

As Introduced

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S. B. No. 266

Senator DeMora

**Cosponsors: Senators Lang, Antonio, Blackshear, Craig, Hicks-Hudson, Ingram,
Weinstein**

To enact sections 3779.01, 3779.02, 3779.03, and 1
3779.99 of the Revised Code to establish 2
specified requirements governing the sale and 3
testing of intoxicating hemp products. 4

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

Section 1. That sections 3779.01, 3779.02, 3779.03, and 5
3779.99 of the Revised Code be enacted to read as follows: 6

Sec. 3779.01. As used in this chapter: 7

(A) "Delta-9 tetrahydrocannabinol" and "hemp product" have 8
the same meanings as in section 928.01 of the Revised Code. 9

(B) "Identification card" means a driver's or commercial 10
driver's license, an identification card issued under sections 11
4507.50 to 4507.52 of the Revised Code or an equivalent 12
identification card issued by another state, a military 13
identification card issued by the United States department of 14
defense, or a United States or foreign passport that displays a 15
picture of the individual for whom the license, card, or 16
passport is issued and shows that the person buying is then at 17
least twenty-one years of age. 18

(C) "Intoxicating hemp product" means a hemp product 19
containing any amount of synthetic tetrahydrocannabinol, more 20
than five-tenths of a milligram of delta-9 tetrahydrocannabinol 21
per serving, two milligrams of delta-9 tetrahydrocannabinol per 22
package, or five-tenths of a milligram of total non-delta-9 23
tetrahydrocannabinol per package. "Intoxicating hemp product" 24
does not include a hemp product that cannot be ingested, 25
inhaled, snorted, sniffed, or used sublingually. 26

(D) "Sell" means the exchange, barter, gift, offer for 27
sale, and sale of an intoxicating hemp product. 28

(E) "Tetrahydrocannabinol" means naturally occurring or 29
synthetic equivalents, regardless of whether artificially or 30
naturally derived, of the substances contained in the plant, or 31
in the resinous extractives of cannabis, sp. or derivatives, and 32
their isomers with similar chemical structure to delta-1-cis or 33
trans tetrahydrocannabinol, and their optical isomers, salts and 34
salts of isomers. "Tetrahydrocannabinol" includes, but is not 35
limited to, delta-8 tetrahydrocannabinol, delta-10 36
tetrahydrocannabinol, tetrahydrocannabinol-o acetate, 37
tetrahydrocannabiphorol, tetrahydrocannabivarin, 38
hexahydrocannabinol, delta-6-cis or trans tetrahydrocannabinol, 39
delta-3,4-cis or trans tetrahydrocannabinol, 9- 40
hexahydrocannabinol, and delta-9-tetrahydrocannabinol acetate. 41

Since nomenclature of these substances is not 42
internationally standardized, compounds of these structures, 43
regardless of designation of atomic positions, are included. 44

"Tetrahydrocannabinol" does not include the following: 45

(1) Tetrahydrocannabinols approved by the United States 46
food and drug administration for marketing as a medication or 47

recognized by the United States food and drug administration as 48
generally recognized as safe; 49

(2) Cannabichromene (CBC); 50

(3) Cannabicyclol (CBL); 51

(4) Cannabidiol (CBD); 52

(5) Cannabidivarin (CBDV); 53

(6) Cannabielsoin (CBE); 54

(7) Cannabigerol (CBG); 55

(8) Cannabigerovarin (CBGV); 56

(9) Cannabinol (CBN); 57

(10) Cannabivarin (CBV). 58

(F) "Total non-delta-9 tetrahydrocannabinol" means the 59
sum, after the application of any necessary conversion factor, 60
of the percentage by weight of tetrahydrocannabinol, other than 61
delta-9 tetrahydrocannabinol, and the percentage by weight of 62
tetrahydrocannabinolic acid. 63

Sec. 3779.02. No person shall do any of the following: 64

(A) Sell an intoxicating hemp product to an individual who 65
is under twenty-one years of age as verified by examining the 66
individual's identification card; 67

(B) Subject to division (B) of section 3779.03 of the 68
Revised Code, sell an intoxicating hemp product that has not 69
been tested in compliance with rules adopted under section 70
3780.03 of the Revised Code that otherwise apply to adult use 71
cannabis; 72

(C) Sell an intoxicating hemp product in any form or 73

method that is considered attractive to children as established 74
in rules adopted under section 3779.03 of the Revised Code. 75

Sec. 3779.03. (A) The superintendent of cannabis control 76
shall adopt rules in accordance with Chapter 119. of the Revised 77
Code establishing criteria for what constitutes an intoxicating 78
hemp product that is attractive to children. The rules shall, at 79
a minimum, include criteria prohibiting an intoxicating hemp 80
product from being sold in a form or shape that bears the 81
likeness or contains the characteristics of a realistic or 82
fictional human, animal, or fruit, including artistic, 83
caricature, or cartoon renderings. 84

(B) The superintendent shall adopt rules in accordance 85
with Chapter 119. of the Revised Code establishing standards for 86
testing intoxicating hemp products. Notwithstanding Chapters 87
3780. and 3796. of the Revised Code and rules adopted under 88
those chapters to the contrary, an intoxicating hemp product 89
that is sold at retail in this state shall be tested in a 90
facility licensed in accordance with Chapter 3780. of the 91
Revised Code and rules adopted under it or, as approved by the 92
director, in a facility in another state that meets requirements 93
that are substantially similar to applicable requirements 94
established under Chapter 3780. of the Revised Code and rules 95
adopted under it. 96

Sec. 3779.99. (A) Whoever recklessly violates division (A) 97
of section 3779.02 of the Revised Code is guilty of a felony of 98
the fifth degree. 99

(B) Whoever recklessly violates division (C) of section 100
3779.02 of the Revised Code is guilty of a misdemeanor of the 101
first degree. 102