

## DRUG ENFORCEMENT AND POLICY CENTER

# Comparison of Issue 2 Recreational Marijuana Initiative and Proposed Revisions by the Ohio General Assembly

In November 2023, Ohio voters approved a ballot initiative that legalized adult-use marijuana, becoming the 24<sup>th</sup> state in the nation to allow for recreational use of cannabis. The *Act to Control and Regulate Adult Use Cannabis* (Issue 2) went into effect on December 7, 2023. Ohio policymakers have continually proposed revisions to some of the initiative's provisions.

**Table 1. Active proposed legislations from the 136<sup>th</sup> General Assembly**

The table below compares active proposed legislations to each other, as well as to the currently enacted Ohio Revised Code Chapter 3780 created by Issue 2.

Provision	An Act to Control and Regulate Adult Use Cannabis (Issue 2) <i>in effect since 12/7/2023</i>	SB 56 – Revise medical and adult-use marijuana laws; levy marijuana taxes (as passed by the Senate)	H.B. 160
Proposal Type	Initiated Statute	State Legislature	State Legislature
Sponsors	The Coalition to Regulate Marijuana Like Alcohol	Senator Stephen Huffman	Representative Brian Stewart
Regulatory Agencies	Division of Cannabis Control (within Department of Commerce) Sec. 3780.03	Division of Cannabis Control (within the Department of Commerce) Sec. 121.08. (K)	Division of Marijuana Control (within the Department of Commerce) Sec. 3796.02

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<b>Taxes</b>	10% Adult use Tax  Subject to state (5.75%) and local (0 - 2.25%) sales tax.  <i>Sec. 3780.22 (B) &amp; (C)</i>	10% adult-use excise tax  Subject to state (5.75%) and local (0 - 2.25%) sales tax.  <i>Sec. 3780.22 (B) &amp; (C)</i>	10% adult-use excise tax <i>Sec. 5739.27 (B)</i>  Subject to state (5.75%) and local (0 - 2.25%) sales tax.  10% excise tax is also levied on a vendor that sells any marijuana other than adult-use marijuana or medical marijuana to a consumer. <i>Sec. 5739.27 (D)</i>
<b>Revenue Allocated</b>	<ul style="list-style-type: none"> <li>• 36% – The Cannabis Social Equity and Jobs Fund</li> <li>• 36% – The Host Community Cannabis Fund</li> <li>• 25% – The Substance Abuse and Addiction Fund to support addiction services or other services that relate to addiction and substance abuse, and research that relates to addiction and substance abuse.</li> <li>• 3% – The Division of Cannabis Control and Tax Commissioner Fund</li> </ul> <i>Sec. 3780.23</i>	<p>Revenue funds from Issue 2 are maintained.</p> <ul style="list-style-type: none"> <li>• 36% – The Cannabis Social Equity and Jobs Fund (however, the section that defined the cannabis social and equity program is eliminated)</li> <li>• 36% – The Host Community Cannabis Fund</li> <li>• 25% – The Substance Abuse and Addiction Fund</li> <li>• 3% – The Division of Cannabis Control and Tax Commissioner Fund</li> </ul> <i>Sec. 3780.23</i>	<p>All taxes collected via the 10% excise tax should be deposited into the marijuana receipts fund. Once any tax refund amounts are transferred, all money from the fund will be deposited into the general fund, except as follows:</p> <p>For fiscal years 26, 27, 28, 29 and 30, 20% of the tax revenue should be transferred to the host community fund. Distributions to individual communities from the host community fund shall be based on the portion of the collected excise tax attributable to the given community.</p> <i>Sec. 5739.27(F) and (G)</i>
<b>License Cap</b>	<p>Technically no – Division of Cannabis Control shall review the number of adult use cannabis operator licenses on a biannual basis and may authorize additional licenses after considering market growth, consumer demand, the available supply of adult use cannabis and the geographic distribution of adult use dispensary sites.</p> <p>Sets caps on how many licenses a person or entity can own (<i>Sec. 3780.10</i>):</p> <ul style="list-style-type: none"> <li>• 8 – dispensary licenses</li> <li>• 1 – cultivator license</li> <li>• 1 – processor license</li> </ul>	<p>SB 56 establishes a cap of 350 dispensaries at any one time for the state. <i>Sec. 3796.05. (B) (1)</i></p> <p>No person shall own or operate more than 8 licensed dispensaries. <i>Sec. 3796.20 (E)</i></p> <p>Division of Cannabis Control shall determine the number of licensed cultivators that will be allowed to operate at any one time. In making this decision, the Division shall consider all of the following: State population, the number of patients seeking to use medical marijuana, and the number of adult-use consumers seeking to use adult-use marijuana. <i>Sec. 3796.05. (A)</i></p>	<p>Yes – HB 160 establishes a cap of 350 dispensaries at any one time for the state. <i>Sec. 3796.05. (B) (1)</i></p> <p>Charges Division of Marijuana Control with establishing the number of cultivators that will be permitted at any one time. <i>Sec. 3796.03 (A) (3)</i></p> <p>In making this decision, the Division shall consider all of the following: State population, the number of patients seeking to use medical marijuana, the number of adult-use consumers seeking to use adult-use marijuana. <i>Sec. 3796.05. (A)</i></p>

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<b>License Types</b>	<ul style="list-style-type: none"> <li>• Level I Cultivator License (up to 100K sqf) Sec. 3780.01</li> <li>• Level II Cultivator License (up to 15K sqf) Sec. 3780.01</li> <li>• 40 Level III Cultivator Licenses for social equity and jobs applicants (up to 5K sqf) Sec. 3780.07 and 3780.10</li> <li>• Processor License</li> <li>• Dispensary License (plus 50 social equity licenses Sec. 3780.10)</li> <li>• Testing Laboratory License</li> </ul> <p>Limitations imposed in respect to geographical location of cannabis operator:</p> <ul style="list-style-type: none"> <li>• 500 feet of a geographic boundary of a church, school, public library, public park, or a public playground. Sec. 3780.07</li> <li>• Prohibits location of a new dispensary within one mile of an existing dispensary.</li> </ul>	<p>SB 56 eliminates Level III Cultivator licenses, decreases allowable cultivation area for Level I and Level II cultivators, and eliminates 50 dispensary licenses set aside for social equity and jobs applicants.</p> <p>Cultivator licenses Sec. 3796.18 (D):</p> <ul style="list-style-type: none"> <li>• Level I Cultivator (25k sqf and up to 75k sqf)</li> <li>• Level II Cultivator (3k sqf and up to 15k sqf)</li> <li>• Adult-use Processor</li> <li>• Adult-use Dispensary</li> <li>• Adult-use Testing Laboratory (Sec. 3780.11 (E))</li> </ul> <p>Limitations imposed in respect to geographical location of cannabis operator:</p> <ul style="list-style-type: none"> <li>• 500 feet of a geographic boundary of a church, school, public library, public park, or a public playground. Sec. 3780.11 and Sec. 3796.30</li> <li>• Prohibits location of a new dispensary within a mile of an existing dispensary. Sec. 3796.05 (B) (4)</li> </ul>	<p>HB 160 eliminates Level III Cultivator licenses and 50 dispensary licenses set aside for social equity and jobs applicants.</p> <p>Cultivator licenses Sec. 3796.18 (D):</p> <ul style="list-style-type: none"> <li>• Level I Cultivator (up to 100k sqf)</li> <li>• Level II Cultivator (15k sqf)</li> <li>• Adult-use Processor Sec. 3796.19</li> <li>• Adult-use Dispensary Sec. 3796.20 (allows for home delivery)</li> <li>• Adult-use Testing Laboratory Sec. 3780.11(E)</li> </ul> <p>HB 160 prohibits location of a new dispensary within a half of a mile of an existing dispensary. Sec. 3796.05 (B) (4)</p> <p>A cannabis operator cannot be located within 500 feet of a geographic boundary of a church, school, public library, public park, or a public playground. Sec. 3796.30.</p>
<b>Applicant Eligibility Criteria</b>	<p>Applicant must meet all the following eligibility requirements Sec. 3780.11:</p> <ul style="list-style-type: none"> <li>• Applicant must not have a disqualifying offense. Certain offenses may still be eligible if there was a guilty plea entered or conviction found 5 years prior to the application.</li> <li>• Must not have a conflict of interest with testing laboratories as an adult use operator applicant, and vice versa.</li> <li>• Applicant must demonstrate location is not within 500 feet of a prohibited facility (certain exemptions apply).</li> <li>• Applicant must also be in compliance with tax laws of Ohio and meet all other license eligibility considerations established by the adopted rules.</li> <li>• Applicant is not employed by a regulatory body of a governmental unit of this state and in that capacity has significant influence or</li> </ul>	<p>Applicant must meet all the following eligibility requirements Sec. 3796.09:</p> <ul style="list-style-type: none"> <li>• Applicant must undergo a criminal records check and has not been convicted of or pleaded guilty to a disqualifying offense.</li> <li>• Adult-use cannabis operator applicant must not have any financial ties to a laboratory license, or an applicant seeking a license to conduct laboratory testing or share corporate officers or employees with ties to a laboratory license, or an applicant seeking a license to conduct laboratory testing and vice versa.</li> <li>• Applicant must demonstrate location is not within 500 feet of a prohibited facility (certain exemptions apply).</li> <li>• Applicant must be in compliance with tax laws of Ohio.</li> <li>• Applicant must have sufficient liquid capital and the ability to meet financial responsibility requirements.</li> </ul>	<p>Applicant must meet all the following eligibility requirements Sec. 3796.09:</p> <ul style="list-style-type: none"> <li>• Applicant must undergo a criminal records check and has not been convicted of or pleaded guilty to a disqualifying offense.</li> <li>• Adult-use cannabis operator applicant must not have any financial ties to a laboratory license, or an applicant seeking a license to conduct laboratory testing or share corporate officers or employees with ties to a laboratory license, or an applicant seeking a license to conduct laboratory testing and vice versa.</li> <li>• Applicant must demonstrate location is not within 500 feet of a prohibited facility (certain exemptions apply).</li> <li>• Applicant must be in compliance with tax laws of Ohio.</li> <li>• Applicant must have sufficient liquid capital and the ability to meet financial responsibility requirements.</li> </ul>

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	control, as determined by the division of cannabis control, over the ability of the applicant to conduct business in this state.	<ul style="list-style-type: none"> <li>Applicant must demonstrate the location they're seeking to operate has not passed a moratorium or taken any other action prohibiting marijuana operators.</li> <li>Application does not contain false, misleading, or deceptive information and does not omit material information.</li> <li>Applicant must pay any fee required by the division.</li> <li>Applicant meets all other licensure eligibility conditions established in rules adopted under oil; 3796.03 of the ORC.</li> </ul>	<ul style="list-style-type: none"> <li>Applicant must demonstrate the location they're seeking to operate has not passed a moratorium or taken any other action prohibiting marijuana operators.</li> <li>Applicant must pay any fee required by the division.</li> <li>Application does not contain false, misleading, or deceptive information and does not omit material information.</li> <li>Applicant meets all other licensure eligibility conditions established in rules adopted under Sec. 3796.03 of the ORC.</li> </ul> <p>HB 160 prohibits location of a new dispensary within a half of a mile of an existing dispensary. Sec. 3796.05 (B) (4) a.</p>
<b>Vertical Integration</b>	Permitted, but certain restrictions apply. Must not have a conflict of interest with testing laboratories as an adult use operator applicant, and vice versa.	Permitted, but certain restrictions apply. Must not have a conflict of interest with testing laboratories as an adult use operator applicant, and vice versa.	Permitted, but certain restrictions apply. Must not have a conflict of interest with testing laboratories as an adult use operator applicant, and vice versa. Sec. 3796.09.
<b>Medical Marijuana Licensees Given Priority</b>	<p>Sec. 3780.10</p> <ul style="list-style-type: none"> <li>Dispensary issued 1 dispensary license</li> <li>Level I Cultivator shall be issued three adult use dispensary licenses and one Level I Adult use cultivator license</li> <li>Level II Cultivator shall be issued one adult use dispensary and one level II adult use cultivator license</li> <li>Dispensary shall be issued one adult use dispensary license at different location if dispensary does not have common ownership or control of any Level I, II, or processor license</li> <li>Processor shall be issued one adult use processor license</li> <li>Testing lab shall be issued one adult use laboratory license</li> </ul>	<p>Sec. 3780.10 (B)</p> <ul style="list-style-type: none"> <li>Level I Cultivator shall be issued three adult use dispensary licenses</li> <li>Level II Cultivator shall be issued one adult use dispensary.</li> <li>Dispensary shall be issued one adult use dispensary license at different location if dispensary does not have common ownership or control of any Level I, II, or processor license.</li> <li>Processor shall be issued one adult use processor license</li> <li>Testing lab shall be issued one adult use laboratory license</li> </ul>	

<b>Provision</b>	<b>An Act to Control and Regulate Adult Use Cannabis (Issue 2)</b> <i>in effect since 12/7/2023</i>	<b>SB 56 – Revise medical and adult-use marijuana laws; levy marijuana taxes (as passed by the Senate)</b>	<b>H.B. 160</b>
<b>Conviction Record Relief</b>	None	SB 56 allows for expungement of marijuana and hashish-related possession records if the amount possessed does not exceed 15 g of hashish and 2.5 ounces of marijuana. Applicants must provide identifying details, evidence of eligibility, and a request for expungement. The court may or may not grant the expungement. If granted, all official records are expunged, removing the conviction from legal records and criminal background checks. A \$50 fee applies unless waived for indigency. <i>Sec. 2953.321</i>  Current expungement statute already allows for expungement of such records following the same process.	HB 160 allows for expungement of marijuana and hashish-related possession records if the amount possessed does not exceed 15 g of hashish and 2.5 ounces of marijuana. Applicants must provide identifying details, evidence of eligibility, and a request for expungement. The court may or may not grant the expungement. If granted, all official records are expunged, removing the conviction from legal records and criminal background checks. A \$50 fee applies unless waived for indigency. <i>Sec. 2953.321</i>  Current expungement statute already allows for expungement of such records following the same process.
<b>Substance Abuse and Education Program</b>	Dispensary licensees must maintain addiction services information materials available at the adult use consumer's request. <i>Sec. 3780.15</i>  Division enters into agreement with Department of Mental health and Addiction Services under which the Department shall provide a program for cannabis addiction services which includes best practices for education and treatment for individuals with addiction issues related to cannabis or other controlled substances including opioids. <i>Sec. 3780.30 (A)</i>  The department of mental health and addiction services shall operate and publicize a toll-free telephone number Ohio residents may call to obtain basic information about addiction services available to consumer, and options for an addicted consumer to obtain help. The telephone number shall be staffed 24/7. The costs shall be paid for with money in the substance abuse and addiction fund. <i>Sec. 3780.30 (B)</i>	SB 56 maintains funding for the Substance Abuse and Addiction Fund but deletes section about purposes.  <i>Sec. 3780.23 (A)(4)</i>  A licensed dispensary shall prominently display a statement that the use of marijuana is harmful and illegal for individuals under 21 years of age as well as information about the addictive qualities of marijuana and the potential negative health consequences associated with the use of marijuana. <i>Sec. 3796.20 (D) (3)</i>	A licensed dispensary shall prominently display a statement that the use of marijuana is harmful and illegal for individuals under 21 years of age as well as information about the addictive qualities of marijuana and the potential negative health consequences associated with the use of marijuana. <i>Sec. 3796.20 (D) (3)</i>

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<b>Social Equity Provisions Included</b>	<p>Yes – Establish the cannabis social equity and jobs program in the interest of remedying the harms resulting from the disproportionate enforcement of marijuana-related laws and to provide financial assistance and license application support to individuals most directly and adversely impacted by the enforcement of marijuana-related laws who are interested in starting or working in cannabis business entities. <i>Sec. 3780.18 and Sec. 3780.19</i></p> <p>Additionally, the Division of Cannabis Control shall issue up to 40 Level III adult use cultivator licenses and up to 50 additional adult use dispensary licenses with preference provided to applicants who have been certified as cannabis social equity and jobs program participants. <i>Sec. 3780.10</i></p>	<p>SB 56 keeps language from Issue 2 and maintains the Cannabis Social Equity and Jobs Fund. But section 3780.19, which provides description and purposes of the Cannabis social equity and jobs program under Issue 2 is eliminated.</p> <p>Maintains language from original medical marijuana statute that has since been ruled unconstitutional by Ohio courts in respect to 15% of cultivator, processor, or laboratory licenses be issued to entities that are owned and controlled by United States citizens who are residents of this state and are members of one of the following economically disadvantaged groups: Blacks or African Americans, American Indians, Hispanics or Latinos, and Asians.</p> <p><i>Sec. 3796.09 (F)</i></p>	<p>Maintains language from original medical marijuana statute that has since been ruled unconstitutional by Ohio courts in respect to 15% of cultivator, processor, or laboratory licenses be issued to entities that are owned and controlled by United States citizens who are residents of this state and are members of one of the following economically disadvantaged groups: Blacks or African Americans, American Indians, Hispanics or Latinos, and Asians. <i>Sec. 3796.09 (F)</i></p>
<b>Local Authority</b>	<p>Yes – localities may adopt ordinances to prohibit adult-use dispensaries but may not prohibit or limit existing operational medical marijuana cultivators, processors, or dispensaries; or an adult use cultivator or an adult use processor, or an adult use dispensary who is co-located with adult use cultivator and an adult use process, who have, or whose owner have, a medical marijuana certificate of operation at the same location as of the effective date of this act. Municipal corporation or township may vote to prohibit the operation of an adult use dispensary within 120 days of the dispensary license being issued.</p> <p>The statute prohibits localities from:</p> <ul style="list-style-type: none"> <li>• limiting research related to marijuana conducted at a state university, academic medical center, or private research and development organization</li> <li>• levying any tax, fee, or charge on adult use cannabis operators, their owners or their property which is not generally charged on</li> </ul>	<p>SB 56 gives local governments authority to adopt an ordinance or a resolution to prohibit, or limit the number of licensed cultivators, licensed processors, or retail licensed dispensaries within their jurisdiction. <i>Sec. 3796.29 (A)</i></p> <p>The bill also establishes provisions prohibiting localities from (<i>Sec. 3796.29 (B) and (C)</i>):</p> <ul style="list-style-type: none"> <li>• banning or restricting marijuana operators that are licensed prior to the bill being enacted.</li> <li>• limiting research related to marijuana conducted at a state university, academic medical center, or private research and development organization.</li> </ul> <p><i>Sec. 715.013. (A)</i> Except as otherwise expressly authorized by the Revised Code, no municipal corporation shall levy a tax that is the same as or similar to a tax levied under Chapter 3780.</p>	<p>HB 160 gives local governments authority to adopt an ordinance or a resolution to prohibit, or limit the number of licensed cultivators, licensed processors, or retail licensed dispensaries within their jurisdiction. <i>Sec. 3796.29 (A)</i></p> <p>The bill also establishes provisions prohibiting localities from <i>Sec. 3796.29 (B)</i>:</p> <ul style="list-style-type: none"> <li>• banning or restricting marijuana operators that are licensed prior to the bill being enacted.</li> <li>• prohibiting or limiting any activity authorized under this chapter except limiting marijuana businesses from operating within their jurisdiction.</li> <li>• limiting research related to marijuana conducted at a state university, academic medical center, or private research and development organization.</li> </ul> <p>HB 160 does not allow any political subdivision to (<i>Sec. 3796.31</i>):</p> <ul style="list-style-type: none"> <li>• Levy any tax or fee on marijuana businesses that is based on the licensee's gross receipts</li> </ul>



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	<p>other businesses in the municipal corporation or township</p> <ul style="list-style-type: none"> <li>prohibiting or limiting home grow or any other activity authorized under this chapter</li> </ul> <p>Sec. 3780.25</p>		<p>or that is the same or similar to any tax or fee imposed by the state</p> <ul style="list-style-type: none"> <li>Levy any tax, fee, or charge on license holders or license holders' property that is not generally charged on other businesses.</li> </ul>
<b>Home Cultivation</b>	<p>Yes – 6 plants per individual, 12 plants total per residence where two or more adult use consumers reside at one time only within a secured covered structure located on the premises of residence that prevents access by individuals under 21 years of age, and which is not visible by normal unaided vision from a public space. Sec. 3780.29 (A)</p> <p>A person may transfer up to six plants to another adult use consumer without remuneration. Sec. 3780.29 (A)</p> <p>A landlord may prohibit conduct otherwise authorized so long as such prohibition is included in the applicable lease agreement. Sec. 3780.29 (D)</p>	<p>SB 56 allows for 6 plants to be grown only within a secured covered structure located on the premises of residence that prevents access by individuals under 21 years of age, and which is not visible by normal unaided vision from a public space as long as a residence is not a type A or B childcare or a halfway house, community transitional housing of community residential center. Sec. 3796.04. (A) (1)</p> <p>Cultivation of homegrown marijuana cannot take place at a rental residence that prohibits such activities. Sec. 3796.04. (A) (1)</p> <p>No person shall give, sell, or transfer homegrown marijuana with or without remuneration. 3796.04. (B)</p> <p>A person is not allowed to cultivate marijuana on behalf of another person. 3796.04. (C) (5)</p>	<p>HB 160 allows for 6 plants to be grown by an individual or 12 plants at a single residence within a secured covered structure located on the premises of residence that prevents access by individuals under 21 years of age, and which is not visible by normal unaided vision from a public space as long as a residence is not a type A or B childcare or a halfway house, community transitional housing of community residential center. Sec. 3796.04. (A) (1)</p> <p>Cultivation of homegrown marijuana cannot take place at a rental residence that prohibits such activities Sec. 3796.04. (A) (1)</p> <p>No person shall give, sell, or transfer homegrown marijuana with or without remuneration. 3796.04. (B)</p> <p>A person is not allowed to cultivate marijuana on behalf of another person. 3796.04. (C) (5)</p> <p>A person shall not be subject to arrest or criminal prosecution unless the number of homegrown plants is more than 12. Sec. 3796.04. (E)</p>
<b>Marketing and Packaging Restrictions</b>	<p>The division of cannabis control may adopt rules regulating advertisements of license holders to prevent advertisements that are false, misleading, targeted to minors, promote excessive use, or that promote illegal activity.</p> <p>Rules adopted by the division of cannabis control shall not require preapproval and shall not overly burden the legitimate commercial speech of adult use cannabis operators in communicating with adult use consumers. Notwithstanding, the division of cannabis control may adopt narrowly tailored time and</p>	<p>Adult-use marijuana shall not be dispensed or sold in a form or shape that bears the likeness or contains the characteristics of a realistic or fictional human, animal, or fruit, including artistic, caricature, or cartoon renderings. Sec. 3796.06 (D) (2)</p> <p>All processed marijuana has to be packaged in accordance with child-resistant effectiveness standards described in 16 C.F.R. 1700.15(b) on September 8, 2016. Sec. 3796.19. (B)</p> <p>Adult-use marijuana packaging has to contain the name and address of the licensed processor and</p>	<p>Adult-use marijuana shall not be dispensed or sold in a form or shape that bears the likeness or contains the characteristics of a realistic or fictional human, animal, or fruit, including artistic, caricature, or cartoon renderings. Sec. 3796.06 (D) (2)</p> <p>All processed marijuana has to be packaged in accordance with child-resistant effectiveness standards described in 16 C.F.R. 1700.15(b) on September 8, 2016. Sec. 3796.19. (B)</p>

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	<p>place restrictions preventing advertising targeted to minors.</p> <p><i>Sec. 3780.21</i></p>	<p>retail dispensary, a statement that the use of marijuana by individuals under 21 years of age is both harmful and illegal; and the quantity, strength, kind, or form of marijuana contained in the package. <i>Sec. 3796.20 (C)</i></p> <p>The division of cannabis control may adopt rules regulating the advertisement of adult-use marijuana to prevent advertisements that are false, misleading, targeted to minors, promote excessive use, promote illegal activity, are obscene or indecent, contain depictions of marijuana use, or promote marijuana as an intoxicant. <i>Sec. 3796.32. (B)</i></p> <p>Any rules the division adopts regulating the advertisement of adult-use marijuana shall be at least as stringent as the most stringent federal or state laws or rules governing the advertisement of tobacco or alcohol. <i>Sec. 3796.32. (C)</i></p> <p>Adult-use marijuana or medical marijuana shall not be packaged, advertised, or otherwise marketed using any graphic, picture, or drawing that bears any resemblance to a cartoon character, or any fictional character or popular culture figure whose target audience is children or youth. <i>Sec. 3796.32. (E)</i></p> <p>Marketing materials must be approved by the division. Marketing materials shall be approved or denied within 10 business days after the submission. If the division does not deny the submission within 10 business days, it shall be considered approved. No person shall advertise marijuana or its products within 500 feet of a school, church, public library, public playground, public park, a game arcade not restricted to 21 and under, or a business where the placement is targeted to youth or children. No person shall advertise that adult-use marijuana has any health or therapeutic benefits. <i>Sec. 3796.32 (F)</i></p>	<p>Adult-use marijuana packaging has to contain the name and address of the licensed processor and retail dispensary, a statement that the use of marijuana by individuals under 21 years of age is both harmful and illegal; and the quantity, strength, kind, or form of marijuana contained in the package. <i>Sec. 3796.20 (C)</i></p> <p>The division of cannabis control may adopt rules regulating the advertisement of adult-use marijuana to prevent advertisements that are false, misleading, targeted to minors, promote excessive use, promote illegal activity, are obscene or indecent, contain depictions of marijuana use, or promote marijuana as an intoxicant. <i>Sec. 3796.32. (A)</i></p> <p>Any rules the division adopts regulating the advertisement of adult-use marijuana shall be at least as stringent as the most stringent federal or state laws or rules governing the advertisement of tobacco or alcohol. <i>Sec. 3796.32. (B)</i></p> <p>Adult-use marijuana or medical marijuana shall not be packaged, advertised, or otherwise marketed using any graphic, picture, or drawing that bears any resemblance to a cartoon character, or any fictional character or popular culture figure whose target audience is children or youth. <i>Sec. 3796.32. (D)</i></p>



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<b>Possession Limitations</b>	Adult-use customers can possess no more than 2.5 ounces of adult-use cannabis in any form and 15 grams of extract. <i>Sec. 3780.36</i>	<p>Adult-use customers can possess no more than 2.5 ounces of plant material (excluding any seeds, live plants, or clones being cultivated, grown, or processed) and 15 grams of extract. <i>Sec. 3796.221. (B)</i></p> <p>An adult-use consumer shall store adult-use marijuana possessed in accordance with this section in its original packaging at all times the adult-use marijuana is not actively being used. <i>Sec. 3796.221. (C)</i></p> <p>No person shall transport purchased marijuana or marijuana paraphernalia in a motor vehicle unless the product is in the original, unopened packaging or the product is stored in the trunk or if there is no trunk behind the last upright seat. <i>Sec. 3796.062. (B) and (D)</i></p> <p>Homegrown marijuana must be transported in the trunk or if there is no trunk behind the last upright seat. <i>Sec. 3796.062. (C)</i></p> <p>Medical marijuana patients and caregivers can possess no more than 90-day supply (9 ounces of plant material). <i>Sec. 3796.22. (B)</i></p>	<p>Adult-use customers can possess no more than 2.5 ounces of plant material (excluding any seeds, live plants, or clones being cultivated, grown, or processed) and 15 grams of extract. <i>Sec. 3796.221. (A)</i></p> <p>No person shall transport purchased marijuana or marijuana paraphernalia in a motor vehicle unless the product is in the original, unopened packaging or the product is stored in the trunk or if there is no trunk behind the last upright seat. <i>Sec. 3796.062. (B) and (D)</i></p> <p>Homegrown marijuana must be transported in the trunk or if there is no trunk behind the last upright seat. <i>Sec. 3796.062. (C)</i></p> <p>Medical marijuana patients and caregivers can possess no more than 90-day supply (9 ounces of plant material). <i>Sec. 3796.22. (B)</i></p>
<b>Consumption Limitations</b>	<p>Does not allow pre-rolled products. No restrictions on smoking or combustion of adult-use marijuana. <i>Sec. 3780.04</i></p> <p>THC content limits – Delegates responsibility for setting THC content limits to the Division of Cannabis Control but specifies that such limits should not be less than 35% THC content for plant material and 90% content for extracts. <i>Sec. 3780.03</i></p> <p>An individual is prohibited from operating a vehicle, motor vehicle, streetcar, trackless trolley, bike, watercraft, or aircraft while using adult use cannabis or while under the influence of adult use cannabis.</p> <p>An individual is prohibited from smoking, vaporizing, or using any other combustible</p>	<p>Smoking or combusting of medical marijuana is illegal.</p> <p>Smoking, combustion, and vaporization of adult use marijuana and homegrown marijuana, and the vaporization of medical marijuana, is only permitted in a private residence that are neither type A or B childcare or a rental property that prohibits smoking, combustion, or vaporization of marijuana. <i>Sec. 3796.06. (C)</i></p> <p>Any form or method of using marijuana that is considered attractive to children is prohibited. <i>Sec. 3796.06 (D) (1)</i></p> <p>Marijuana potency limits for both medical and adult use marijuana <i>Sec. 3796.06 (E)</i>:</p> <ul style="list-style-type: none"> <li>• 35% for plant material</li> </ul>	<p>HB 160 allows for pre-rolled products. <i>Sec. 3796.06. (B)</i></p> <p>Smoking, combustion, and vaporization of adult use marijuana and homegrown marijuana, and the vaporization of medical marijuana, is only permitted on privately owned real property that is used primarily for residential or agricultural purposes, including any dwellings, facilities, improvements, and appurtenances on such real property. <i>Sec. 3796.06. (C)</i></p> <p>Smoking, combustion or vaping is not allowed at type A or B childcare, a halfway house, community transitional housing or community residential center or a public place defined as an enclosed area to which the public is invited or in</p>

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	adult use cannabis product while in a vehicle, motor vehicle, streetcar, trackless trolley, bike, watercraft, or aircraft and is subject to section 4511.19 of the Revised Code for any violation of this division.	<ul style="list-style-type: none"> <li>70% for extracts</li> </ul> <p>SB 56 sets the limits for THC products other than products intended for vaporization or combustion to 10 mg per serving and 100 mg per package. Sec. 3796.06 (E)</p> <p>SB 56 allows the division of cannabis control to adopt rules that would allow for extracts intended for use or consumption by vaporization to exceed 70%. Sec. 3796.06 (F)</p> <p>An individual is prohibited from operating a vehicle, motor vehicle, streetcar, trackless trolley, bike, watercraft, or aircraft while under the influence of marijuana. Sec. 3796.221 (D)</p> <p>An individual is prohibited from smoking, vaporizing, or using any other combustible marijuana product while in a vehicle, motor vehicle, streetcar, trackless trolley, bike, watercraft, or aircraft. Sec. 3796.99 (A) (2)</p>	<p>which the public is permitted and that is not a private residence. Sec. 3796.06. (C) (3)</p> <p>Marijuana potency limits for both medical and adult use marijuana Sec. 3796.06 (E):</p> <ul style="list-style-type: none"> <li>35% for plant material</li> <li>70% for extracts</li> </ul> <p>Any form or method of using marijuana that is considered attractive to children is prohibited. Sec. 3796.06 (D) (1)</p> <p>An individual is prohibited from operating a vehicle, motor vehicle, streetcar, trackless trolley, bike, watercraft, or aircraft while using adult use cannabis or while under the influence of adult use cannabis. Sec. 3796.221 (D)</p> <p>An individual is prohibited from smoking, vaporizing, or using any other combustible marijuana product while in a vehicle, motor vehicle, streetcar, trackless trolley, bike, watercraft, or aircraft. Sec. 3796.99 (A) (2)</p>
<b>Public Consumption</b>	<p>Statute does not require any public place to accommodate use of adult-use marijuana.</p> <p>Statute does not prohibit any public space from accommodating use of adult-use marijuana. Sec. 3780.33 (H)</p> <p>Sec. 3780.99 specifies that an adult use consumer who uses adult use marijuana in public areas is guilty of minor misdemeanor.</p>	<p>SB 56 does not require any public place to accommodate use of medical or adult-use marijuana.</p> <p>SB 56 does not prohibit any public space from accommodating use of medical or adult-use marijuana with the exceptions of use by smoking, combustion, or vaporization. Sec. 3796.24. (G) (4) and (5)</p>	<p>HB 160 does not require any public place to accommodate use of medical or adult-use marijuana.</p> <p>HB 160 also does not prohibit any public space from accommodating use of medical or adult-use marijuana with the exceptions of use by smoking, combustion, or vaporization. Sec. 3796.24. (H) (4) and (5)</p>
<b>Employer/Employee Protections</b>	<p>No employment protections.</p> <p>Employer is not required to permit or accommodate use or possession of marijuana.</p> <p>Employer is allowed to refuse to hire, discharge, discipline and take other adverse actions due to a person's use or possession of marijuana.</p>	<p>No employment protections.</p> <p>Employer is not required to permit or accommodate use or possession of marijuana.</p> <p>Employer is allowed to refuse to hire, discharge, discipline and take other adverse actions due to a person's use or possession of marijuana.</p>	<p>No employment protections.</p> <p>Employer is not required to permit or accommodate use or possession of marijuana.</p> <p>Employer is allowed to refuse to hire, discharge, discipline and take other adverse actions due to a person's use or possession of marijuana.</p>

Provision	<b>An Act to Control and Regulate Adult Use Cannabis (Issue 2)</b> <i>in effect since 12/7/2023</i>	<b>SB 56 – Revise medical and adult-use marijuana laws; levy marijuana taxes (as passed by the Senate)</b>	<b>H.B. 160</b>
	<p>Employer can establish and enforce a drug testing policy, drug-free workplace policy, or zero-tolerance drug policy.</p> <p>A person who is discharged from employment because of that person's use of marijuana shall be considered to have been discharged for just cause if the person's use of marijuana was in violation of an employer's drug-free workplace policy, zero-tolerance policy, or other formal program or policy regulating the use of marijuana.</p> <p><i>Sec. 3780.35</i></p>	<p>Employer can establish and enforce a drug testing policy, drug-free workplace policy, or zero-tolerance drug policy.</p> <p><i>Sec. 3796.28. (A)</i></p> <p>A person who is discharged from employment because of that person's use of marijuana shall be considered to have been discharged for just cause and shall be ineligible to serve a waiting period or to be paid benefits for the duration of the individual's unemployment if the person's use of marijuana was in violation of an employer's drug-free workplace policy, zero-tolerance policy, or other formal program or policy regulating the use of marijuana. <i>Sec. 3796.28. (B)</i></p>	<p>Employer can establish and enforce a drug testing policy, drug-free workplace policy, or zero-tolerance drug policy.</p> <p><i>Sec. 3796.28. (A)</i></p> <p>A person who is discharged from employment because of that person's use of marijuana shall be considered to have been discharged for just cause and shall be ineligible to serve a waiting period or to be paid benefits for the duration of the individual's unemployment if the person's use of marijuana was in violation of an employer's drug-free workplace policy, zero-tolerance policy, or other formal program or policy regulating the use of marijuana. <i>Sec. 3796.28. (B)</i></p>
<b>Renter/Landlord Rights and Protections</b>	<p>Lawful marijuana activities should not be used as the sole or primary basis for rejecting the person as a tenant unless the rejection is required by federal law. <i>Sec. 3780.30 (F)</i></p> <p>A landlord may prohibit the consumption of cannabis by combustion so long as such prohibition is included in the applicable lease agreement. <i>Sec. 3780.30 (F)</i></p>	<p>A registered medical marijuana patient's status should not be used as the sole or primary basis for rejecting the person as a tenant unless the rejection is required by federal law.</p>	<p>Lawful marijuana activities should not be used as the sole or primary basis for rejecting the person as a tenant unless the rejection is required by federal law. <i>Sec. 3796.24 (F)</i></p> <p>HB 160 does not prohibit a landlord from prohibiting the consumption of marijuana in a residential premises or common areas by smoking, combustion, or vaporization, as long as such prohibition is included in the applicable lease agreement. <i>Sec. 3796.24 (F)</i></p>
<b>Financial Institution Protections</b>	<p>A financial institution that provides financial services to any adult use cannabis operator, or testing laboratory licensed under this chapter shall be exempt from any criminal law of the state of Ohio an element of which may be proven by substantiating that a financial institution provides financial services to an individual or entity who cultivates, possesses, delivers, processes, or dispenses cannabis or cannabis derived products if the license holder is in compliance with this chapter and the applicable tax laws of this state. <i>Sec. 3780.34 (B)</i></p>	<p>A financial institution that provides financial services to a license holder shall be exempt from any criminal law of the state of Ohio an element of which may be proven by substantiating that a financial institution provides financial services to an individual or entity who cultivates, possesses, delivers, processes, or dispenses marijuana or marijuana derived products if the license holder is in compliance with this chapter and the applicable tax laws of this state. <i>Sec. 3796.27. (B)</i></p>	<p>A financial institution that provides financial services to a license holder shall be exempt from any criminal law of the state of Ohio an element of which may be proven by substantiating that a financial institution provides financial services to an individual or entity who cultivates, possesses, delivers, processes, or dispenses marijuana or marijuana derived products if the license holder is in compliance with this chapter and the applicable tax laws of this state. <i>Sec. 3796.27. (B)</i></p>

Provision	<b>An Act to Control and Regulate Adult Use Cannabis (Issue 2)</b> <i>in effect since 12/7/2023</i>	<b>SB 56 – Revise medical and adult-use marijuana laws; levy marijuana taxes (as passed by the Senate)</b>	<b>H.B. 160</b>
<b>Other rights/ protections</b>	<p>The use or possession of adult-use marijuana shall not be used:</p> <ul style="list-style-type: none"> <li>• As the sole or primary basis for determining that a child is an abused, neglected or dependent child.</li> <li>• To determine an allocation of parental rights and responsibilities.</li> <li>• To determine a parenting time order.</li> <li>• Right to medical care and/or inclusion on a transplant waiting list.</li> <li>• Officers must have an independent, factual basis giving reasonable suspicion that the individual is operating a vehicle under the influence or a test from the person's blood, blood serum, plasma, breath, or urine.</li> <li>• Eligibility for any public benefit program administered by the state or locality.</li> </ul>	<p>Does not list any protections for adult-use consumers. Protections for medical marijuana patients as specified below:</p> <ul style="list-style-type: none"> <li>• Medical marijuana should not be used for an adjudication under section 2151.28 of the Revised Code determining that a child is abused, neglected, or dependent child.</li> <li>• An allocation of parental rights and responsibilities.</li> <li>• A parenting time order.</li> <li>• Disqualifying a patient from medical care or from including a patient on a transplant waiting list.</li> <li>• The use, possession, administration, cultivation, processing, testing and dispensing of medical marijuana shall not be used as a sole or primary reason for taking action under any criminal or civil statute in the forfeiture or seizure of any property or asset.</li> <li>• A registered patient cannot be tested without reasonable suspicion of marijuana-impaired driving by law enforcement.</li> <li>• A registered patient's status should not be used as the sole or primary basis for rejecting the person as a tenant unless the rejection is required by federal law.</li> </ul>	<p><b>Sec. 3796.24</b></p> <p>The use of medical, adult-use or homegrown marijuana shall not be used:</p> <ul style="list-style-type: none"> <li>• As the sole or primary basis for determining that a child is an abused, neglected or dependent child.</li> <li>• To determine an allocation of parental rights and responsibilities.</li> <li>• To determine a parenting time order.</li> <li>• Disqualifying a patient from medical care or from including a patient on a transplant waiting list.</li> <li>• The use, possession, administration, cultivation, processing, testing and dispensing of marijuana, adult-use or homegrown marijuana shall not be used as a sole or primary reason for under any criminal or civil statute in the forfeiture or seizure of any property or asset.</li> <li>• Engaging in authorize marijuana activity is not a sufficient basis for conducting a field sobriety test or for suspending a driver's license. To conduct any field sobriety test, a law enforcement officer must have an independent, factual basis giving reasonable suspicion that the person is operating a vehicle under the influence of marijuana or with a prohibited concentration of marijuana in the person's whole blood, blood serum, plasma, breath, or urine.</li> <li>• The use or possession of lawful marijuana shall not be used as a reason for disqualifying an individual from a public benefit program administered by any state or local authority, or for otherwise denying an individual a public benefit administered by the state or any local government.</li> </ul>

Provision	An Act to Control and Regulate Adult Use Cannabis (Issue 2) <i>in effect since 12/7/2023</i>	SB 56 – Revise medical and adult-use marijuana laws; levy marijuana taxes (as passed by the Senate)	H.B. 160
<b>Criminal Penalties</b>	<p>If an individual cultivates or grows double the maximum number of cannabis plants permitted under division (A) of this section or transfers cannabis plants in violation of division (A)(3) of this section, division (F) of section 3780.99 of the Revised Code shall apply.</p> <p>Minor misdemeanor if adult use consumer uses adult use cannabis in public areas, or who smokes, vaporizes, or uses any other combustible adult use cannabis product while in a vehicle, motor vehicle, streetcar, trackless trolley, bike, watercraft, or aircraft. <i>Sec. 3780.99 (B)</i></p> <p>Misdemeanor of 1<sup>st</sup> degree for presenting false identification documents for obtaining marijuana, fine of \$250-\$1,000 for first offense and may be sentenced to no more than 6 months of imprisonment for first offense. <i>Sec. 3780.99 (C) (1)</i></p> <p>Misdemeanor of 1<sup>st</sup> degree for second violation for presenting false identification documents for obtaining marijuana, fine of \$250-\$1,000, may be sentenced to no more than 6 months of imprisonment and court may also suspend driver's license for no more than 1 year or order community service. <i>Sec. 3780.99 (C) (2)</i></p> <p>Misdemeanor of 1<sup>st</sup> degree for 3<sup>rd</sup> and subsequent violations for presenting false identification documents for obtaining marijuana, fine of \$500-\$1,000, may be sentenced to no more than 6 months of imprisonment and court may also suspend driver's license of up to 2 years or suspension to remain in effect until offender turns 21, or order community service. <i>Sec. 3780.99 (C) (3)</i></p> <p>Misdemeanor of 4<sup>th</sup> degree for soliciting another person to purchase marijuana. <i>Sec. 3780.99 (D) (1)</i></p>	<p><i>Sec. 3796.99</i></p> <p>An individual using marijuana via smoking, combustion or vaping as an <b>operator</b> of a vehicle, boat or an airplane is subject to Ohio's OVI laws.</p> <p>An individual using marijuana via smoking, combustion or vaping as a <b>passenger</b> of a vehicle, boat or an airplane shall be sentenced as follows:</p> <p>Misdemeanor of 1<sup>st</sup> degree; mandatory jail sentence of minimum of 3 days but no more than 6 months; mandatory fine of \$375-\$1,075; a suspension of offender's license, permit or privileges of no more than 1 year.</p> <p>Misdemeanor of 1<sup>st</sup> degree if a person was convicted of the same offense within ten years; mandatory jail sentence of minimum of 10 days but no more than 6 months; mandatory fine of \$525-\$1,625; a suspension of offender's license, permit or privileges of 3 months to 2 years.</p> <p>Misdemeanor of 1<sup>st</sup> degree if a person was convicted of two violations within ten years; mandatory jail sentence of minimum of 30 days but no more than 1 year; mandatory fine of \$850-\$2,750; a suspension of offender's license, permit or privileges of 6 months to 3 years.</p> <p>Felony of 4<sup>th</sup> degree if a person was convicted of three violations within ten years; mandatory prison term of one, two, three, four, or five years.; mandatory fine of \$1,350-\$10,500; a suspension of offender's license, permit or privileges of 1 to 5 years.</p> <p>Felony of 3<sup>rd</sup> degree if a person was previously convicted of a felony violation under this statute; mandatory prison term of one, two, three, four, or five years.; mandatory fine of \$1,350-\$10,500; a suspension of offender's license, permit or privileges of 2 to 10 years.</p> <p>Minor misdemeanor for a person who consumes marijuana via smoking, vaping or combusting outside</p>	<p><i>Sec. 3796.99</i></p> <p>An individual using marijuana via smoking, combustion or vaping as an <b>operator</b> of a vehicle, boat or an airplane is subject to Ohio's OVI laws.</p> <p>An individual using marijuana via smoking, combustion or vaping as a <b>passenger</b> of a vehicle, boat or an airplane shall be sentenced as follows:</p> <p>Misdemeanor of 1<sup>st</sup> degree; mandatory jail sentence of minimum of 3 days but no more than 6 months; mandatory fine of \$375-\$1,075; a suspension of offender's license, permit or privileges of no more than 1 year.</p> <p>Misdemeanor of 1<sup>st</sup> degree if a person was convicted of the same offense within ten years; mandatory jail sentence of minimum of 10 days but no more than 6 months; mandatory fine of \$525-\$1,625; a suspension of offender's license, permit or privileges of 3 months to 2 years.</p> <p>Misdemeanor of 1<sup>st</sup> degree if a person was convicted of two violations within ten years; mandatory jail sentence of minimum of 30 days but no more than 1 year; mandatory fine of \$850-\$2,750; a suspension of offender's license, permit or privileges of 6 months to 3 years.</p> <p>Felony of 4<sup>th</sup> degree if a person was convicted of three violations within ten years; mandatory prison term of one, two, three, four, or five years.; mandatory fine of \$1,350-\$10,500; a suspension of offender's license, permit or privileges of 1 to 5 years.</p> <p>Felony of 3<sup>rd</sup> degree if a person was previously convicted of a felony violation under this statute; mandatory prison term of one, two, three, four, or five years.; mandatory fine of \$1,350-\$10,500; a suspension of offender's license, permit or privileges of 2 to 10 years.</p> <p>Minor misdemeanor for a person who consumes marijuana via smoking, vaping or combusting</p>



Provision	<b>An Act to Control and Regulate Adult Use Cannabis (Issue 2)</b> <i>in effect since 12/7/2023</i>	<b>SB 56 – Revise medical and adult-use marijuana laws; levy marijuana taxes (as passed by the Senate)</b>	<b>H.B. 160</b>
	<p>Misdemeanor of 2<sup>nd</sup> degree for repeated soliciting of another person to purchase marijuana. <i>Sec. 3780.99 (D) (2)</i></p> <p>It is unlawful for any parent or guardian to knowingly permit their residence, any other private property under their control, or any vehicle, conveyance, or watercraft under their control to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under twenty-one years of age, in a manner that constitutes a violation of chapter 3780.36. <i>Sec. 3780.36 (G)</i></p> <p>Misdemeanor of 3<sup>rd</sup> degree for first instance where parent or guardian knowingly permits their residence, any other private property under their control, or any vehicle, conveyance, or watercraft under their control to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under twenty-one years of age. Misdemeanor in 1<sup>st</sup> degree for second or subsequent violations. <i>Sec. 3780.99. (I)</i></p>	<p>of privately owned real property that is used primarily for residential or agricultural purposes.</p> <p>Misdemeanor of 1<sup>st</sup> degree for knowingly giving, selling, or distributing marijuana to persons younger than 21 years.</p> <p>Felony of 5<sup>th</sup> degree for an offender previously convicted of knowingly giving, selling, or distributing marijuana to persons younger than 21 years.</p> <p>Misdemeanor of 1<sup>st</sup> degree for presenting false identification documents for obtaining marijuana, fine of \$250-\$1,000 for first offense and \$500-\$1,000 for a subsequent offense; the court may also suspend driver's license for no more than 1 year for first repeated offense or up to 2 years for offenders with two or more previous offenses or order community service.</p> <p>Misdemeanor of 4<sup>th</sup> degree for soliciting another person to purchase marijuana.</p> <p>Misdemeanor of 2<sup>nd</sup> degree for repeated soliciting of another person to purchase marijuana.</p> <p>Minor misdemeanor for unlawfully transporting marijuana in a motor vehicle.</p>	<p>outside of privately owned real property that is used primarily for residential or agricultural purposes.</p> <p>Misdemeanor of 1<sup>st</sup> degree for knowingly giving, selling, or distributing marijuana to persons younger than 21 years.</p> <p>Felony of 5<sup>th</sup> degree for an offender previously convicted of knowingly giving, selling, or distributing marijuana to persons younger than 21 years.</p> <p>Misdemeanor of 1<sup>st</sup> degree for presenting false identification documents for obtaining marijuana, fine of \$250-\$1,000 for first offense and \$500-\$1,000 for a subsequent offense; the court may also suspend driver's license for no more than 1 year for first repeated offense or up to 2 years for offenders with two or more previous offenses or order community service.</p> <p>Misdemeanor of 4<sup>th</sup> degree for soliciting another person to purchase marijuana.</p> <p>Misdemeanor of 2<sup>nd</sup> degree for repeated soliciting of another person to purchase marijuana.</p> <p>Minor misdemeanor for unlawfully transporting marijuana in a motor vehicle.</p>



**Table 2. Inactive proposed legislations from the 135<sup>th</sup> General Assembly**

The table below compares inactive proposed legislations to each other, as well as to the currently enacted Ohio Revised Code Chapter 3780 created by Issue 2.

Provision	An Act to Control and Regulate Adult Use Cannabis (Issue 2) <i>in effect since 12/7/2023</i>	H.B. 86 – Revise the liquor control laws	H.B. 354 – Modify adult use cannabis law; levy a tax on cultivators	H.B. 341 – Revise the adult use marijuana law	H.B. No. 168 – Enact the Ohio Adult Use Act and to levy a tax
Proposal Type	Initiated Statute	State Legislature	State Legislature	State Legislature	State Legislature
Sponsors	The Coalition to Regulate Marijuana Like Alcohol	Representative Jeff LeRe	Representative Jamie Callender	Representative Gary Click	Representative Jamie Callender Representative Casey Weinstein
Regulatory Agencies	Division of Cannabis Control (within Department of Commerce)	Division of Marijuana Control (within Department of Commerce)	Division of Marijuana Control	Same as Issue 2.	Division of Marijuana Control (within the Department of Commerce)
Taxes	10% Adult use Tax Subject to state (5.75%) and local (0 - 2.25%) sales tax.	15% excise tax Subject to state and local sales and use taxes  Localities may enact an additional tax up to 3% if approved by a majority of electors in the county.	10% Adult use Tax Subject to state and local sales tax. Remains unchanged from Issue 2.  10% excise tax levied on the adult-use cannabis gross receipts for adult-use cultivators.	Same as Issue 2.	10% tax on marijuana retail sales and 5.75% for all other retail sales.  HB 168 levies a 10% excise tax for the storage, use, or other consumption of marijuana and 5.75% for the storage, use, or other consumption of any other tangible personal property and benefit realized of any service provided.
Revenue Allocated	<ul style="list-style-type: none"> <li>36% - The Cannabis Social Equity and Jobs Fund</li> <li>36% - The Host Community Cannabis Fund</li> <li>25% - The Substance Abuse and Addiction Fund</li> <li>3% - The Division of Cannabis Control and Tax Commissioner Fund</li> </ul>	<ul style="list-style-type: none"> <li>16% or 19%* - Department of Public Safety Law Enforcement Training Fund</li> <li>14% - Attorney General Law Enforcement Training Fund</li> <li>5% - Marijuana Receipts Drug Law Enforcement Fund</li> <li>2% - Marijuana Poison Control Fund</li> </ul>	<ul style="list-style-type: none"> <li>36% - The Cannabis Social Equity and Jobs Fund</li> <li>36% - The Host Community Cannabis Fund</li> <li>12.5% - 988 Fund</li> <li>10% - Substance Abuse and Addiction Fund (meant for</li> </ul>	<ul style="list-style-type: none"> <li>19.4% - Cannabis Social Equity and Jobs Fund</li> <li>19.4% - Host Community Cannabis Fund</li> <li>19.4% - Substance Abuse</li> </ul>	<ul style="list-style-type: none"> <li>25% - General Revenue Fund</li> <li>25% - Marijuana Profits Education Fund (K-12 education)</li> <li>12.5% - Municipal Corporations with Marijuana Retail Stores</li> <li>12.5% - Counties with Marijuana Retail Stores</li> </ul>

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		<ul style="list-style-type: none"> <li>• 9% or 11%* - Substance Abuse, Treatment, and Prevention Fund</li> <li>• 9% - 9-8-8 Fund</li> <li>• 28% - County Jail Construction Fund</li> <li>• 5% - Marijuana Expungement Fund</li> <li>• 3% - Division of Marijuana Control Operations Fund</li> <li>• 5% - Safe Driver Training Fund</li> <li>• 4% - Ohio Investigative Unit Operations Fund</li> </ul> <p>*- Asterisk denotes allocation percentage if the Marijuana Expungement Fund ceases to exist.</p> <p>Annual transfer limits are also established for each fund.</p>	<p>county sheriffs to provide mental health and addiction services in county jails)</p> <ul style="list-style-type: none"> <li>• 2.5% - Substance Abuse and Addiction Fund (meant to support Department of Mental Health and Addiction Services to develop the state's mental health workforce)</li> <li>• 3% - The Division of Marijuana Control and Tax Commissioner Fund</li> </ul> <p>Cultivation Tax Distributed as follows:</p> <ul style="list-style-type: none"> <li>• After all required transfer have been made, the marijuana receipts fund shall be distributed as follows:</li> <li>• 36% - Adult Use Cannabis Local Jail Fund</li> <li>• 36% - Adult Use Cannabis County Sheriff Fund</li> <li>• 23% - Adult Use Cannabis Law Enforcement Training Fund</li> <li>• 5% - Adult Use Cannabis Crime Victims Assistance Fund</li> </ul>	<p>Research and Education Fund</p> <ul style="list-style-type: none"> <li>• 19.4% - Substance Abuse Addiction and Recovery Fund</li> <li>• 19.4% - Law Enforcement Cannabis Training Fund</li> <li>• 3% - Division of Cannabis Control and Tax Commissioner Fund</li> </ul>	<ul style="list-style-type: none"> <li>• 12.5% - Illegal Drug Trafficking Enforcement Fund</li> <li>• 12.5% - Chemical Dependency Rehabilitation Fund</li> </ul>

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<b>License Cap</b>	Technically no – Division of Cannabis Control shall review the number of adult use cannabis operator licenses on a biannual basis and may authorize additional licenses after considering: market growth, consumer demand, the available supply of adult use cannabis and the geographic distribution of adult use dispensary sites.	Yes – Caps placed on cultivators and retail dispensary licenses. Cultivators have yet to be established, while retail dispensaries are limited to 350 licenses across the state at any one time.	Technically no – Division of Marijuana Control shall review the number of adult use cannabis operator licenses on a biannual basis and may authorize additional licenses after considering: market growth, consumer demand, the available supply of adult use cannabis and the geographic distribution of adult use dispensary sites.	Same as Issue 2.	Yes – prior to 1/1/2027, retail licenses will be limited to 1 license per 60,000 residents. Post 1/1/2027, authorities will begin biennial reviews of licensed dispensaries and issue more licenses based on: <ul style="list-style-type: none"> <li>• Anticipated market growth and consumer demand</li> <li>• Supply from licensed cultivators and processors</li> <li>• Geographic distribution for patient access</li> </ul>
<b>License Types</b>	<ul style="list-style-type: none"> <li>• Level I Cultivator License and Level I Adult Use Cultivator (100K sqf)</li> <li>• Level II Cultivator License and Level II Adult Use Cultivator (15K sqf)</li> <li>• Level III Cultivator License and Level III Adult Use Cultivator (5K sqf) (plus 40 social equity licenses)</li> <li>• Processor License</li> <li>• Dispensary License (plus 50 social equity licenses)</li> <li>• Testing Laboratory License</li> </ul>	<ul style="list-style-type: none"> <li>• Retail Dispensary Licenses – limits state to 350 retail dispensary licenses at any one time.</li> <li>• Cultivator Licenses – Level I and Level II. Has yet to establish a limit but provides considerations for how this will be determined.</li> <li>• Processor License</li> <li>• Laboratory License</li> </ul>	<ul style="list-style-type: none"> <li>• Adult use Dispensary</li> <li>• Adult use Level I Cultivator</li> <li>• Adult use Level II Cultivator License</li> <li>• Adult use Level III Cultivator License</li> <li>• Adult use Processor License</li> <li>• Adult use Testing Laboratory License</li> </ul>	Same as Issue 2.	<ul style="list-style-type: none"> <li>• Cultivator License – Level I &amp; II Cultivator</li> <li>• Processor License</li> <li>• Retail Dispensary License</li> <li>• Testing Laboratory License</li> </ul>
<b>Expected Date of Licenses Issuance</b>	9 months after December 7, 2023	Rules have yet to be developed but current retail dispensary licenses are allowed to begin operating upon the effective date of the bill.	Same as Issue 2.	Same as Issue 2.	Licenses will be issued within 240 days after HB 168 has been enacted. Licensees can then begin dispensing marijuana to adult-use consumers and medical marijuana patients.
<b>Application Restrictions</b>	Applicant must not have a disqualifying offense. Certain offenses may still be eligible if there was a guilty plea entered or conviction found 5 years	HB 86 repeals Issue 2's current requirements for applicants and utilizes Sections 3796.03, 3796.09, and 3796.10, from the	Same as Issue 2, with amendments clarifying criteria qualifications and dates.	Same as Issue 2.	HB 168 uses the same application requirements previously established

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	prior to the application. Must not have a conflict of interest with testing laboratories as an adult use operator applicant, and vice versa. Applicant must demonstrate location is not within 500 feet of a prohibited facility (certain exemptions apply). Applicant must also be in compliance with tax laws of Ohio and meet all other license eligibility considerations established the adopted rules. Applicant is not employed by a regulatory body of a governmental unit of this state and in that capacity has significant influence or control, as determined by the division of cannabis control, over the ability of the applicant to conduct business in this state.	current medical marijuana law with amendments to include adult-use language.			through Sections 3796.09, 3796.10 & 3796.03.
<b>Vertical Integration</b>	Permitted, but certain restrictions apply.	No mention.	Permitted, but certain restrictions apply.	Permitted, but certain restrictions apply.	Permitted, but certain restrictions apply.
<b>Medical Marijuana Licensees Given Priority</b>	<p>Yes – Dispensary issued 1 dispensary license</p> <ul style="list-style-type: none"> <li>Level I Cultivator shall be issued three adult use dispensary licenses and one Level I Adult use cultivator license</li> <li>Level II Cultivator shall be issued one adult use dispensary and one level II adult use cultivator license</li> <li>Dispensary shall be issued one adult use dispensary license at different location if dispensary does not have common ownership or control of any Level I, II, or processor license</li> <li>Processor shall be issued one adult use processor license</li> <li>Testing lab shall be issued one adult use laboratory license</li> </ul>	<p>HB 86 temporarily allows for current licensed medical retail dispensaries to dispense medical marijuana to adult-use consumers upon the effective date of this bill and ending one year thereafter.</p> <p>The bill also appears to allow all medical marijuana licensees to operate in the adult-use recreational market although the rules or application processes are not specified.</p>	Yes – uses same language established by Issue 2.	Yes – uses same language established by Issue 2.	Not specified.

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Conviction Record Relief	No	Yes – HB 86 creates the Marijuana Expungement Fund which shall be used to reimburse applicants seeking expungement and the legal aid societies involved in expungement assistance. HB 86 permits expungement of minor marijuana convictions, with reimbursement rules and a five-year fund allocation to public safety and substance abuse.	No – HB 354 does include Issue 2 language for studying various criminal justice measures, including expungement.	Same as Issue 2.	<p>Yes – Offenses qualifying for expungement:</p> <ul style="list-style-type: none"> <li>• A violation of section 2925.11 related to obtaining, possessing, or using 5 ounces or less of marijuana or 15 grams or less of hashish before the amendment.</li> <li>• A violation of section 2925.04 concerning the cultivation of 12 or fewer marijuana plants prior to the amendment.</li> <li>• A breach of section 2925.141 of the Revised Code as it existed before the effective date of this section.</li> </ul> <p>Expungement occurs following a petition application and approval from court.</p> <p>Applicants must pay a \$50 fee when filing under Sec. 2953.40, with \$30 going to the state treasury and \$20 to the relevant local fund, unless they are indigent. Half of the \$30 sent to the state treasury will be credited to the Attorney General Reimbursement fund.</p>

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<b>Substance Abuse and Education Program</b>	Division enters into agreement with Department of Mental health and Addiction Services under which the Department shall provide a program for cannabis addiction services to be implemented on behalf of the Division which includes best practices for education and treatment for individuals with addiction issues related to cannabis or other controlled substances including opioids.	9-11% of revenue is allocated to a substance abuse, treatment, and prevention fund, with a maximum annual transfer limit of \$25-30 million.	HB 354 designates 12.5% of specific funds to the 9-8-8 suicide prevention and mental health crisis hotline, overseen by the Department of Mental Health and Addiction Services. Additionally, 10% is allocated to the Substance Abuse and Addiction Fund for mental health and addiction services in county jails, and 2.5% supports the development of the state's mental health workforce.	HB 341 does change the name of fund used for substance abuse addiction and recovery services. HB 341 also adds additional language for how the funds will be spent.	The Chemical Dependency Rehabilitation Fund is created to assist individuals in Ohio suffering from chemical dependence or substance abuse. The fund will be administered by the Department of Mental Health and Addiction Services.
<b>Social Equity Provisions Included</b>	Yes – Establish the cannabis social equity and jobs program in the interest of remedying the harms resulting from the disproportionate enforcement of marijuana-related laws and to provide financial assistance and license application support to individuals most directly and adversely impacted by the enforcement of marijuana-related laws who are interested in starting or working in cannabis business entities.  Additionally, the Division of Cannabis Control shall issue up to 40 Level III adult use cultivator licenses and up to 50 additional adult use dispensary licenses with preference provided to applicants who have been certified as cannabis social equity and jobs program participants.	HB 86 mandates issuing at least 15% of cultivator, processor, or laboratory licenses to minority-owned entities in Ohio (this language originally used in the medical marijuana statute was deemed by courts to be unconstitutional). Additionally, 5% of certain funds are allocated to the marijuana expungement fund, with an annual limit of \$15 million. Repeals current equity program (ORC 3780.19)	Yes – HB 354 uses the same language as Issue 2 but changes how the program is administered. The program would be administered by counties instead of the Department of Development. Language is also added that allows counties to use funds for the program, or any purpose involving community engagement, economic development, or social programming.	No mention.	No mention.



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<b>Local Authority</b>	Yes – localities may adopt ordinances to prohibit adult-use dispensaries but may not prohibit or limit existing operational medical marijuana cultivators, processors, or dispensaries; or an adult use cultivator or an adult use processor, or an adult use dispensary who is co-located with adult use cultivator and an adult use process, who have, or whose owner have, a medical marijuana certificate of operation at the same location as of the effective date of this act. Municipal corporation or township may vote to prohibit the operation of an adult use dispensary within 120 days of the dispensary license being issued.	Yes – Municipal authorities in Ohio can restrict or ban marijuana cultivators, processors, and dispensaries, except for pre-existing licensees. Counties can levy a local tax of 0.25-3% for cultural, artistic, and entertainment funding, approved by voters for 10 years. The law enforces a 500-foot distance requirement for marijuana businesses from schools, churches, and public spaces. Local regulations can control marijuana advertising, sales, and prevent oversaturation. Zoning regulations enable local control over business locations.	Yes – uses same language as Issue 2.	HB 341 removes language which prohibited a local authority from levying a tax, in addition to adopting an ordinance or resolution that would limit marijuana-related research at nearby education and health institutions.	Yes - Municipal corporations and townships can limit or prohibit cultivators, processors, dispensaries. Cannot limit or prohibit research at state university, academic medical center, private research and development organizations; or use, possession, delivery by consumers or patients.
<b>Medical Marijuana Program Remains Active</b>	Yes	Yes	Yes	Yes	Yes
<b>Home Cultivation Permitted</b>	Yes – 6 plants per individual, 12 plants total per residence where two or more adult use consumers reside at one time.	Yes – individuals are permitted to grow 6 plants per primary residence.	Yes – 6 plants per individual, 12 plants total per residence where two or more adult use consumers reside at one time. HB 354 removes ability transfer homegrown marijuana, clarifies primary residence definition, and prohibits a third-party from cultivating home grow on behalf of another individual.	Yes – 6 plants per individual, 12 plants total per residence where two or more adult use consumers reside at one time, however, language has been removed that prevented a local authority from prohibiting or limiting home grow.	Yes – 6 plants (3 mature)

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<b>Possession Limit</b>	2.5 ounces in any form except extract 15 grams of adult use extract May purchase 2.5 ounces from dispensary per day	Same as Issue 2.	2.5 ounces in any form except extract 15 grams of adult use extract May purchase 2.5 ounces from dispensary per day HB 354 does remove the ability for an individual to sell, give away, or other transfer adult use cannabis unless licensed under ORC 3780 or 3796.	Same as Issue 2.	50 grams, no more than 8 grams in the form of marijuana concentrate
<b>Consumption Limitations</b>	No restriction with respect to method of consumption. THC content limits – Delegates responsibility for setting THC content limits to the Division of Cannabis Control but specifies that such limits should not be less than 35% THC content for plant material and 90% content for extracts.	HB 86 establishes THC limits for adult-use marijuana sold by dispensaries: 35% for plant material, 50% for extracts, with exceptions. THC per serving must not exceed 10 mg, and per package, 100 mg. The division may allow higher THC content for vaporization extracts and set THC limits by weight, unit, or package, based on scientific evidence and industry standards. Permissible forms of adult-use marijuana include various extracts, edibles, smoking products, vaporization items, beverages, pills, topical products, seeds, live plants, and more.	Same as Issue 2.	Same as Issue 2.	N/A
<b>Public Consumption</b>	No	No	No	No	No mention.

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<b>Employer/Employee Protections</b>	Employee: No Employer: Allowed to continue workplace drug policies prohibiting consumption.	No – same as Issue 2.	Employee: No Employer: Allowed to continue workplace drug policies prohibiting consumption.  HB 354 also adds language that makes an individual ineligible to serve a waiting period or be paid unemployment benefits while the person is unemployed if they were discharged for their cannabis use.	No – same as Issue 2.	No – same as Issue 2.
<b>Financial Institution Protections</b>	Yes – Any institution licensed under this chapter shall be exempt from any criminal law of the state of Ohio an element of which may be proven by substantiating that a financial institution provides financial services to an individual or entity who cultivates, possesses, delivers, processes, or dispenses cannabis or cannabis derived products.	No mention.	Yes – same as Issue 2.	Yes – same as Issue 2.	Financial institutions providing services to licensed cultivators, processors, dispensaries, or labs are exempt from criminal laws if the licensee complies with the chapter and state tax laws.
<b>Other rights/protections</b>	Act creates additional protections for: <ul style="list-style-type: none"> <li>• Parental Rights and Responsibilities</li> <li>• Parenting Time Orders</li> <li>• Eligibility for any public benefit program administered by the state or locality</li> <li>• Right to medical care and/or inclusion on a transplant waiting list</li> <li>• Users cannot be rejected as a tenant but can prohibit smoking still</li> <li>• Officers must have an independent, factual basis giving reasonable suspicion that the individual is</li> </ul>	HB 86 protects real estate licensees involved in transactions related to medical and adult-use marijuana cultivation, processing, dispensing, or testing, exempting them from disciplinary actions for these activities. Registered medical marijuana patients or caregivers cannot be solely denied tenancy based on their status, except as required by federal law. Additionally, the use or possession of medical marijuana, in compliance with	Same as Issue 2.	Same as Issue 2.	None

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	<p>operating a vehicle under the influence or a test from the person's blood, blood serum, plasma, breath, or urine.</p> <p>Employers still have the ability to enact drug free work zones</p>	regulations, cannot be the sole basis for child custody decisions, denying medical care, or transplant eligibility.			