

If marijuana and abortion referendums pass, when do they take effect?

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COLUMBUS, Ohio – Voters could approve a constitutional right to abortion and the legalization of the use and sale of recreational marijuana on Tuesday. But the legal effects of passing either won't kick in immediately and automatically.

The Ohio Constitution states that citizen initiated constitutional amendment (like abortion) or citizen initiated law (like marijuana) [don't take effect until 30 days after the election](#). But for each, implementation is a bit more complicated.

Abortion rights

When it comes to abortion, Issue 1 creates rights for the individual and limitations for the state. But current abortion laws that likely violate that amendment would still exist within Ohio code until they're overturned by a court or repealed by lawmakers.

Some clinics may provide abortions when the amendment takes effect, planning to invoke the new constitutional language as a defense, according to Jonathan Entin, a retired professor of constitutional law at Case Western Reserve University. Others may wait until more legal certainty emerges following a court's review.

"Once it becomes effective, it doesn't by its own force affect anything else," Entin said of Issue 1, assuming it passes. "It's possible that somebody might simply might go forward on the theory that if somebody comes after them, the provider could assert the unconstitutionality of whatever abortion restriction is at issue."

In 2019, state Republican lawmakers passed a law that bans doctors from performing abortions at approximately six weeks after a woman's last period, before many know they're pregnant. That law is paused amid a legal challenge.

Part of that lawsuit, Entin noted, is the [state arguing that abortion clinics lack standing](#) to bring the case in the first place. The court's answer to that question could shape any legal strategy from the pro-choice side.

Recreational marijuana

On marijuana, the timeline is simpler. On Dec. 7, should Issue 2 pass, the first element of the law kicks in, allowing Ohioans to grow up to six cannabis plants at home (12 if two or more adults live in the house).

For brick-and-mortar stores, the law requires the state to issue retail permits within nine months of the law's effective date. However, there's still an administrative rulemaking process to be hashed out.

Tom Haren, a spokesman for the Coalition to Regulate Marijuana Like Alcohol, said it's possible that retail sales commence on the nose 10 months from Election Day. However, he said the most likely timeline, pending passage, would be sales starting between August and the end of the year.