



Ohio SB 56 — Restricting Legalization, Undermining the Will of Voters

On November 7, 2023, 57% of Ohio voters approved Issue 2, legalizing cannabis for adults 21 and older. The Senate quickly proposed gutting the will of voters, but their bill (HB 86, Sub 1954) died in the House following a popular outcry. Now, the 2025 legislative session is underway and legislators have again proposed dramatically restricting the voter-enacted law.

This year's bill, SB 56, sponsored by Sen. Stephen Huffman (R), would create a legal minefield that re-criminalizes innocuous conduct, including sharing cannabis, smoking or vaping in your backyard, and having edibles in your car that were ever opened. It also increases taxes, reduces potency limits, eliminates the cannabis social equity and jobs program, and eliminates non-discrimination protections to ensure responsible cannabis consumers are not denied child custody, medical care including life-saving organ transplants, and benefits.

SB 56 is a 147-page bill that repeals and replaces Issue 2. This summary does not include all of the ways it undermines the voter-enacted law, some of which are subtle language changes. The overwhelming theme is creating an air of suspicion and re-criminalization to ensnare cannabis consumers for innocuous conduct, and restricting the products they can use.

Creates New Prohibitions of Innocuous Conduct

- Bans smoking and vaping adult-use cannabis anywhere except inside some private residences. Smoking or vaping outside — even in your yard — would be illegal. Penalizes smoke or vape in rented homes if the landlord prohibits smoking or vaping, and smoking or vaping in childcare homes — including after-hours when there are no children present.
 - In most cases, the penalty is a minor misdemeanor, with a fine of up to \$150.
 - Under Issue 2, adults can use cannabis on their own porches and in their yards, and property owners can allow cannabis use in locations that aren't open to the general public, such as hotel rooms.
 - Under Issue 2, a landlord can ban combustion (smoking) if the prohibition is included in the lease. Landlords cannot ban vaping under existing law. Removes Issue 2's language that allows the transfer of cannabis without remuneration. Provides, "No person shall give, sell, or transfer homegrown marijuana to any other person, with or without remuneration."
- Requires cannabis to be stored in its original packaging at all times it isn't actively being used.
- Requires cannabis and paraphernalia to either be transported in the "original, unopened packaging" or in the trunk if there is one. If there is no trunk, it must be stored "behind the last upright seat of the motor vehicle or in an area not normally occupied by the driver or passengers and not easily accessible by the driver."
 - Imposes a minor misdemeanor, with a fine of up to \$150.
- While the wording is unclear, it appears to ban cannabis that was not purchased from an Ohio retailer or cultivated at home. The penalty is a minor misdemeanor, with a fine of up to \$150.
- Reduces the cap on plants per residence from 12 to six.
- Imposes a three-day mandatory minimum in jail — and a maximum of up to six months in jail

plus a fine — for passengers smoking or vaping cannabis in a vehicle or boat.

Lowers THC Cap, Limits Products for Cannabis Sales

- Caps THC at 35% in plant material and 70% in extracts. Regulators may impose a higher limit for vaporized products.
- Issue 2 allows regulators to impose caps of no lower than 35% in plant material and 90% in extracts.
- Limits servings to 10 milligrams of THC and packages to 100 milligrams, other than cannabis intended for vaporization.
- This seemingly makes sales of flower impossible. A gram of cannabis at 35% THC would have 350 milligrams of THC and be more than triple the limit.
- Removes “edibles,” “suppositories,” and “oils” from the types of products that may be sold. Allows products if they are allowed in the medical cannabis program.
- Removes Issue 2’s provision allowing petitions for additional product types.
- Prohibits cannabis products from being sold in a form that “bears the likeness or contains the characteristics of a realistic or fictional human, animal, or fruit, including artistic, caricature, or cartoon renderings.”

Repeals Non-Discrimination Protections to Stop Ruining Lives Over Cannabis

- Repeals all adult-use non-discrimination provisions that are in Issue 2. Removes provisions that adults’ responsible use of cannabis is not grounds for:
 - adjudicating their child abused or neglected,
 - making a negative determination about a parent's rights or parenting time,
 - denying a person medical care, including their place on the organ transplant waiting list,
 - suspending one’s driver’s license,
 - rejecting an applicant as a tenant (unless mandated by federal law), or
 - disqualifying a person from public benefits.
- Provides that a person fired for marijuana use is ineligible for unemployment benefits if the cannabis use violated their employers’ policies.

Raises Taxes on Cannabis Consumers

- Increases the retail excise tax on adult-use cannabis from 10% to 15%.
 - This is in addition to standard state and local sales taxes.

Eliminates Social Equity and Jobs Program

- Eliminates Issue 2’s social equity and jobs program, which is the recipient of 36% of cannabis taxes under Issue 2.
- Issue 2’s social equity and jobs program, which SB 56 would eliminate, includes:
 - “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.”
 - Waiving at least 50% of application and licensing fees for certified cannabis social equity and job program participants
 - Encouraging employers to “demonstrate a plan of action to inform, hire, and educate minorities, women, veterans, and persons with disabilities, engage in fair labor practices, and provide worker protections”

- Studying and funding “judicial and criminal justice reform including bail, parole, sentencing reform, expungement and sealing of records, legal aid, and community policing related to marijuana”
- Funding “direct investment in disproportionately impacted communities to enhance education, entrepreneurship, legal aid, youth development, violence prevention, and the arts related to the program.”

Removes Tax Earmarks

- Removes Issue 2’s allocations, which included the social equity and jobs fund, substance abuse treatment, and allocations to communities hosting cannabis businesses.
- Instead allocates the revenue to the General Fund.

Revises Licensing and Imposes Hard Cap on Licenses

- Provides the Division of Marijuana Control will determine the number of cultivator licenses allowed at any time.
- Caps the total number of retailers at 350.
 - Issue 2 allows regulators to reassess needs every two years and to increase the number.
- Adds a half-mile buffer between dispensaries.
- Ranks applications based on factors including business, operations, security, and financial plans; proposed location; plans for generating jobs and economic development; and environmental and employment practices plans.
 - Provides that if the division uses a lottery, it must group applicants into the following categories for their proposals: highly exceeds, exceeds, meets, and does not meet.
 - Applicants have increased odds of being chosen if they get higher ratings. They are not considered if they are classified as “does not meet.”
- Creates “the Ohio investigative unit” — an investigative unit maintained by the Department of Public Safety that can inspect licenses (including their records).
- Significantly reduces caps on how much cannabis cultivators can grow.
 - Level 1 cultivators could grow up to 25,000 square feet, and could get expansions to total up to 75,000 square feet. Issue 2 allows up to 100,000 square feet, and allows that amount to be increased.
 - Level 2 cultivators could grow up to 3,000 square feet, and could get approval to expand to up to 9,000 square feet. Issue 2 allows up to 15,000 square feet, and allows that amount to be increased.
- Imposes trafficking penalties if retailers knowingly sell any customer more adult-use cannabis than they are allowed to possess in a day.
- Requires dispensaries to prominently display “Information about the addictive qualities of marijuana and the potential negative health consequences associated with its use.”
- It appears all cannabis businesses would be dual-use — medical and adult-use.
- Retailers must:
 - “Maintain an adequate supply of medical marijuana products to meet typical patient demand for those products.”
 - “Ensure medical marijuana products are kept separate from adult-use marijuana, properly demarcated as medical marijuana, and prominently displayed in the dispensary.”
- Strikes section 3780.20, which requires cannabis businesses to adopt operating procedures that comply with an array of requirements, including quality assurance, packaging and labeling, and recall procedures.

- SB 56 has no mention of recall procedures.