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Chairman Thomas, Vice Chairman Mathews, Ranking Member Isaacshon, and members of the Ohio House Judiciary committee, my name is Mary Jane Borden. I am a long time Ohio cannabis activist who has worked zealously to legalize the plant over the past 30+ years.

I am offering opponent testimony on the modified version of [SB 56](#). Please note, I submitted testimony for the May 7th hearing on HB 160 that apparently didn't make the docket, although I emailed it to your office before the 9:00 deadline. I'm including that doc below, since I will be referencing it in this current testimony.

P.S. The document that I evaluated, linked above, was provided by Tim Johnson as the most recent version of SB 56 (Sub. S. B. No56). It mirrors what has been reported in the media, unlike the legislation linked on the General Assembly's "[Senate Bill 56 Committee Activity](#)" website under the announcement of the Judiciary Committee hearing on June 4, 2025.

If it ain't broke.

There is an old adage that proclaims, "*If it ain't broke, don't fix it.*" Thanks to a tireless three-year campaign, beginning post pandemic, Ohio voters passed the "[Regulate Marijuana Like Alcohol](#)" (RMLA) initiated statute by the healthy margin of 57%-43%. The measure went into effect in December 2023, where it remains in the Ohio Revised Code unchanged.

Since that effective date, the original ballot language in Ohio's adult use initiative has accrued [almost a half billion in sales](#). (That's a Billion with a "B"!!) The only problem with the new law appears to be the legislature's zeal to restrict it, hence HB 160 and SB 56.

It should be noted that the recent essay, "[Constitutional Limits On Legislative Overrides Of Statutory Initiatives In Ohio](#)," suggests that "*Ohio's constitutional text, structure, and history is one that significantly limits—but does not entirely prohibit—legislative overrides of initiated laws. More specifically, it argues that the constitution allows lawmakers to amend voter-approved initiated statutes only if their changes 'facilitate' the initiative without in any way limiting or restricting it.*"

Perhaps the statute should not be modified at all. It's been falsely suggested that voters wanted legal marijuana, but didn't know what they were voting for in Issue 2. The public's reaction to suggested changes to the ballot issue's original language, now law, should scream the opposite.

Motor vehicle storage.

Both proposed bills (SB 56 and HB 160) mandate that *“The adult-use marijuana or medical marijuana is stored in the trunk of the motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat of the motor vehicle or in an area not normally occupied by the driver.”* (3796.062)

The suggestion to store cannabis in a car trunk could be considered bad advice, especially for women. Accessing goods – and cannabis – from the trunk of a car distracts the driver and can make them vulnerable to crime. The Internet is [rife with stories](#) about robberies at gun point, attacks, muggings, kidnappings, rapes, and stabbings of people accessing the trunks in the back of their cars. Storage behind an upright seat may be better. However, as most women will agree, the safest place to store personal belongings is a purse, and that storage space should be lawful.

SB 56 changes to original RMLA statute.

I’d like to congratulate the legislature for finally producing modifications that may have merit. Please [review this recently created table](#). It compares SB 56 (most recent version) to (left to right) Issue 2 (RMLA), HB 523, SB 56 (substitute) and SB 56 (original). This [table produced in March](#) (left to right) displays Issue 2 (RMLA), HB 523, HB 160, and SB 56 (original). What you will see is the evolution of your work. Even back in March, you weren’t too far off. The features in the bills roughly match those in the RMLA and even HB 523. For example, the homegrow, the forms, possession quantities, dispensary numbers, and protections. Clearly, the sticking point was criminalization. The most recent SB 56 version pares that down by eliminating the mandatory sentencing. Congratulations! You listened to the people!

Section 3796.99 – the sticking point in the other proposed bills – still creates violations where there should be none: for example, using cannabis outside your home. I do, however, appreciate recognition of the outdoor venues. It appears that the minor misdemeanor penalty bears resemblance to Ohio’s long-standing decriminalization that began in 1975: \$150 fine, no jail time. Sanctions do appear to escalate when sales get involved. Hence the harsher misdemeanor of the first degree: up to 180 days in jail and a \$1,000 fine. It’s understandable that giving false information and creating false identification would already be illegal.

Final thoughts

It’s my belief that Ohio voters want the subject matter on which they cast their ballots to be what is carved into Ohio law. If the premise is to go through a long process – signatures, campaign finance, counting procedures and more – the outcome that most would expect is a law that mirrors their vote. When the General Assembly veers from that premise, voters and their activists will speak out – loudly!

My journey though HB 160 and SB 56 showed me that activism does work. You must have been reading and digesting my articles that included several memes on the subject matter, along with publication in the Columbus Free Press.

Just Say No to Mandatory Minimum Sentencing.

You did. My final thought is, Thank You!

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Mary Jane Borden Testimony – June 4, 2025 – HB 160

I am offering opponent testimony on both [HB 160](#) and [SB 56](#) since they seem conjoined. The Ohio Senate passed SB 56 on 2/26/2025, by a partisan 23-9 vote. HB 160's introduction into the Ohio House followed on 3/6/2025. As [illustrated by this graphic](#), both are close enough to be considered companion bills. If HB 160 receives a favorable House vote, the two will likely merge into a single, final version to be signed into law by Governor DeWine. If Sec. 3796.99 – identically common both - remains intact, sick, dying, and disabled patients could be subjected to jail time, a consequence to which I strongly object.

But first, there is an old adage that proclaims, “*If it ain't broke, don't fix it.*” Thanks to a tireless three-year campaign, beginning post pandemic, Ohio voters passed the “[Regulate Marijuana Like Alcohol](#)” (RMLA) initiated statute by the healthy margin of 57%-43%. The measure went into effect in December 2023, where it remains in the Ohio Revised Code unchanged.

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Personally, I can't think of anything more out of step with the Regulated Marijuana Like Alcohol (RMLA) statute than Sec. 3796.99 in both HB160 and SB 56.

Motor vehicle storage. Both proposed bills mandate that “*The adult-use marijuana or medical marijuana is stored in the trunk of the motor vehicle or, if the motor vehicle does*

not have a trunk, behind the last upright seat of the motor vehicle or in an area not normally occupied by the driver.” (3796.062)

The suggestion to store cannabis in a car trunk could be considered bad advice, especially for women. Accessing goods – and cannabis – from the trunk of a car distracts the driver and can make them vulnerable to crime. The Internet is [rife with stories](#) about robberies at gun point, attacks, muggings, kidnappings, rapes, and stabbings of people accessing the trunks in the back of their cars. Storage behind an upright seat may be better. However, as most women will agree, the safest place to store personal belongings is a purse, and that storage space should be lawful.

While in-vehicle storage may be a problem that both HB 160 and SB 56 address, the so-called “solution” is worse, much worse. Sec. 3796.99 creates [twenty new criminal offenses](#), complete with penalties, some of them felonies. Questions become:

- When crafting Sec. 3796.99, did the authors consider that **they are regulating a medical program for sick patients?**
- Is the mere possession of a vape pen or joint by a passenger with no control of the vehicle so dangerous that it must command “*mandatory jail term of ten consecutive days*”? As defined by the [Sentencing Project](#), mandatory minimums “*require a specific minimum prison term for certain crimes, regardless of individual circumstances.*” Judges cannot intervene.
- Do such mandatory jail terms match the severity of the crime?
- Where in the RMLA’s original ballot language are there any such named offenses or penalties?
- Do these 20 offenses and their mandatory penalties “*‘facilitate’ the initiative without in any way limiting or restricting it?*”
- Can the General Assembly assure the public that sick patients will be well cared for in a prison environment? Their prescription regimens, wheelchairs, and walkers will be accommodated?
- Can SB 56 Sponsor Senator Huffman and HB 160 sponsor Brian Stewart confirm that they have not received input or gratuities from the private prison industry while crafting Sec. 3796.99?
- From the [LSC Fiscal Note & Impact Statement](#), “*Felony offenses under the bill with mandatory prison terms of up to five years with up to one additional year could result in additional costs from \$29,496 (marginal cost) to up to \$231,594 (institutional cost) per offender.*” Are these mandatory costs worth an unlit vape pen or joint in the back seat of a car?
- What other non-jail options were considered? And why were they dismissed?

Hypothetically, let’s use one young man as an example. He looks like your typical warm-up wearing thirty something. But looks can be deceiving. An Army veteran, he has served two tours of duty in Iraq and one in Afghanistan. His military experience made him

hypersensitive and left him with PTSD. Loud noises shock him, sleep evades him, and suicide haunts him. His only saving grace is a vape pen that he uses to assuage his angst and make him more functional. Sitting in the back seat of a friend's car, he grabs his pen. The next thing he knows, a police officer pulls up, exits his cruiser, and cites the young man with a violation of 3796.99 (A)(2)(b). He now faces a “mandatory” ten days in jail, \$1,000 fine, and six-month suspension of his driver's license. This misdemeanor in the first degree leaves him with a criminal record, barring him housing, loans, and more. Without a driver's license, he can't find a job. The worst part, no one – not even judges – can intervene. Suicide becomes even more alluring.

Remember, there are [432,389 unique patients](#) who have purchased medical marijuana from Ohio's program. Is incarceration what the General Assembly envisioned for them?

[This graphic shows](#) the five clauses in Section 3796.99 of HB 160 (“a” to “e”) that embody the mandatory minimum sentences and their penalties. Many only apply if the individual is a passenger. Pretty stiff penalties for petty violations.

For over 30 years, Ohio's cannabis activists have worked diligently with one goal in mind: removing the sick, dying, and disabled from the battlefield of the drug war. We were successful in doing so with passage of HB 523 in 2016. The RMLA added another layer with its adoption by voters in 2023. Neither mentioned jail time. Passing HB 160 and then conjoining it with SB 56 moves both bills one step closer to the governor's signature and enactment. Unless legislators address Section 3796.99, hundreds of thousands of patients will face arrest and incarceration.

Sec 3796.99 must be removed in whole, or all clauses proposing jail time must be stripped prior to any bill's final arrival on the governor's desk. To do anything else shows a profound disregard for sound public policy, Ohio's sick patients, and the will of the voters.

