



February 17, 2025

Re: In strong opposition to SB 56

Dear Chairman Roegner and distinguished members of the Senate General Government Committee:

My name is Karen O'Keefe. I am an attorney and the director of state policies for the nonprofit Marijuana Policy Project (MPP), the largest cannabis policy reform organization in the nation. MPP was a significant backer of Ohio's Issue 2 campaign, which received 57% of the vote — with majority support in 88% of Senate districts and 76% of House districts. We are alarmed by the proposal to gut the voter-enacted law and replace it with a shell of itself. We strongly urge you to reject the bill.

SB 56 would create a legal minefield that re-criminalizes innocuous conduct, including sharing cannabis, smoking or vaping in one's backyard, and having edibles in a car that were ever opened. It also increases excise taxes by 50%, lowers potency caps, eliminates the cannabis social equity and jobs program, and eliminates non-discrimination protections to ensure responsible cannabis consumers are not denied child custody, medical care including life-saving organ transplants, and benefits.

Its overwhelming theme is creating an air of suspicion and re-criminalization that ensnares cannabis consumers for innocuous conduct that endangers no one, while restricting the products they can use, raising taxes, and stripping away their rights and funding from hard-hits communities.

### **New Prohibitions of Innocuous Conduct**

We strenuously object to SB 56's re-criminalization. Existing law already prohibits smoking in public. SB 56 would go much further, making it a minor misdemeanor to smoke or vape in your own backyard — or in a hotel room that chooses to allow it.

SB 56 bans smoking and vaping adult-use cannabis anywhere except inside some private residences. While Issue 2 allows landlords to ban smoking in a rental home if it's prohibited in a lease, SB 56 goes much further and makes it a minor misdemeanor to even vape in your own home if the landlord bans it.

SB 56 also removes Issue 2's language that allows the transfer of cannabis without remuneration. Spouses would have "his and her" cannabis! Imagine being prohibited from sharing a bottle of wine with friends and family. This prohibition is nonsensical.

SB 56 also requires cannabis to be stored in its original packaging at all times it isn't actively being used. People with disabilities and seniors have a great deal of trouble

opening child proof packaging, but they could not transfer their cannabis to a jar they can open — even if they live alone. This is all the more puzzling given that home cultivation is allowed. By design or effect, it will trip up cannabis consumers and recriminalize innocent behavior.

Another needlessly onerous provision is requiring cannabis and paraphernalia to either be transported in the “original, unopened packaging” or in the trunk if there is one. If there is no trunk, cannabis and paraphernalia that has ever been opened must be stored “behind the last upright seat of the motor vehicle or in an area not normally occupied by the driver or passengers and not easily accessible by the driver.” Most cannabis consumers will be unaware of this provision. It is onerous and impractical — especially for people with disabilities — and sometimes impossible, such as in rideshare and public transportation.

While the wording is unclear, SB 56 appears to ban cannabis that was not purchased from an Ohio retailer or cultivated at home. If my husband and I drove to or through Ohio from Michigan, as we do, we could not bring his medical cannabis. There is, of course, no similar prohibition for alcohol.

SB 56 also reduces the amount of plants that can be grown with multiple adults from 12 to six, while also prohibiting adults from sharing homegrown cannabis — even if they share the home.

Outrageously, any passenger on a boat who vapes or smokes cannabis would face a three-day mandatory minimum in jail — with a maximum of up to six months in jail plus a fine — for smoking or vaping cannabis.

None of this re-criminalization was enacted by Michigan’s legislature. Here in Michigan, the voter-enacted cannabis law is very much like Issue 2. It strikes an appropriate balance between personal liberty and the rights of others, and is much closer to how we treat alcohol. Please reject SB 56 and its trip wires.

### **Capping THC and Limiting Products**

We also strongly object to SB 56’s reductions in THC caps and products. SB 56 reduces the THC cap from 90% to 70% for extracts. This will likely result in more homemade butane hash extractions, which can be hazardous — leaving behind residual solvents and causing explosions.<sup>1</sup> Extractions should be performed by licensed businesses with strict safety rules. SB 56 will drive that market underground.

SB 56 limits servings to 10 milligrams of THC and packages to 100 milligrams, other than cannabis intended for vaporization. This seemingly makes sales of flower (raw cannabis) impossible. A gram of cannabis at 35% THC would have 350 milligrams of THC and be more than triple the limit. Many sales of cannabis are up to one ounce.

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<sup>1</sup> <https://www.bakerrisk.com/news/butane-hash-oil-lab/>

SB 56 also removes “edibles,” “suppositories,” and “oils” from the list of products that may be sold, and it removes Issue 2’s provision allowing petitions for additional product types.

These provisions will drive sales underground and to Michigan, and would deny Ohio adults the freedoms voters enacted.

### **Repeals Non-Discrimination Protections to Stop Ruining Lives Over Cannabis**

Issue 2 — now O.R.C. 3796.24 — includes protections that are increasingly common in adult-use legalization states to avoid ruining lives for cannabis. We have seen tragedies where people’s children were taken away from them simply because they possessed cannabis,<sup>2</sup> and where people died awaiting organ transplants because they were taken off the list for using cannabis — without any medical reason.<sup>3</sup>

SB 56 removes important provisions providing that adults’ responsible use of cannabis is not grounds for:

- adjudicating their child abused or neglected,
- making a negative determination about a parent's rights or parenting time,
- denying a person medical care, including their place on the organ transplant waiting list,
- suspending one’s driver’s license,
- rejecting an applicant as a tenant (unless mandated by federal law), or disqualifying a person from public benefits.

While SB 56 retains similar protections for medical cannabis, 20% of Ohioans who use cannabis as a medicine have already transitioned off the registry now that they can use cannabis as an over-the-counter medicine. And voters approved protecting adult-use consumers from having their lives ruined in those ways for the responsible use of cannabis, too.

### **Raises Taxes On Cannabis Consumers and Reallocating Funds**

SB 56 increases the retail excise tax on adult-use cannabis from 10% to 15%. I am not entirely clear if this is in addition to standard state and local sales taxes. If it is, it’s a substantial increase that we strongly object to. This uncompetitive tax would drive more sales underground and to Michigan.

We also strongly object to eliminating the allocations from Issue 2, including funding to localities and the social equity and jobs program. The social equity and jobs program included support for expungement and sealing of cannabis records and funding “direct

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<sup>2</sup>

<https://tennesseelookout.com/2025/02/13/tennessee-department-of-childrens-services-took-kids-after-traffic-stop-with-a-valid-court-order/>

<sup>3</sup>

<https://www.aclu.org/news/smart-justice/death-medical-marijuana-patient-denied-organ-transplant-shines>  
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investment in disproportionately impacted communities to enhance education, entrepreneurship, legal aid, youth development, violence prevention, and the arts related to the program.”

Proceeds from legalization should help clear cannabis records that derail lives. And they should be invested in the communities that have borne the brunt of the war on cannabis.

### **Concluding Thoughts**

The people spoke when they approved Issue 2. SB 56 dramatically scales back the freedoms, protections, and commitment to justice that voters approved. It replaces them with an air of suspicion, trip wires and re-criminalization, higher taxes, and fewer products.

Please reject SB 56 and uphold the will of your voters.

Sincerely,

A handwritten signature in black ink that reads "Karen O'Keefe". The signature is written in a cursive, flowing style.

Karen O'Keefe  
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