



Ohio Prosecuting Attorneys Association

**STEVE BARNETT
CARROLL COUNTY PROSECUTING ATTORNEY
PROPONENT TESTIMONY
SENATE BILL XXX
SENATE GENERAL GOVERNMENT COMMITTEE
JANUARY 29, 2025**

CHAIRWOMAN ROEGNER; VICE-CHAIR GAVARONE RANKING MEMBER BLACKSHEAR and MEMBERS OF THE SENATE GENERAL GOVERNMENT COMMITTEE:

My name is Steve Barnett and I am the Carroll County Prosecuting Attorney and one of the current Officers of the Ohio Prosecuting Attorneys Association. It is my distinct honor and high privilege to appear before you today on behalf of the Ohio Prosecuting Attorneys Association to offer our support for Sen. Huffman's legislation to address a variety of issues with Ohio's adult-use marijuana scheme formerly known as State Issue 2. Ohio's prosecutors have long been and continue to be committed to public safety and protecting the communities we serve. While we opposed State Issue 2 that legalized adult-use marijuana, we respect the wishes of Ohio voters and we seek to work with this body to further protect our communities, including some of our most vulnerable citizens—our children—so that our adult-use marijuana law maintains public safety yet balances the wishes of the electorate. We are pleased that this legislation begins that discussion. I would like to discuss four key points that address our priority concerns and why we support this bill.

First, the safety and the need to protect children exposed to marijuana in any form have been tantamount to our views. Children are our strongest assets and they shape the next generation. If the core of our democracy is for the current generation to leave it better than we found it, then society's strong investment in kids is how we accomplish it. Ohio's county prosecutors have advocated that the sale of marijuana in any form or method that is considered attractive to children or that otherwise encourages children to use marijuana must be addressed. We are pleased that this legislation as introduced addresses this concern in proposing Section 3797.09(D)(1) to prohibit any forms of medical marijuana or adult use marijuana that is attractive to children. This bill would prohibit dispensing or selling of marijuana in any form or likeness that "contains the characteristics of a realistic or fictional human, animal, or fruit" and any artistic renderings thereof that would appeal to children. This legislation also authorizes the division of cannabis control to adopt rules regulating advertisement to prevent or promote illegal activity to minors or that target or mislead children in using marijuana. This is a reasonable common-sense approach, similar to other prohibitions that target people under age or other at-risk populations—like cigarette smoking, alcohol consumption, drugged driving, and gambling to say the least. For good measure, there are even regulations for attorney advertising; it only makes sense adult-use marijuana be subject to limits on exposure to children.

Second, the bill enacts Section 3796.062 that addresses transportation of adult-use and homegrown marijuana in motor vehicle transport. Nothing in State Issue 2 restricted how adult-use marijuana or

homegrown marijuana could be transported thereby making marijuana accessible to vehicle drivers and passengers. This bill, as introduced, addresses transportation of legal marijuana by requiring it to be kept in its original, unopened packaging, storing it in the trunk or in an area of the vehicle not easily accessible by a driver or passenger when there is no trunk. This bill also establishes similar rules for marijuana paraphernalia. Ohio has long established open container laws regarding alcohol in motor vehicles; common sense mandates a similar rule for adult-use and medical marijuana access in motor vehicles. Ensuring that motorists do not have access to intoxicating substances while driving is critical to highway safety. We can all agree that we should seek to deter and to punish impaired driving. Regulating the transport of marijuana is critical to that.

Third, the bill, limits home grow marijuana to six plants rather than 12 plants as previously enacted under State Issue 2. It would also prohibit the transfer of home-grown marijuana. Once again, these are issues of community safety in a larger sense. As some cannabis plants can produce up to 17.5 ounces—more than one pound—of cannabis per plant under the right conditions, home grow at these creates a real risk that the state will create a thriving black market. This could include contraband sales as well as avoidance of regulations and tax obligations in the lawful sale. If a black market for drugs exists it invites a criminal element. A black market also risks increased likelihood of tainted marijuana that risks personal safety of users in that they may not be aware of what else they are ingesting; that black market marijuana will find its way into the hands of persons younger than 21, including minor children; and a black market of marijuana reduces lawful purchases from appropriate dispensaries, which circumvents and diminishes taxes and projected tax revenues.

Finally, the legislation addresses penalties for acts that fall outside the scope of the regulatory scheme. The penalties for offenses related to unlawful transportation are consistent with and align with Ohio's OVI penalties by requiring mandatory minimum consecutive days in jail; mandatory minimum fines, and drivers license suspensions, which are directly attributable to conduct in operation of a motor vehicle. Similar to OVI penalties, there are increasing penalties for subsequent violations. Equally as important, the bill also criminalizes providing false information in providing identification for adult-use purchases—again, similar to provisions involving alcohol and cigarettes. Finally, it is critical that whatever changes are made continue to authorize prosecutors to prosecute people for marijuana possession, trafficking, or cultivation when that activity falls outside the scope of what is permitted by the adult-use regulatory scheme. We believe that this legislation achieves that goal.

What this legislation does is codify common sense. It takes into account reasonable public safety concerns and balances them with the wishes of the electorate when it comes to adult-use and home-grown marijuana. Ohio's county prosecutors remain committed to keeping our communities and the most vulnerable of our population safe and we can say that Sen. Huffman's bill begins to help us with that. We look forward to working with the sponsors to advance these much-needed adjustments to State Issue 2 and set forth a reasonable and common-sense approach to these important issues. We thank Sen. Huffman for his work on this issue.

Thank you for allowing me to speak today, and will be happy to attempt to answer any questions the committee may have.