



May 5, 2025

Re: In strong opposition to HB 160 and requesting amendments

Dear Chair Thomas and members of the House Judiciary Committee:

My name is Karen O'Keefe. I am an attorney and the director of state policies for the nonprofit Marijuana Policy Project (MPP), a 30-year-old national cannabis policy reform organization. MPP was a significant backer of Ohio's Issue 2 campaign, which received 57% of the vote in November 2023, with majority support in 76% of House districts. We strongly urge you to reject HB 160 or to significantly amend it. We are most troubled by HB 160's minefield of re-criminalization, which runs counter to the core goal of Issue 2 — legalizing cannabis for adults 21 and older.

HB 160 removes Issue 2's language legalizing adults' sharing and use of cannabis, while adding numerous restrictions on how and where cannabis can be used and prohibiting cannabis that wasn't homegrown or sold by Ohio licensees in compliance with state law. At the press conference and the sponsor's hearing on HB 160, Rep. Stewart said his intention was not to create a landscape of "ticky tack" arrests. Yet HB 160 would do just that. In response to questions, Rep. Stewart was unaware of much of the recriminalization of HB 160, much of which came from SB 56. Both bills could result in *more* arrests than occurred prior to legalization, given that Ohio decriminalized possession of up to 100 grams of cannabis back in the 1970s.

The Issue 2 campaign was called Regulate Cannabis Like Alcohol. Yet HB 160's unnecessary and onerous restrictions on cannabis in no way resemble how alcohol is regulated.

- Would the Legislature criminalize adults sharing a bottle of wine? And require "his and her" cases of beer in homes?
- Would you criminalize drinking alcohol anywhere except in a private residence?
- Would you ban possessing bourbon purchased in Kentucky?

If they instead targeted alcohol, those proposals would be laughed out of the Statehouse.

As State Democracy Research Initiative Senior Staff Attorney Derek Clinger argues in his forthcoming Case Western Reserve law journal article, "Constitutional Limits on Legislative Overrides of Statutory Initiatives in Ohio," HB 160's prohibitions may be unconstitutional. Clinger makes the case that, "The Ohio Constitution allows lawmakers to amend voter-approved initiated statutes only if their changes 'facilitate' the initiative without in any way limiting or restricting it." The constitutionality of legislative amendments to a statutory initiative has not been litigated in Ohio, but it would likely be if the Legislature re-criminalizes innocuous adult-use conduct.

Issue 2 struck the appropriate balance between the freedom of cannabis consumers and the interests of non-consumers. It prohibits cannabis smoking in public and smoking or vaping cannabis in a car, and it allows landlords to ban smoking in one's rental home.

We strongly urge the Judiciary Committee to preserve the will of voters, by:

- leaving intact Issue 2's R.C. § 3780.36, which allows adults' cannabis use and sharing,
- removing HB 160's re-criminalization and excessive penalties, and
- restoring funding for restorative justice, including expungement, and full funding for localities that allow cannabis stores.

We also urge your committee to remove the new 70% cap on concentrates, restore Level III cultivation licenses, and allow the number of retailers to increase to meet demand.

Here are more detailed recommendations:

### **I. Restore Adult-Use Protections and Remove Re-Criminalization**

Issue 2 has been in effect for over 1.5 years. It's working well. HB 160 and SB 56's tripwires of re-criminalization are not in response to a public call for a crackdown. On the contrary, zero witnesses testified in favor of most of HB 160's recriminalization provisions at the proponent hearing.<sup>1</sup> The overwhelming response to SB 56, HB 160, and 2023's SB 56 has been outrage from voters and the media, including from many who opposed Issue 2 but respect the outcome of the democratic process.<sup>2</sup>

The *Tribune Chronicle* editorialized that, though they had opposed Issued 2, "in a democratic republic, majority rules, and the minority should respect the wishes of the majority. In SB 56, Huffman and his supporters give short shrift to that hallowed principle."<sup>3</sup>

We strongly urge the House Judiciary Committee to:

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<sup>1</sup> Rick Carfagna of the Ohio Chamber of Commerce testified in support of allowing landlords to ban vaping, though he signaled an openness to allowing smoking or vaping outdoors at home. He also supported allowing property owners to ban cannabis smoking and vaping, which Issue 2 already does. No witness testified for the vast majority of recriminalization found in Issue 2. None testified for revising the fiscal allocations.

<sup>2</sup> "Editorial: Lawmakers, legalized marijuana and listening to voting majority," *Morning Journal*, May 2, 2025. ("One does not need to have voted in favor of the 2023 legalization of recreational marijuana in Ohio to understand what lawmakers are now attempting is misguided at best."); Meghan Henry "Ohioans rail against Republican bill to rewrite marijuana law passed by voters," *Ohio Capital Journal*, Feb. 19, 2025; Carrie Blackmore, "Ohio lawmakers look to subvert the new marijuana law," *Cincinnati Magazine*, April 8, 2025; "Opinion: Disastrous Ohio bill an attack on marijuana buyers," *Columbus Dispatch*, March 8, 2025; "Marijuana rights may go up in smokes in Ohio -- again," *Columbus Dispatch*, Feb. 5, 2025. More than 18,000 Ohionas submitted letters opposing SB 56 via NORML's website.

<sup>3</sup> "Editorial: Do not tinker with Ohio's cannabis law," *Tribune Chronicle*, Feb. 15, 2025.

1. **Restore Issue 2’s language allowing adults’ cannabis use.**

Allowing adults to possess, share, buy, and use cannabis is the core of Issue 2. Yet HB 160 deletes the language allowing cannabis use and sharing — R.C. § 3780.36. The language needs to be restored.

*R.C. § 3780.36 (A) Except as otherwise provided in this chapter and notwithstanding any conflicting provision of the Revised Code, an adult use consumer, may do the following:*  
*(1) Use adult use cannabis;*

2. **Restore Issue 2’s language allowing the transfer of cannabis without remuneration.**

Contrary to the views of their Legislature,<sup>4</sup> Ohio voters overwhelmingly legalized cannabis, including sharing. Adults can share alcohol, cigarettes, over-the-counter medicines, and other legal products. Removing the legalization of adults sharing cannabis is as offensive and nonsensical as it would be to ban adults sharing a bottle of wine or Tylenol. It needs to be restored:

*R.C. § 3780.36 (A) Except as otherwise provided in this chapter and notwithstanding any conflicting provision of the Revised Code, an adult use consumer, may do the following: ...*  
*(2) Possess, transfer without remuneration to another adult consumer, or transport adult use cannabis, subject to division (B) of this section; and*

3. **Remove the ban on adults sharing homegrown cannabis** (“No person shall give, sell, or transfer homegrown marijuana to any other person, with or without remuneration.” HB 160, lines 1020-1021).

Just as Ohio’s adults can brew at home and share it, under Issue 2 they can share their homegrown cannabis as long as it is not for remuneration. At the Senate hearing on SB 56, Ohioans testified about growing cannabis and sharing it with neighbors with cancer and other serious illnesses. It is wrong to take away this voter-approved freedom.

Of note, unlike many states, Issue 2 has a firm cap of 2.5 ounces for cannabis possession, regardless of how much one grows. (In many states, adults can possess any amount of cannabis that they grow, as long as amounts exceeding the standard

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<sup>4</sup> The Legislature failed to enact legalization. On October 11, 2023, the Ohio Senate passed Senate Resolution 216, opposing Issue 2, in a 23-7 vote.

limit are kept at home.) Due to the cap, giving excess cannabis away is the best option for those with a green thumb.

While some may fear allowing the sharing of homegrown cannabis will increase the illicit market, that concern is groundless. Selling cannabis without a license is illegal. If anything, a prohibition on giving away cannabis could inspire people to sell any excess in their harvest. Successful growers, which are relatively rare,<sup>5</sup> may figure they might as well make some money if they are going to be criminalized anyway — either for giving cannabis away or possessing over 2.5 ounces.

**4. Restore the definition of adult-use cannabis, so HB 160 no longer bans marijuana purchased in other states or of unknown origin, and so non-discrimination protections are not contingent on proving the source of cannabis.**

HB 160 limits legalization to “homegrown marijuana” and “adult-use marijuana,” which it redefines as “marijuana that is cultivated, processed, dispensed, or tested for, or possessed or used by, an adult-use consumer, in accordance with this chapter.” (lines 777- 786) In contrast, Issue 2, R.C. § 3780.01, defines “adult-use cannabis” as marijuana, regardless of its source.

If my husband and I drove to or through Ohio from Michigan, as we do several times each year, we could not bring his medical cannabis with us if HB 160 or SB 56 passed. This would also be true of tens of millions of other visitors to Ohio each year, who visit from other legal cannabis states.<sup>6</sup>

Crossing state lines with cannabis is no more federally illegal than possessing cannabis. The state has no business criminalizing adults based on the origin of their cannabis. This provision would result in intrusive interrogations into the origin of cannabis, demands for receipts, and the criminalization of visitors and residents. Ohio has no similar prohibition for alcohol purchased out of state, or any other lawful product.

In addition, HB 160 revises non-discrimination protections for the responsible use of cannabis — such as for child custody and organ transplants — to only apply to

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<sup>5</sup> “The U.S. Cannabis Homegrow Market,” New Frontier Data, 2022, pages 6, 13. (finding only 6% of cannabis consumers grow their own cannabis; and of them only 38% grow all or almost all of their own supply).

<sup>6</sup> In 2023, Ohio had 238 million visitors. Sixteen percent of Americans report using cannabis in the past month, 54% live in a legal cannabis state, and 74% live in a medical cannabis state. (“Ohio Celebrates Tourism Day,” Gov. Mike DeWine, May 21, 2024.; “9 facts about Americans and marijuana,” Pew Research Center, April 10, 2024.)

“adult-use marijuana,” as it redefines. As a result, a responsible cannabis consumer could have to prove the origin of their cannabis — and that the grower and retailer complied with state law — to avail themselves of those legal protections. This is a dramatic erosion of voter-enacted rights.

To respect the will of voters — to legalize cannabis for adults — the new definition of “adult-use marijuana” needs to be stricken and replaced with the existing one. In addition, this provision needs to be deleted: “No person shall transport marijuana other than adult-use marijuana, medical marijuana, or homegrown marijuana in a motor vehicle.” (lines 1192-1194)

## **5. Strike language allowing cannabis smoking and vaping only in residential and agricultural areas.**

Issue 2 does not require or prohibit a public place accommodating adults’ use of cannabis. (R.C. 3780.33 (h)) In addition, cannabis use, other than as provided in the law, “in public areas” is a minor misdemeanor. (R.C. 3780.99 (B)) The Division of Cannabis Control’s (DCC’s) website explains Ohio’s law prohibiting smoking or vaping in public indoor spaces applies to cannabis as well.<sup>7</sup>

HB 160 would go much further, prohibiting smoking or vaping in a huge array of privately-owned locations. The *only* places a person could smoke or vape cannabis would be some private residences and some agricultural land. (lines 1142-1147)

Smoking remains the most common way to use cannabis.<sup>8</sup> It is preferred by 80% of consumers. Smoking takes effect almost immediately and allows precise dose titration.

There are thousands of places where Ohioans can drink alcohol outside of private homes, including sporting and music venues, restaurants, “Designated Outdoor Refreshment Areas,” bars, children’s pizzerias, airplanes, private events such as weddings, and even the Statehouse (for catered events). Ohioans can also smoke cigarettes in many places, including most places outdoors and some hotel rooms.

The Legislature needs to restore the balance in Issue 2 and not relegate cannabis consumers to private homes. Businesses should be allowed to permit cannabis

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<sup>7</sup>“Non-Medical Cannabis FAQ,” Division of Cannabis Control, (12) <https://com.ohio.gov/divisions-and-programs/cannabis-control/licensee-resources/what-we-do/non-medical-cannabis-faq>

<sup>8</sup> “Survey: Smoking Remains Most Popular Method,” NORML, April 24, 2025.

combustion in outdoor locations and indoor locations that aren't open to the general public, such as hotel rooms designated for smoking, adults-only patios, or parking lots. Without such a provision, there is nowhere the 200 million plus visitors to Ohio can legally smoke cannabis, nor is there anywhere many residents — including renters — can do so.

**6. Remove language allowing landlords to penalize vaping in rented homes if the landlord prohibits smoking or vaping in a lease.**

While Issue 2 allowed landlords to ban marijuana smoking in a lease (R.C. 3780.33 (f)), HB 160 goes far further, allowing them to also ban vaping in a lease (lines 2008-2012). This broad prohibition would mean tenants would have no place where they could legally vape or smoke cannabis. Issue 2 strikes the appropriate balance by prohibiting smoking, but not vaping, if a landlord bans it in a lease.

**7. Limit the bans on smoking or vaping in childcare homes to when children are present.**

Adults who operate daycares out of their homes can relax with alcohol at night. Alcohol must be “inaccessible to children” and childcare providers cannot drink alcohol while working. (Rule 5180:2-12-12 (B)(3); Ohio Admin. Code 5101:2-13-07 (A)(2)(b)) Adults should similarly be able to smoke or vape cannabis at their own home when they are not operating it as a childcare facility. HB 160 would prohibit them from smoking or vaping even on their porch or in rooms long after the children went home. (lines 1150-1152) If such a restriction is added, it should be limited to when children are present.

**8. Restore language allowing adults to possess paraphernalia.**

Issue 2 allows adults to possess, make, and sell paraphernalia — which includes jars for cannabis, rolling papers, bongs, lights, and a wide array of other accessories. HB 160 strikes this language and gives regulators the power to “Specify the paraphernalia or other accessories that may be used in the administration of medical marijuana, adult-use marijuana, and homegrown marijuana.” (lines 945-948)

Now that cannabis is legal, smoke shops, glassblowers, and other businesses are allowed to sell paraphernalia to adults. HB 160 seems to change that. The new language needs to be stricken and this language needs to be restored:

*R.C. 3780.36 (C) Except as otherwise provided in this chapter, an adult use consumer shall not be subject to arrest, criminal prosecution, or civil penalty for engaging in any of the activities authorized under this chapter, including:*

*....*

*(3) Acquiring, possessing, using, purchasing, manufacturing, selling, or transporting paraphernalia; and*

**9. Restore language prohibiting a state licensing board from taking disciplinary action against an individual solely because the individual engaged in personal activities related to adult-use cannabis.**

While Issue 2 allows employers to not hire or fire someone for testing positive for cannabis — even if they weren’t impaired at work — it protected individuals’ professional licenses from being revoked for the responsible use of cannabis. (R.C. 3780.33(A)) HB 160 eliminates this protection and applies it only to those providing services for adult-use cannabis. The original language needs to be restored. A person isn’t truly allowed to use cannabis if they can lose their occupation for doing so.

*R.C. 3780.33(A) The holder of a license, as defined in section 4776.01 of the Revised Code, or other license, certification, or registration issued by any professional board in the state of Ohio, or pursuant to 2923.125 of the Revised Code, are not subject to disciplinary action solely for engaging in professional or occupational activities related to adult use cannabis in accordance with this chapter, for owning or providing professional assistance to prospective or licensed adult use operators, adult use testing laboratories or to other individuals for activity in accordance with this chapter, or for obtaining, possessing, transporting, or using adult use cannabis in accordance with this chapter.*

**10. Eliminate the requirement that cannabis and paraphernalia 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.” (lines 1195-1219)**

Cannabis is very different from alcohol when it comes to the rationale for open container laws. Open container laws were crafted to prevent drinking and driving. Since alcohol is readily available almost everywhere, from restaurants to sporting events, consumers don’t need to bring their own supply with them. If someone has

an open container in a car, there's a good chance it was consumed in that car. However, cannabis consumers — many of whom are medical patients — need to bring their cannabis with them because of the extremely limited number of places it can be sold. And many only find relief from particular products or strains.

Unlike beer cans and wine bottles, packages of cannabis often hold a week or more supply of edibles or flower. A previously opened jar of cannabis in no way indicates recent use, nor does a package of edibles that was once opened. Also of note, edibles often take 45 minutes to take effect.

HB 160's open container provision is onerous and impractical — especially for people with disabilities — and sometimes impossible, such as in rideshare and public transportation.

Issue 2 prohibits operating a vehicle while using cannabis or while impaired by cannabis. It also prohibits passengers from smoking, vaping, or combusting cannabis. This is the appropriate approach. If someone is smoking a joint while driving, they can and should be prosecuted. They should not be punished for having a package of edibles, rolling papers, or a jar of cannabis in their purse.

## **II. Removing the Mandatory Minimum for Passengers Smoking or Vaping in a Motor Vehicle or on a Boat**

Issue 2 already prohibits passengers from combusting cannabis in a car or boat, but it imposes a much more proportionate minor misdemeanor. HB 160's three-day mandatory minimum for a first offense — carrying up to six months — is an outrageously excessive penalty, especially given that it would apply even to a parked car, a passenger in a convertible, and passengers on a boat in the open air. (line 2295 et seq)

Several offenses that actually harm others do not have mandatory minimums, including assault, petty theft, and arson causing under \$500 in damage.

*R.C. 3780.36 (D) (2) An individual is prohibited from smoking, vaporizing, or using any other combustible 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.*

## **III. Remove the Cap on THC**



We also object to HB 160's reductions in THC caps on concentrates. HB 160 reduces the THC cap from 90% to 70% for extracts. (R.C. 3780.03(C)(21), HB 160 line 1180). It does not even include an exception for vaporization or allow the DCC to increase the cap.

Many medical cannabis patients need very high THC products to find relief from their symptoms. This is particularly true of people with merciless pain, including end-of-life cancer. Exempting medical cannabis only would not be a solution for a number of reasons, including that post-legalization many patients shift to adult-use, over-the-counter customers due to concerns about gun rights and the burden, delay, and cost of registration.

Extractions should be performed by licensed businesses with strict safety rules. Prohibiting high-potency concentrates will likely result in more homemade butane hash extractions, which can leave behind residual solvents and cause explosions.<sup>9</sup>

#### **IV. Restore Small Business Opportunities and Additional Retailers**

Issue 2 created Level III grow licenses for small growers and allows for retail licensing to meet demand. HB 160 removes Level III grow licenses and creates a hard cap of 350 retailers, regardless of demand. (HB 160, lines 1064-1065) The small grow licenses should be restored, with less onerous regulatory burdens than larger grows.

The hard cap of 350 is likely too low for the state, and will also deprive consumers of choices in their area. Cities that opt-in after there are 350 retailers statewide would not be able to authorize local stores, even if they wanted to. This cap will lead to pockets of prohibition, increasing the continuation of the illicit market.

#### **V. Restore Funding for Expungement**

While HB 150 and SB 56 have been framed as a positive for cannabis expungement, their expungement provisions are not meaningfully better than the existing law. They are in some ways worse by being limited to 2.5 ounces. Meanwhile, HB 160 strips funding from expungement and criminal justice reform, thus creating a significant *negative* change from Issue 2.

Issue 2 allocated 36% of tax revenue to the social equity and jobs program — which included funding to “study and fund criminal justice reform including bail, parole, sentencing reform, expungement and sealing of records, legal aid, and community policing related to marijuana.”

Proceeds from legalization should be invested in the communities that have borne the brunt of the war on cannabis.

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<sup>9</sup>“Risks in the Cannabis Industry: BHO Lab Explosions,” BakerRisk  
<https://www.bakerrisk.com/news/butane-hash-oil-lab/>

We support restoring all of the funding to the original purposes in Issue 2. However, if the Legislature is unwilling to do so, at a minimum, significant funding should be provided to:

- Eliminate all fees for cannabis expungement
- Support legal assistance with expungement
- Local prosecutors who want to initiate expungement, as is allowed, for staffing to do so

Without a financial commitment to expungement, HB 160 is a dramatic downgrade from Issue 2.

## **VI. Restore Funding for Cities that Opt-In**

Issue 2 allocates 36% of tax revenue to host localities, in perpetuity. Relying on this, many opted in, but have yet to receive a dime.<sup>10</sup> HB 160 would reduce the allocation to 20% for only five years. (lines 3291- 3312) Cities and towns have expressed a sense of betrayal at a bait-and-switch to reduce or eliminate their allocation.<sup>11</sup>

Without municipalities opting in, Ohio would generate no cannabis tax. With fewer cities opting in, there would be more pockets of prohibition where the benefits of a regulated market would not be available. And of course, there would be less tax money for the state.

Cities and towns opted in based on Issue 2's 36% allocation without a sunset, which voters approved. The full funding, in perpetuity, should be restored.

As the *Cleveland Plain Dealer* editorialized, "Part of what the governor wants to do would further squeeze Ohio's local governments, already on short rations due to state-aid cutbacks and unfunded mandates that the General Assembly has piled on cities and villages, including Greater Cleveland's communities."<sup>12</sup> It concluded, "Lawmakers should leave the local-government earmark in place. Doing otherwise would demonstrate contempt for Ohio voters."

## **Concluding Thoughts**

The people spoke loud and clear when they approved Issue 2, legalizing cannabis for adults. HB 160 would dramatically scale back the freedoms that voters approved. It replaces an overall theme of legalization with an air of suspicion, trip wires of re-criminalization, and

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<sup>10</sup> Crissa Loukas, "Cities wait on marijuana tax money," *Spectrum Local News*, April 7, 2025.

Creating a formal mechanism for Issue 2's appropriations would be precisely the kind of legislative amendment that would facilitate, rather than impair, the initiative. This would be allowed under the Ohio Constitution, per Clinger's analysis.

<sup>11</sup> Haley BeMiller, "DeWine's plan for recreational marijuana money: Build jails, scrap funding for Ohio cities," *Cincinnati Enquirer*, Feb. 16, 2025.

<sup>12</sup> "Don't take marijuana revenue from cities and towns, when Ohioans legalized weed on that basis: editorial," *Cleveland Plain Dealer*, March 23, 2025.

fewer products and licenses. HB 160 also eliminates funding to assist impacted individuals, such as with expungement, and reduces and sunsets funding to host municipalities.

In Utah in 2018, MPP and our local allies agreed to compromise legislation to replace a medical cannabis voter initiative. At the time, the popular wisdom was the Legislature could amend or even repeal statutory measures in Utah. But in 2024 in the context of a redistricting initiative, the Utah Supreme Court ruled the Legislature could amend the initiative only if doing so “does not infringe the people’s reform right — for example, if the amendment furthered or facilitated the reform, or at least did not impair it.”<sup>13</sup> It noted that to hold otherwise would render the right “illusory.” This history and text of the Ohio Constitution’s statutory initiative provisions — which includes an anti-subversion clause<sup>14</sup> — strongly suggests a similar ruling could be forthcoming if the Legislature passes HB 160 as-is and it is challenged.

As Clinger’s article notes, one-third of states with statutory voter initiatives explicitly allow legislative amendment or repeal of voter-enacted statutory initiatives. Ohio does not. He explains:

The historical record of the 1912 constitutional convention shows that delegates even consciously excluded language that would have granted such legislative authority, removing it from an early draft proposal. Instead, the constitutional text explicitly limits the General Assembly’s ability to legislate on any aspect of the initiative power beyond what is specifically provided for in the constitution.<sup>15</sup>

As a constitutional convention delegate explained at the time, “[w]e want the initiative and referendum so that we may have an instrument which will compel our servants to obey their masters, the people.”<sup>16</sup> Meanwhile, the constitutional convention president said the indirect initiative process would ensure “the measure which goes to popular vote may have the benefit of any honest effort to improve it in the legislature, and yet may be protected against legislative trickery and bad faith.”<sup>17</sup>

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<sup>13</sup> *League of Women Voters of Utah v. Utah State Legislature*, 554 P.3d 872 (Utah 2024) (in a case where the legislature replaced a redistricting initiative with partisan gerrymandering ruled legislative action that impairs the people’s right to reform the government is unconstitutional unless narrowly tailored to advance a compelling government interest, remanding the case)

<sup>14</sup> Ohio Constitution, Article II, Section 1g. (“The foregoing provisions of this section shall be self-executing, except as herein otherwise provided. Laws may be passed to facilitate their operation, but in no way limiting or restricting either such provisions or the powers herein reserved.”)

<sup>15</sup> Clinger at p. 17, see also p. 22 (“During the committee and caucus proceedings, the language allowing lawmakers to alter voter-approved initiatives was removed from the proposal. A revised version was reported back to the full convention, 118 and the language was never restored in subsequent versions of the proposal. Thus, similar to the framers of Utah’s statutory initiative power (discussed in Part I.C.), the framers of Ohio’s broke from the prevailing constitutional approach of the day by deliberately omitting language that would have explicitly authorized lawmakers to freely amend or repeal initiated statutes”)

<sup>16</sup> Id at p. 23

<sup>17</sup> Id at p. 24.

Ohio's initiative process is "one of the most essential safeguards to representative government."<sup>18</sup> Passing a bill that is death by a thousand cuts — recriminalizing sharing cannabis, traveling with a package of edibles that was ever opened, and cannabis from neighboring states, and vaping in one's own home — is an affront to voters. Respecting the democratic will of voters may well be constitutionally mandated. It is definitely the right thing to do.

Please reject HB 160 or significantly amend it to remove the provisions that undermine the people's initiative, including provisions recriminalizing adult-use cannabis conduct, shrinking the industry, and gutting funding for reparative justice and host municipalities.

Don't hesitate to reach out with any questions. I would be grateful for an opportunity to review any draft amendments.

Sincerely,

A handwritten signature in black ink that reads "Karen O'Keefe". The signature is written in a cursive, flowing style.

Karen O'Keefe  
Director of State Policies  
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<sup>18</sup> *State ex rel. Nolan v. Clendenning*, 93 Ohio St. 264, 277-78 (1915).