

What Ohioans need to know about November ballot issue to legalize recreational marijuana

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Ohio voters will decide in November whether the state should legalize recreational marijuana.

The proposal from the Coalition to Regulate Marijuana Like Alcohol would establish a new government program with rules for buying, selling, smoking and growing adult-use cannabis. The Nov. 7 ballot measure is an initiated statute, not a constitutional amendment, meaning the Legislature could make adjustments if it passes.

The USA TODAY Network Ohio Bureau compiled answers to reader questions and other information voters should know about the proposed law, known as State Issue 2.

Why is Ohio voting on Issue 2?

Business leaders in Ohio's marijuana industry worked for years to put this proposal before voters. They initially set their sights on the November 2022 election but clashed with GOP leaders over the initiated statute process.

Proponents believe Ohio can benefit from taxing adult-use cannabis and say legalization will put the black market out of business.

"It was always our intent to be on whatever the next ballot was because we believe Ohio is ready to enact an adult-use market," said Tom Haren, a spokesman for the coalition.

Critics disagree and formed their own coalition, dubbed Protect Ohio Workers and Families, to campaign against the measure. Opponents include the Ohio Children's Hospital Association, Fraternal Order of Police and multiple business groups such as the Ohio Business Roundtable.

"This campaign will be like David vs. Goliath and it won't be easy, but it is necessary if we want to avoid the deterioration that we have seen afflict other states who were tricked into believing the marijuana lie," Phillips Tube Group CEO Angela Phillips said in a statement. "Recreational marijuana will forever damage Ohio, our communities, our schools and our workplaces if we let this happen here."

How much marijuana could I buy, possess and grow?

Ohioans age 21 and older could possess 2.5 ounces of cannabis in any form except extract and 15 grams of extract. They could also grow up to six plants individually and no more than 12 in a household with multiple adults.

Someone who grows cannabis could give up to six plants to another adult user as long as no money is exchanged, and the transfer is not advertised or promoted to the public.

What kind of products would be available?

Dispensaries would be allowed to sell a wide range of products: flower, seeds, edibles, vapes, tinctures, oils, beverages, pills and lotions, among others. Ohioans could petition state regulators to allow the sale of another form of cannabis not outlined in the proposed law.

How would recreational marijuana be taxed in Ohio?

Products would be taxed 10% in addition to Ohio's sales tax. The revenue would go toward:

- The cannabis social equity and jobs program (36%)
- Money to support municipalities with dispensaries, which could be used for any purpose (36%)
- A fund for state efforts to address substance abuse and addiction (25%)
- Program and administrative costs (3%)

Researchers at Ohio State University have estimated that Ohio could see between \$276 million and \$403 million in revenue by the fifth year of an adult-use program.

Who would be in charge of regulating Ohio's recreational marijuana program?

The Division of Cannabis Control within the Department of Commerce would set rules for licensing, testing, product standards, investigations and more. As part of that, the division would initially cap the THC content of plant material at 35% and 90% for extracts. Regulators could later adjust or get rid of those limits altogether.

The state's latest two-year budget established the division to run the medical cannabis program starting next year. The commerce department previously shared oversight with the Ohio Board of Pharmacy.

Who would grow and sell it?

Like the medical marijuana program, Ohio would offer three different licenses: cultivator (growers), processor (businesses that turn cannabis into edibles, etc.) and dispensaries. Within nine months of the law's effective date, most adult-use licenses would go to operators that are already licensed for medical cannabis.

Another 40 cultivator licenses and 50 dispensary licenses would be awarded to participants in the cannabis social equity and jobs program. (More on that below.) These cultivation facilities would be much smaller than the others.

Two years after the program's onset, the division would begin deciding on a biannual basis whether to authorize more licenses. State officials must consider market growth, supply and the geographic distribution of dispensaries as part of that process.

What's the social equity program?

This program aims to help business owners who are disadvantaged based on their race, gender, ethnicity or economic status. It would also apply to people who have been arrested or convicted of a marijuana-related offense.

Under the proposed statute, the program would provide participants with grants, loans and technical assistance. Eligible operators would have at least 50% of their license or application fees waived.

The program would also encourage diverse hiring practices; study and propose policy reforms related to the effects of marijuana enforcement; and track and prevent the underage use of marijuana.

How much would marijuana cost in Ohio?

Medical cannabis patients often drive to Michigan for marijuana, citing the high cost of Ohio products.

The cost of adult-use marijuana varies by state and ultimately comes down to supply and demand. The average price of flower in Michigan's recreational program sat at \$98.65 per ounce in July, down from \$121.58 a year prior. Industry experts say oversupply has driven down the cost of products there.

In Massachusetts, the average price per ounce was around \$174 as of Sept. 3, according to the commonwealth's Cannabis Control Commission.

Would Ohioans be able to smoke marijuana in public?

No. Generally speaking, using marijuana in public areas would land someone with a minor misdemeanor. Property and business owners could decide for themselves whether to allow marijuana consumption.

Could people drive while high?

No. The proposed statute bars people from driving a car, bike, boat or airplane while under the influence of marijuana. Passengers would be prohibited from smoking or vaping in the vehicle. The state's current OVI laws would apply to anyone who violates those rules.

That said, determining whether a driver is impaired by cannabis is trickier than alcohol because it stays in the blood and urine longer. Breathalyzers that detect recent marijuana use are limited but in development.

To request a field sobriety test, Ohio's proposed statute says police must have "an independent, factual basis giving reasonable suspicion" that the person is driving under the influence or has too much marijuana in their system. The legal use of adult cannabis alone would not be enough to justify a sobriety test or to suspend someone's license.

Would kids be able to get marijuana?

In theory, no. Recreational marijuana could be sold only to people age 21 and older.

Dispensary employees that knowingly sell cannabis to someone younger than that would face a first-degree misdemeanor. The statute also lays out penalties for underage Ohioans who use a fake ID or ask someone 21 and older to buy marijuana for them.

Research is mixed on how legalization affects youth consumption. A 2020 study by the University of Washington found teens were more likely to use marijuana after it was legalized. Other researchers reported a decrease in use among high school students in states with legal markets.

What would marijuana legalization mean for Ohio employers?

Public and private employers could still set their own policies for marijuana, such as rules around drug testing and on-the-job use. They wouldn't have to accommodate employees who use marijuana and could discipline or refuse to hire someone who does.

Could municipalities or landlords ban recreational marijuana?

Municipalities could not keep existing medical cultivators or processors from producing adult-use cannabis because of the "significant capital investment" in those facilities.

Local governments could prohibit adult-use dispensaries in their communities. However, an existing medical dispensary that's blocked from selling recreational products could petition to put the issue before voters in the next general election. If voters OK it, officials must allow the sale of adult-use cannabis.

Landlords wouldn't be able to discriminate against tenants based solely on adult marijuana use. However, they could prohibit people from smoking or growing cannabis on the property as long as it's part of a lease agreement.

How many other states have legalized recreational marijuana?

Twenty-three states, two territories and Washington, D.C., have legalized recreational marijuana for adult use, according to the National Conference of State Legislatures. Among them are Illinois, Michigan, Washington, California, Arizona, New Mexico and Missouri.