license or permit. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with section 2925.38 of the Revised Code.

(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to the effective date of this amendment may file a motion with the sentencing court requesting the termination of the suspension unless either the offender used a motor vehicle in the commission of the underlying offense or the offender also pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the offense under this section. The sentencing court, in its discretion, may terminate the suspension.

## Suggested Ohio Revised Code

(G)(1) In addition to any other sanction imposed upon an offender for a violation of this section, the court ~~shall~~ may suspend, if the offender used a motor vehicle in the commission of the underlying offense or the offender also pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the offense under this section, for not ~~less than six months or~~ more than five years the offender's driver's or commercial driver's license or permit. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with section 2925.38 of the Revised Code.