

TO: House Judiciary Committee

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DATE: June 4, 2025

RE: Substitute Senate Bill 56 – Opponent Testimony (Written Only)

Chairman Thomas, Vice Chair Swearingen, Ranking Member Isaacsohn, and members of the House Judiciary Committee, thank you for this opportunity to provide testimony on the changes introduced in Substitute Senate Bill 56.

This Committee heard testimony from the ACLU of Ohio's Legislative Director, Gary Daniels, just last month regarding our opposition to pending cannabis legislation that re-criminalizes cannabis use and eviscerates the Cannabis Social Equity and Jobs Program. While the substitute bill introduced last week is an improvement from the as-introduced and as-passed-by-the-Senate versions of SB 56, we strive for good policy in lieu of less-bad policy. We remain opposed to the bill for reasons similar to our prior testimony:

1. (Re)Criminalization of Cannabis

While Substitute Senate Bill 56 ("Sub. SB 56") makes a marked improvement by removing harsh, mandatory minimum jail and other sentences from the Senate-passed version of the Bill, additional cannabis criminalization requires your attention:

- a. Sub. SB 56 prohibits and criminalizes smoking, combustion, or vaporization of cannabis where a rental agreement prohibits it. Sec. 3796.06(3)(c). Lease agreements between private parties are civil and contractual matters with adequate remedies in the courts. Adding criminal sanctions for lease violations unnecessarily involves the State in these relationships. We suggest removing this prohibition and related minor misdemeanor.
- b. Sub. SB 56 also maintains intrusive government oversight into individuals' cannabis conduct. For instance, while Ohio adults may, under Sub. SB 56, transfer their adult-use cannabis *without remuneration*, the substitute bill limits the location of the transfer to only the transferor's primary residence. Sec. 3796.221(A)(4). We encourage this Committee to reconsider the breadth of the State's involvement at this micro level to better balance individual liberty interests against that of the government and cannabis industry.



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2. *Wholesale Elimination of the Cannabis Social Equity and Jobs Program*

- a. The ACLU of Ohio maintains its support for policy changes that both legalize cannabis and take steps to repair the harms of past criminalization. Sub. SB 56 carries the torch that sets the Cannabis Social Equity and Jobs Program, funding for the Substance Abuse and Addiction Fund, and – to some extent — funding for host communities ablaze. While we understand some Committee members have concerns about specific portions of the excise tax allocations, we encourage you not to throw the baby out with the bathwater. As was the case when the General Assembly had the opportunity to amend this language *before it went to the ballot*, this Committee can amend language rather than abandon it entirely. Over 57% of Ohio voters supported Issue 2, which included these key, restorative provisions.

3. *Other Key Provisions of Issue 2, as passed by over 57% of Ohio Voters*

- a. While Sub. SB 56 reinstates some important and previously eliminated provisions, this version continues its elimination of additional, entire policy provisions passed by Ohio voters, such as the creation of level III cultivation licenses and preferences for those certified by the Cannabis Social Equity and Jobs Program. The here-eliminated program would have lowered barriers to entering the legal market for new entrepreneurs in an industry where many are already off to a running start. Despite improvements to this bill, the balance hangs in favor of those who stand to profit at the expense of those who have already lost the most. We hope that the General Assembly will join us in recognizing and remedying the numerous harms of past cannabis criminalization.

While Sub. SB 56 makes some improvements related to the re-criminalization of cannabis when compared to the as-introduced version of the bill, we encourage this Committee to consider the recommendations outlined above and keep working. The people of Ohio endorsed a policy to legalize *and* repair resoundingly. As it stands today, Sub. SB 56 remains at odds with this endorsement. We stand ready to support the Committee in its efforts to bring Sub. SB 56 closer to this important goal.