

## As Introduced

136th General Assembly

Regular Session

H. B. No. 631

2025-2026

Representatives Ghanbari, Miller, K.

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To amend sections 3796.06 and 3796.99 of the  
Revised Code to modify prohibitions regarding  
underage possession, consumption, and purchase  
of marijuana.

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## BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

**Section 1.** That sections 3796.06 and 3796.99 of the  
Revised Code be amended to read as follows:

**Sec. 3796.06.** (A) Only the following forms of medical  
marijuana may be dispensed under this chapter:

(1) Oils; 9

(2) Tinctures; 10

(3) Plant material; 11

(4) Edibles; 12

(5) Patches; 13

(6) Any other form approved by the division of marijuana  
control under section 3796.061 of the Revised Code. 14  
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(B) Only the following forms of adult-use marijuana may be  
dispensed under this chapter: 16  
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(1) Any form in which medical marijuana may be dispensed; 18

(2) Extracts;	19
(3) Drops;	20
(4) Lozenges;	21
(5) Smoking or combustible products;	22
(6) Vaporization products;	23
(7) Beverages;	24
(8) Pills;	25
(9) Capsules;	26
(10) Suppositories;	27
(11) Oral pouches;	28
(12) Oral strips;	29
(13) Oral and topical sprays;	30
(14) Salves;	31
(15) Lotions or similar cosmetic products;	32
(16) Inhalers;	33
(17) Seeds;	34
(18) Live plants;	35
(19) Clones;	36
(20) Pre-rolled products.	37
(C) With respect to the methods of using medical marijuana, adult-use marijuana and homegrown marijuana, all of the following apply:	38
(1) The smoking or combustion of medical marijuana is	41

prohibited.	42
(2) No person shall knowingly consume adult-use marijuana or homegrown marijuana by smoking, combustion, or vaporization or knowingly consume medical marijuana by vaporization in any place other than privately owned real property that is used primarily for residential or agricultural purposes, including any dwellings, facilities, improvements, and appurtenances on such real property.	43 44 45 46 47 48 49
(3) No person shall knowingly smoke, combust, or vaporize marijuana in any of the following:	50 51
(a) A type A family child care home or type B family child care home, as those terms are defined in section 5104.01 of the Revised Code;	52 53 54
(b) A halfway house, community transitional housing facility, community residential center, or other similar facility licensed by the division of parole and community services under section 2967.14 of the Revised Code;	55 56 57 58
(c) A residential premises occupied pursuant to a rental agreement that prohibits the smoking, combustion, or vaporization of marijuana;	59 60 61
(d) A public place or place of employment, as those terms are defined in section 3794.01 of the Revised Code.	62 63
(4) The division may approve additional methods of using medical marijuana, other than smoking or combustion, under section 3796.061 of the Revised Code.	64 65 66
(D) (1) Any form or method of using adult-use marijuana or medical marijuana that is considered attractive to children, as specified in rules adopted by the division, is prohibited.	67 68 69

(2) Adult-use marijuana and medical marijuana shall not be dispensed or sold in a form or shape that bears the likeness or contains the characteristics of a realistic or fictional human, animal, or fruit, including artistic, caricature, or cartoon renderings.	70 71 72 73 74
(E) (1) Except as otherwise provided in division (E) (3) of this section, the tetrahydrocannabinol content of medical marijuana dispensed or sold to patients or caregivers shall not exceed:	75 76 77 78
(a) Thirty-five per cent for plant material;	79
(b) Seventy per cent for extracts.	80
(2) Except as otherwise provided in division (E) (3) of this section, the tetrahydrocannabinol content of adult-use marijuana dispensed or sold to adult-use consumers shall not exceed:	81 82 83 84
(a) Thirty-five per cent for plant material;	85
(b) Seventy per cent for extracts.	86
(3) The division may adopt rules, in accordance with Chapter 119. of the Revised Code, that do either or both of the following:	87 88 89
(a) Increase the tetrahyrdrocannabinol content limits for extracts prescribed in divisions (E) (1) and (2) of this section;	90 91
(b) Establish tetrahydrcannabinol content limits for adult-use and medical marijuana dispensed or sold under this chapter by content per serving or per package.	92 93 94
(F) No person shall knowingly give, sell, or distribute adult-use marijuana or homegrown marijuana to a person under	95 96

twenty-one years of age. 97

(G) (1) No person under the age of ~~twenty one~~twenty-one 98  
shall knowingly purchase, use, or possess adult-use marijuana or 99  
homegrown marijuana. 100

(2) If a person is charged with violating division (G) (1) 101  
of this section in a complaint filed under section 2151.27 of 102  
the Revised Code, the court may order the child into a diversion 103  
program specified by the court and hold the complaint in 104  
abeyance pending successful completion of the diversion program. 105  
A child is ineligible to enter into a diversion program under 106  
division (G) (2) of this section if the child previously has been 107  
diverted pursuant to division (G) (2) of this section. If the 108  
child completes the diversion program to the satisfaction of the 109  
court, the court shall dismiss the complaint and order the 110  
child's record in the case sealed under sections 2151.356 to 111  
2151.358 of the Revised Code. If the child fails to 112  
satisfactorily complete the diversion program, the court shall 113  
proceed with the complaint. 114

(3) If a person is charged in a criminal complaint with 115  
violating division (G) (1) of this section, section 2935.36 of 116  
the Revised Code applies to the offense, except that a person is 117  
ineligible for diversion under that section if the person 118  
previously has been diverted pursuant to division (G) (2) or (3) 119  
of this section. If the person completes the diversion program 120  
to the satisfaction of the court, the court shall dismiss the 121  
complaint and order the record in the case sealed under section 122  
2953.33 of the Revised Code. If the person fails to 123  
satisfactorily complete the diversion program, the court shall 124  
proceed with the complaint. 125

(H) An adult-use consumer, medical marijuana patient, or 126

medical marijuana caregiver shall store edible adult-use and 127  
medical marijuana products in the original packaging at all 128  
times when the products are not actively in use. 129

**Sec. 3796.99.** (A) (1) Whoever violates division (C) (2) of 130  
section 3796.06 of the Revised Code as an operator of the 131  
vehicle, streetcar, trackless trolley, watercraft, or aircraft 132  
is subject to section 1547.11, 4511.19, 4511.194, or 4561.15 of 133  
the Revised Code, as applicable. 134

(2) Whoever violates division (C) (2) of section 3796.06 of 135  
the Revised Code as a passenger of a vehicle, streetcar, 136  
trackless trolley, watercraft, or aircraft when the operator is 137  
operating or has physical control of the vehicle, streetcar, 138  
trackless trolley, watercraft, or aircraft is guilty of a 139  
misdemeanor of the third degree. 140

(B) Except as otherwise provided in division (A) of this 141  
section, whoever violates division (C) (2) or (3) (a), (b), or (d) 142  
of section 3796.06 of the Revised Code is guilty of a minor 143  
misdemeanor. 144

(C) (1) (a) Except as provided in division (C) (1) (b) of this 145  
section, whoever violates division (F) of section 3796.06 of the 146  
Revised Code is guilty of a misdemeanor of the first degree. 147

(b) An offender who has previously been convicted of, or 148  
pleaded guilty to, a violation of division (F) of section 149  
3796.06 of the Revised Code, is guilty of a felony of the fifth 150  
degree. 151

(2) The division of cannabis control shall immediately 152  
revoke the license of any license holder under this chapter who 153  
is found guilty of, or who pleads guilty or no contest to, 154  
violating division (F) of section 3796.06 of the Revised Code. 155

(D) Whoever violates division (B) of section 3796.221 of the Revised Code is guilty of possession of marijuana under section 2925.11 of the Revised Code.	156 157 158
(E) Whoever violates division (C) of section 3796.04 of the Revised Code is guilty of illegal cultivation of marijuana under section 2925.04 of the Revised Code.	159 160 161
(F) Whoever violates division (I) of section 3796.09, division (I) of section 3796.10, division (C) (2) of section 3796.20, or division (C) of section 3796.221 of the Revised Code is guilty of trafficking in marijuana under section 2925.03 of the Revised Code.	162 163 164 165 166
(G) (1) Except as otherwise provided in divisions (G) (2) to (4) of this section, whoever violates division (G) of section 3796.06 of the Revised Code by knowingly showing or giving false information concerning the individual's name, age, or other identification for the purpose of purchasing or otherwise obtaining adult-use marijuana from an adult-use dispensary licensed under this chapter is guilty of a misdemeanor of the first degree.	167 168 169 170 171 172 173 174
(2) Except as otherwise provided in divisions (G) (3) and (4) of this section, whoever violates division (G) of section 3796.06 of the Revised Code by knowingly presenting to an adult-use dispensary licensed under this chapter a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, is guilty of a misdemeanor of the first degree and, notwithstanding division (A) (2) of section 2929.28 of the Revised Code, shall be fined not less than two hundred fifty dollars and not more than one thousand dollars.	175 176 177 178 179 180 181 182 183 184 185

(3) (a) Except as otherwise provided in division (G) (4) of  
this section, an offender who has previously been convicted of  
or pleaded guilty to a violation of division (G) of section  
3796.06 of the Revised Code by knowingly presenting to an adult-  
use dispensary licensed under this chapter a false, fictitious,  
or altered identification card, a false or fictitious driver's  
license purportedly issued by any state, or a driver's license  
issued by any state that has been altered, is guilty of a  
misdemeanor of the first degree and, notwithstanding division  
(A) (2) of section 2929.28 of the Revised Code, shall be fined  
not less than five hundred dollars nor more than one thousand  
dollars.

(b) (i) The court also may impose a class seven suspension  
of the offender's driver's or commercial driver's license or  
permit, or nonresident operating privilege, from the range  
specified in division (A) (7) of section 4510.02 of the Revised  
Code.

(ii) The court, in lieu of suspending the offender's  
temporary instruction permit, probationary driver's license, or  
driver's license, instead may order the offender to perform a  
determinate number of hours of community service, with the court  
determining the actual number of hours and the nature of the  
community service the offender shall perform.

(4) (a) An offender who has previously been convicted of or  
pleaded guilty to two or more violations of division (G) of  
section 3796.06 of the Revised Code by knowingly presenting to  
an adult-use dispensary licensed under this chapter a false,  
fictitious, or altered identification card, a false or  
fictitious driver's license purportedly issued by any state, or  
a driver's license issued by any state that has been altered, is

guilty of a misdemeanor of the first degree and, notwithstanding  
division (A) (2) of section 2929.28 of the Revised Code, shall be  
fined not less than five hundred dollars nor more than one  
thousand dollars. 216  
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(b) (i) The court also may impose a class six suspension of  
the offender's driver's or commercial driver's license or permit  
or nonresident operating privilege from the range specified in  
division (A) (6) of section 4510.02 of the Revised Code, and the  
court may order that the suspension or denial remain in effect  
until the offender attains the age of twenty-one years. 220  
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(ii) The court, in lieu of suspending the offender's  
temporary instruction permit, probationary driver's license, or  
driver's license, instead may order the offender to perform a  
determinate number of hours of community service, with the court  
determining the actual number of hours and the nature of the  
community service the offender shall perform. 226  
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(5) The financial sanctions required by divisions (G) (2)  
to (4) of this section are in lieu of the financial sanctions  
described in division (A) (2) of section 2929.28 of the Revised  
Code but are in addition to any other sanctions or penalties  
that may apply to the offender, including other financial  
sanctions under that section or a jail term under section  
2929.24 of the Revised Code. 232  
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(H) (1) Except as otherwise provided in division (H) (2) of  
this section, whoever violates division (G) of section 3796.06  
of the Revised Code by knowingly soliciting another person to  
purchase adult-use marijuana from an adult-use dispensary  
licensed under this chapter is guilty of a misdemeanor of the  
fourth degree. 239  
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(2) An offender who has previously been convicted of or pleaded guilty to a violation of division (G) of section 3796.06 of the Revised Code by knowingly soliciting another individual to purchase adult-use marijuana from an adult-use dispensary licensed under this chapter is guilty of a misdemeanor of the second degree.	245 246 247 248 249 250
(I) Whoever violates division (A), (B), or (C) of section 3796.062 of the Revised Code is guilty of a minor misdemeanor.	251 252
(J) Whoever violates division (D) of section 3796.062 of the Revised Code is guilty of illegal use or possession of marijuana drug paraphernalia under section 2925.141 of the Revised Code.	253 254 255 256
<u>(K) Whoever violates division (G) (1) of section 3796.06 is guilty of a misdemeanor of the third degree.</u>	257 258
<u>If an offender who violates division (G) (1) of section 3796.06 of the Revised Code was under the age of eighteen years at the time of the offense and the offense occurred while the offender was the operator of or a passenger in a motor vehicle, the court, in addition to any other penalties it imposes upon the offender, shall suspend the offender's temporary instruction permit or probationary driver's license for a period of not less than six months and not more than one year. If the offender is fifteen years and six months of age or older and has not been issued a temporary instruction permit or probationary driver's license, the offender shall not be eligible to be issued such a license or permit for a period of six months. If the offender has not attained the age of fifteen years and six months, the offender shall not be eligible to be issued a temporary instruction permit until the offender attains the age of sixteen years.</u>	259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274

**Section 2.** That existing sections 3796.06 and 3796.99 of  
the Revised Code are hereby repealed.

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