

TO: Senate General Government Committee

FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio

DATE: February 18, 2025

RE: Senate Bill 56 – Opponent Testimony

To Chairwoman Roegner, Vice Chair Gavarone, Ranking Member Blackshear, and members of the Senate General Government Committee, thank you for this opportunity to provide opponent testimony on Senate Bill 56.



The ACLU of Ohio endorsed Issue 2 for two primary reasons. First, Issue 2 stems the tide of Ohioans acquiring criminal records and entering Ohio's bursting jails and prisons for cannabis-related offenses. Second, Issue 2 is a positive step toward repairing the harms of the thoroughly failed War on Drugs. For these same reasons, we implore you to respect the will of voters and reject provisions of this bill that far surpass mere technical or otherwise innocuous revisions.

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Of course, the ACLU of Ohio recognizes revisions to the Revised Code are well within your purview and changing laws is often necessary to fix oversights and to make policies function as intended. However, SB 56 is no such change. Not only is it a wholesale abandonment of key policy features of the initiated statute, but it occurs *after* the General Assembly already had the opportunity but refused to review and alter Issue 2's language and provisions during the initiated statute process.

Ohio voters overwhelmingly supported Issue 2. In doing so, they endorsed policies regarding adult-use cannabis. SB 56 now proposes to roll back these changes, in whole or in part, in an affront to those same voters.

ADULT USE

Issue 2/Current Law

Adults 21+ years-old may purchase cannabis from a licensed dispensary or grow cannabis at home with up to 6 plants permitted per household member with a maximum of 12 plants allowed. Of-age Ohioans may also possess cannabis in a variety of forms and potency levels.

Senate Bill 56

Cuts in half the total number of plants that may be grown in one's home from 12 to 6. SB 56 also reduces the maximum THC levels in extracts from 90% to 70%. Curiously, SB 56 also outlaws the unlicensed transfer of home grown and other cannabis between adults, arguably banning the sharing of, for example, a joint between two or more people.

SOCIAL EQUITY & JOBS PROGRAM

Issue 2/Current Law

Like many other states, Issue 2 proscribed a thoughtful process and system to ensure at least some of those most directly impacted by the failed War on Drugs can now benefit from Ohio's new cannabis laws. The relevant language in Issue 2 and current law is explicit in its intent to accomplish things such as “study and fund direct investment in disproportionately impacted communities to enhance education, entrepreneurship, legal aid, youth development, violence prevention, and the arts related to the program.”

By our estimate, the money earmarked for the cannabis social equity and jobs fund from the first six months of sales already exceeds \$11 million. This is accomplished via a 10% excise tax on cannabis sales with 36% of those excise tax proceeds going to the social equity and jobs program.

Senate Bill 56

Completely abolishes the social equity and jobs program. SB 56 also slashes current, similar funding that supports the Department of Mental Health and Addiction Services to alleviate substance abuse and another fund for the benefit of municipal corporations and townships that have adult-use dispensaries.

LEGAL PROTECTIONS

Issue 2/Current Law

Current law provides explicit protections for adults who use cannabis. Ohioans are protected from adverse actions based solely on cannabis use such as taking disciplinary action against a professional license holder and disqualifying a person from a public benefit program, among other protections.

Senate Bill 56

Continues and perpetuates Ohio's mass incarceration and punishment mindset by scrapping these protections. SB 56 also imposes serious penalties for smoking, vaporizing, or combusting cannabis in a vehicle, including as a passenger. These penalties include mandatory jail terms for first offenses and steep fines.

Finally, the ACLU of Ohio urges this committee to not rush this bill through the Senate. There is lots of interest in this issue across Ohio but many do not have an opportunity to testify today or have had a chance to fully review a 147-page bill with numerous provisions introduced less than one month ago. SB 56 is not the tidying-up of a citizen-initiated statute. Instead, it is a rebuke of the people and businesses that drafted the initiative, voted for it, worked tirelessly to implement it, and generated (so far) \$319 million of adult-use sales. Your constituents deserve the chance to fully weigh on an important issue they passed so resoundingly before it is demolished by politicians.

For these reasons and more, the ACLU of Ohio urges your rejection of this current version of Senate Bill 56.