



May 30, 2025

Re: Opposing SB 56 and urging amendments

Dear Chair Thomas, Vice Chair Mathews, Ranking Member Isaacsohn, and members of the House Judiciary Committee:

MPP appreciates Rep. Stewart and committee members' receptivity to concerns and your work to improve SB 56. While the May 28 substitute of SB 56 has rolled back some of the proposal's recriminalization, we continue to strongly oppose the bill as currently drafted. The substitute continues to punish adults for innocuous conduct that is legal for alcohol.

It also removes product types and opportunities for new businesses, eliminates the social equity and jobs program, strips away funding for expungement and legal aid, sunsets and reduces host communities' revenue share, and eliminates the ability of cities who may opt in late to have local dispensaries.

The committee substitute still recriminalizes innocuous conduct.

- **Adults could only share marijuana at the transferor's primary residence.** This is an absurd restriction that the legislature would never apply to alcohol.
 - People visiting friends couldn't share cannabis at their friends' house.
 - People who are camping couldn't share edibles, and people at concert venues that allow cannabis couldn't pass a joint.
 - People visiting from out-of-state and homeless individuals could not share cannabis *anywhere*.
- **Adults could only share marijuana that was purchased from an Ohio dispensary.**
 - Adults could not share homegrown cannabis. Witnesses testified that they share homegrown cannabis with seriously ill neighbors. Ohioans can share home-brewed beer. There is no good reason to ban sharing homegrown cannabis.
 - Unlawful sharing, including any sharing of homegrown marijuana, would be trafficking. Gifting over 20 grams of homegrown cannabis would be a felony.
- **Adults could only possess and use marijuana from Ohio dispensaries (or cannabis they grew themselves).**
 - No other legalization state has this prohibition, which was not in Issue 2. There are also no similar restrictions on alcohol or other legal products.
 - This would subject cannabis consumers to intrusive questioning about the origin of their cannabis, and to recriminalization if they got it in another state.

- This would prohibit anyone visiting or passing through from a legal cannabis state, such as Michigan, from having cannabis with them.
- **Adults could not assist one another in growing marijuana.**
 - Spouses and roommates with 12 plants between them would have to separately care for their own six plants.
 - This means all plants would die if the person growing them went out of town or was hospitalized.
- **Drivers and passengers with lotions, edibles, and other cannabis-infused products would face a minor misdemeanor unless they store them in the trunk or equivalent.** They would also be recriminalized for possessing cannabis paraphernalia that has ever been opened other than in a trunk or similar space.
 - This would be impossible for people to comply with in public transportation and impractical in rideshare.
 - This is nonsensical for lotions and tinctures. It also doesn't make much sense for edibles, which don't even take effect for an hour and which would in no way impair a driver if a passenger used them. Passengers may need oils as a rescue medicine.
 - It is striking that the bill carves out an exception for intoxicating hemp beverages in limos, but not for people on city buses with edibles in their backpacks.
- **Adults would be dramatically limited in where they could smoke or vape cannabis — going far beyond restrictions on cigarettes and alcohol use.**
 - The bill allows landlords to ban vaping, not just smoking, at one's own home.
 - The bill doesn't allow any commercial properties to allow smoking or vaping — with the sole exception of outdoor concert venues that have policies allowing it.
 - It doesn't allow hotels to allow cannabis smoking in designated rooms, as is allowed with 20% of rooms for cigarettes.
 - It doesn't allow bars and other venues to allow smoking on patios.
 - Rental cottages couldn't allow smoking, even on a porch.

The committee substitute of SB 56 also continues to remove Issue 2's allocations and unnecessarily shrinks opportunities and permissible cannabis products.

- The committee substitute limits new license opportunities, capping retail licenses at 400 and removing language providing for the licensure of new processors and retailers.
- The substitute also removes listed product types that were in Issue 2, and the ability to petition for new product types.
- The substitute removes all of Issue 2's allocations, except that it allows for a reduced allocation to host municipalities for a limited period of time.

- The allocations should be restored. If the House Judiciary Committee is unwilling to do so completely, at a minimum it should restore the full host municipal allocation in perpetuity and provide funding for legal aid for expungement.
- The committee substitute continues to eliminate the social equity and jobs program.

Suggested Amendment Text

1. Remove recriminalization:

- **Restore adults’ freedom to share cannabis with other adults, including homegrown cannabis and outside of one’s own home.**
- **Restore adults’ freedom to possess and use cannabis, regardless of its origin.**
- **Restore adults’ freedom to possess, sell, and make paraphernalia, not just to possess DCC-specified paraphernalia for cannabis use.**
- **Remove the “open container” prohibition. (Sec. 3796.062.)** Instead, apply the existing DUI penalty to using cannabis while driving, as Issue 2 does.
- **Restore that adults aren’t subject to civil penalties for legal conduct.**
- **Spell out that medical cannabis patients can possess larger quantities.**

Strike and replace lines 3088- 3108 with:

Sec. 3796.221. (A) Notwithstanding any conflicting provision of the Revised Code, an adult-use consumer may do all of the following:

(1) Use marijuana;

(2) Possess and transport marijuana, subject to division (B) of this section;

(3) Purchase marijuana in amounts that do not exceed the possession limits set forth in division (B) of this section;

(4) Acquire, possess, use, purchase, manufacture, sell, or transport paraphernalia or accessories for marijuana;

(5) Transfer marijuana to another adult-use consumer, as long as the transfer is without remuneration, is not advertised or promoted to the public;

(6) Assist another adult-use consumer, or allow property to be used, in any of the acts authorized by this chapter.

(B) Except in the case of a medical marijuana patient or caregiver who is allowed to possess a greater quantity of medical marijuana, no person shall knowingly possess more than the following amounts of marijuana:

(1) Two and one-half ounces of plant material;

(2) Fifteen grams of extract.

Line 2044, strike ", adult-use marijuana, and homegrown marijuana"

In line 3110, insert after "arrest" ", civil penalty."

In line 2112, strike "homegrown"

In line 2114, strike "homegrown marijuana and adult-use"

In lines 2116-2117, strike:

grown, cultivated, and processed at the adult-use consumer's primary residence

Strike and replace lines 2118-2120 with:

(5) Acquire, possess, use, purchase, manufacture, sell, or transport paraphernalia or accessories for marijuana;

Strike and replace lines 2121-2227 with:

(6) Transfer marijuana without remuneration to another person who is twenty-one years of age or older.

Strike lines 2136-2137

Line 2149, insert after "arrest" "civil penalty"

Strike lines 3589-3594

Note that lines 3496-3504 make transfers without remuneration (outside one's home or of homegrown or Michigan cannabis, etc) trafficking if the above changes aren't made. If the Judiciary Committee will not restore the legality of all cannabis sharing without remuneration, it needs to at least reduce the penalty to a civil fine for all legalized amounts. As it stands, sharing 20 grams to 2.5 ounces without remuneration would be a felony.

2. Restore some locations where cannabis can be used.

The below draft amendments would continue to prohibit smoking and vaping:

- in all public places, except an outdoor location where it is allowed by the property owner or operator.
- in places of employment, as defined by the Clean Air Act.

- in child care homes “at any time when the home is providing child care” (instead of even at night when it’s back to just being a private home).
- at halfway houses and similar locations “unless the facility allows the smoking, vaporization, or combustion of marijuana in designated areas;” (in case one wants to allow it, at least for medical use outdoors.)

These suggested amendments would restore the ability of property owners to allow cannabis in designated outdoor locations. They would also restore the ability to vape at one’s own rented home, and allow cannabis smoking in additional spaces that aren’t public — such as by passengers on the deck of a boat or in a parked RV.

Suggested amendments:

Strike all text from 2254- 2267.

Insert at the end of 2272, before the semicolon

“at any time when the home is providing child care”

Insert at the end of 2276

“unless the facility allows the smoking, vaporization, or combustion of marijuana in designated areas;”

Lines 2278-2279, delete “, combustion, or vaporization“

Insert after line 2281:

(e) An outdoor location that is open to the public, unless the smoking, combustion, and vaporization of marijuana and intoxicating hemp is allowed by the property owner or operator.

Strike and replace lines 3217- 3233 with:

- (5) Prohibit any public place from accommodating a registered patient's use of medical marijuana or an adult-use consumer’s use of marijuana, except that no public place may accommodate consumption of marijuana or intoxicating hemp by smoking, combustion, or vaporization except:
- (a) In rooms for sleeping in lodging facilities which are designated as smoking rooms in compliance with R.C 3794.03 (B);
 - (b) On an outdoor patio, in compliance with R.C 3794.03 (F);
 - (c) In an outdoor location designated as allowing marijuana combustion by the property’s owner or operator.

Strike in lines 3194- 3195 "combustion, or vaporization."

Strike lines 3472-3549 after "Sec. 3796.99," and replace with:

(A) A person who smokes, vaporizes, or combusts marijuana in a location where it is prohibited pursuant to section Sec. 3796.06 (C) (3) is guilty of a minor misdemeanor:

(B) A passenger who smokes, vaporizes, or uses any other combustible marijuana product while a passenger in a motor vehicle, streetcar, trackless trolley, enclosed watercraft, or aircraft is guilty of a minor misdemeanor.

Add to ORC 4511.19 (A)(1)

"(k) The person is ingesting or inhaling marijuana."

3. Restore the protection from professional discipline for using cannabis responsibly.

Line 3149, insert "personal." after "in"

Line 3151, add before the period, "including for owning or providing professional assistance to prospective or current license holders or to other individuals for activity in accordance with this chapter, or for obtaining, possessing, transporting, or using marijuana in accordance with this chapter"

4. Restore DCC's ability to increase the number of retailers.

On line 2176, after "one time" add:

, except that the division shall issue additional dispensary licenses if:
(1) A municipality that has authorized marijuana sales within its jurisdiction would otherwise be unable to host a dispensary;
(2) It determines 400 retailers are insufficient to meet demand and ensure reasonable access to regulated marijuana throughout the state.

5. Restore the THC cap of 90% in extracts.

Line 2307, strike "Seventy" and replace with "Ninety"

6. Restore cannabis product types listed in Issue 2 and the ability to petition for new products.

Insert at the end of 2248:

(21) Plant material;

(22) Oils;

(23) Edibles;

(24) Smoking or combustible products;

(25) Vaporization products;

(26) Any other condition approved by the division of marijuana control.

Insert new section or subsection, which could replace Sec. 3796.062, starting at line 2318, to read:

(A) Any person may submit a petition to the division of marijuana control requesting that an additional form or method of adult-use marijuana be approved. A petition shall be submitted to the division of marijuana control in a manner prescribed by the division of marijuana control.

(B) On receipt of a petition, the division of marijuana control shall determine whether or not to approve the form or method of adult-use marijuana described in the petition within sixty days of petition receipt.

(C) The division of marijuana control may adopt rules as necessary to implement this section.

- 7. Remove race-based language from the medical law, which was found unconstitutional. Add back in Issue 2's small growers, and its provision to issue up to 40 new level III cultivator licenses and up to 50 new retailer licenses. Add back in language to allow licensure based on need.**

Strikethrough lines 2478-2496, replace with:

(F) (1) No later than December 1, 2026, the division of marijuana control shall issue no fewer than thirty and no greater than forty level III cultivator provisional licenses, with no fewer than half of the total number issued to a certified marijuana social equity and job program applicant, if a sufficient number of qualified applicants apply.

(2) No person may have any ownership or control in more than one level III cultivator license under this chapter.

(3) No other cultivator may have any ownership or control in a level III adult-use cultivator license.

Strike-through lines 2621 -2638, replace with:

(F) (1) No later than December 1, 2026, the division of marijuana control shall issue no fewer than forty and no greater than fifty new dispensary licenses with no fewer than half of the total number issued to a certified marijuana social equity and job program applicant, if a sufficient number of qualified applicants apply.

Insert after line 2510:

(I) No later than December 1, 2028, and every two years thereafter, the division of marijuana control shall review the number of cultivation, processor, and dispensary licenses and may authorize additional licenses after considering:

(1) The current and anticipated market growth and consumer demand, including the number of patients and consumers seeking marijuana;

(2) The current and projected supply of marijuana; and

(3) The geographic distribution of dispensary sites.

Insert after the end of line 2922:

(3) A level III cultivator license that authorizes the license holder to operate a cultivation area not to exceed five thousand square feet.

8. Remove ban on people collecting unemployment they paid into because they were fired for lawful cannabis use.

Lines 3316-3325, **strike through all existing language and delete all new language.**

9. Restore full funding to host municipalities and funding to the social equity and jobs program — or at least expungement. Note: we'd support restoring full funding from Issue 2, but presumably Ohio already invests a lot in substance abuse treatment and prevention, and we know that having some funds for the General Fund is a priority of the governor and others.

If the committee is unwilling to fully restore the social equity and jobs funding, it should at least include significant funding for expungement, which was part of the program.

Lines 4718-4719, strike and replace with:

(B) For the purpose of funding the needs of the state, supporting social equity issues, providing funds to support jobs and economic development, expunging and sealing records, and providing funding for local governments that host adult-use marijuana dispensaries, an

Replace lines 4757-4777 with:

(G) The director of budget and management shall distribute thirty-six per cent of funds in the marijuana receipts fund, after making any transfers required under division (E) of this section, to the host community marijuana fund, which is created in the state treasury, for the benefit of municipal corporations or townships that have adult-use dispensaries. Distributions to such municipal corporations and townships shall be based on the portion of the tax levied under division (B) of this section attributable to each municipal corporation or township. Municipal corporations and townships receiving funds under this division may use such funds for any lawful purpose.

(H) The director of budget and management shall distribute thirty-six per cent of funds in the marijuana receipts fund, after making any transfers required under division (E) of this section, to social equity and jobs fund, which is created in the state treasury, for purposes described in Section xx[#15] of the Revised Code;

10. Restore the social equity and jobs program (RC 3780.18). Absent this, provide significant funding for expungement.

The social equity and jobs program 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.” 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 under Ohio law, for staffing to do so

We suggest replacing “marijuana” with “cannabis” throughout the bill. However, the text of these amendments is written as if that change was not made.

MPP is strongly opposed to the committee substitute of SB 56, which continues to unreasonably recriminalize innocuous conduct and otherwise erode Issue 2. We urge you to uphold the will of voters, and restore the voters’ intent — legalizing cannabis similarly to alcohol.

Please don’t hesitate to reach out if you have any questions or if I can be of any assistance.

Sincerely,

Karen O'Keefe

Karen O'Keefe
Director of State Policies
202-905-2012
kokeefe@mpp.org