

**As Introduced**

**136th General Assembly**

**Regular Session**

**2025-2026**

**S. B. No. 240**

**Senator Smith**

**Cosponsors: Senators Antonio, Blessing, Craig**

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To enact section 3780.221 of the Revised Code to  
authorize a county excise tax on the sale of  
adult use marijuana to support artistic,  
cultural, and entertainment opportunities.

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

**Section 1.** That section 3780.221 of the Revised Code be  
enacted to read as follows:

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**Sec. 3780.221.** (A) For one or more of the purposes of  
funding cultural, artistic, and entertainment opportunities in  
the county and for the purpose of paying the expenses of  
administering the tax, a board of county commissioners may levy  
an excise tax on the retail sale of adult use marijuana, as that  
term is defined in section 3780.22 of the Revised Code, in the  
county.

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The rate of the tax shall be expressed as a multiple of  
one-quarter of one per cent of the price of adult use marijuana,  
but shall not exceed three per cent in total when accounting for  
all taxes levied under this section simultaneously by a county.  
The tax is in addition to other taxes levied under this chapter  
or Chapter 5739. or 5741. of the Revised Code. The tax may be

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levied for any number of years not exceeding ten years. 20

The tax shall be levied pursuant to a resolution of the 21  
board of county commissioners approved by a majority of the 22  
electors in the county voting on the question of levying the 23  
tax. The resolution shall specify the rate of the tax, the 24  
number of years the tax will be levied, and the purposes for 25  
which the tax is levied. The election may be held on the date of 26  
a general or special election held not sooner than ninety days 27  
after the date the board certifies its resolution to the board 28  
of elections. If approved by the electors, the tax shall take 29  
effect on the first day of the month specified in the resolution 30  
but not sooner than the first day of the month that is at least 31  
sixty days after the certification of the election results by 32  
the board of elections. The board of county commissioners shall 33  
certify a copy of the resolution levying the tax to the tax 34  
commissioner at least sixty days prior to the date on which the 35  
tax is to become effective. 36

(B) The form of the ballot in an election held to propose 37  
a tax under division (A) of this section shall be as follows, or 38  
in any other form acceptable to the secretary of state: 39

"For the purpose of (insert the purpose or 40  
purposes of the tax), shall an excise tax be levied throughout 41  
County at the rate of % of the price paid for 42  
adult use marijuana for years? 43

|            |                        |
|------------|------------------------|
| <u>Yes</u> | <u>For the tax</u>     |
| <u>No</u>  | <u>Against the tax</u> |

"  
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(C) A tax approved under this section shall be paid by the 45

consumer to the vendor at the time of the sale, and the vendor 46  
shall report and remit the tax to the state in the same manner, 47  
on the same form, and at the same time as the vendor reports and 48  
remits the tax levied under section 3780.22 of the Revised Code. 49  
Except as otherwise provided in this section, and for all 50  
purposes of the Revised Code, the tax levied under this section 51  
shall be administered and enforced in the same manner as a tax 52  
levied under section 5739.021 of the Revised Code. 53

(D) All money arising from a tax levied under this section 54  
shall be credited as follows: 55

(1) To the tax refund fund created by section 5703.052 of 56  
the Revised Code, amounts equal to the refunds attributable to 57  
each tax levied under this section of the Revised Code and 58  
certified by the tax commissioner pursuant to section 5739.07 of 59  
the Revised Code; 60

(2) Following the crediting of amounts pursuant to 61  
division (D)(1) of this section: 62

(a) To the permissive tax distribution fund created under 63  
section 4301.423 of the Revised Code, an amount equal to ninety- 64  
eight per cent of the remainder collected; 65

(b) To the local excise tax administrative fund created 66  
under section 5743.021 of the Revised Code, an amount equal to 67  
two per cent of such remainder, for use by the tax commissioner 68  
in defraying costs incurred in administering the tax. 69

On or before the tenth day of each month, the tax 70  
commissioner shall distribute the amount credited to the 71  
permissive tax distribution fund during the preceding month by 72  
providing for payment of the appropriate amount to the county 73  
treasurer of the county in which the tax is levied. 74