

When can I buy marijuana in Ohio?

What to know about new recreational law

Issue 2 is an initiated statute, which means it will become part of state law in 30 days. But lawmakers have power to change it

Haley BeMiller
Cincinnati Enquirer

Ohio just became the 24th state to legalize recreational marijuana.

Issue 2, approved by Ohio voters on Tuesday, will allow adults 21 and older to buy, possess and grow marijuana. Products would be taxed 10% on top of the state sales tax, with revenue going into four pots: a social equity and jobs program, municipalities with dispensaries, a substance abuse fund and administrative costs.

The measure is an initiated statute, meaning it will become part of the Ohio Revised Code in 30 days. But that's only the beginning, and there's one big caveat: Lawmakers could change some of these rules in the coming months.

Here's what you can expect next with the state's new adult-use marijuana program.

When can I start legally using marijuana in Ohio?

Ohioans can start possessing and consuming marijuana when the law takes effect on Dec. 7. Adults 21 and older are allowed to have up to 2.5 ounces of cannabis and 15 grams of extracts.

Dispensaries in Ohio won't be selling products any time soon – more on that below – and it remains illegal to transport marijuana across state lines. But that hasn't stopped patients and other consumers in Ohio from driving to Michigan to buy cannabis.

When do legal marijuana sales begin in Ohio?

That's going to take longer.

The Division of Cannabis Control must first set rules on licensing, product standards, packaging and more. The state has nine months to issue the first round of licenses to marijuana growers, processors and dispensaries. Those licenses will go to existing medical marijuana businesses and eligible operators under the social equity program.

The state can't dole out additional licenses for another two years.

"It takes a minute to get everything in place," said Brian Kessler, CEO of Youngstown-based Riviera Creek, a medical marijuana cultivator. "At this point, what we are anticipating is somewhere between mid-summer to mid-fall is when it will actually start becoming a reality. It doesn't happen on Nov. 30."

Remind me: What's the social equity program?

This aims to help business owners who are disproportionately affected by the enforcement of marijuana laws. That includes people who are disadvantaged based on their race, gender, ethnicity or economic status. People with marijuana arrests or convictions on their record – or with a parent, child or spouse who has one – would also qualify.

The law reserves 40 cultivation licenses and 50 dispensary licenses for these operators and provides them with grants, loans, technical assistance and reduced license and application fees. The Department of Development is tasked with setting specific rules for the program.

When can I start growing marijuana in Ohio?

Ohioans can start growing marijuana when the law takes effect, Dec. 7. Adults 21 and older are allowed to grow up to six plants individually and no more than 12 in a household with multiple adults.

Landlords can prevent their renters from growing, but the ban must be part of a lease agreement.

Can I smoke marijuana in public in Ohio?

It's complicated.

Smoking marijuana would fall under the state's smoking ban. That law prohibits people from smoking plant material in enclosed areas open to the public, with exceptions for outdoor patios, smoke shops and hotel rooms designated for smoking.

Beyond that, using marijuana in "public areas" would land someone with a minor misdemeanor. But the law also says property owners and "any public place" could decide for themselves whether to accommodate marijuana use.

Proponents compare this to alcohol: You generally can't drink on a sidewalk, but you can in a licensed bar or restaurant. Business leaders who oppose the measure contend the language is unclear.

Will I be able to get marijuana products delivered in Ohio?

Eventually, yes. The division has to set rules for delivery and online and mobile ordering for dispensaries.

Can people drive while high in Ohio?

No. The proposed statute bars people from driving a car, bike, boat or airplane while under the influence of marijuana. Passengers are prohibited from smoking or vaping in the vehicle. The state's current OVI laws 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.

What does marijuana legalization mean for Ohio employers?

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

Still, many business leaders have expressed concern about Issue 2, saying it could make hiring and drug policy enforcement more difficult.

"I do think that cannabis use is going to increase, and of course that's a concern to employers," said Scott Johnson, a Toledo attorney who specializes in business and real estate. "To the extent they haven't thought about it to this point, they're going to be forced to. How is this going to impact our hiring decisions? How are we going to monitor this?"

Can municipalities ban recreational marijuana in Ohio?

Local governments aren't allowed to ban marijuana use or home grow, and they can't impose additional taxes on marijuana businesses.

They can prohibit adult-use dispensaries in their communities. However, an existing medical dispensary that's blocked from selling recreational products can 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.

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

What's the Ohio Legislature going to do?

In a statement Tuesday, Senate President Matt Huffman, R-Lima, said lawmakers will look at tax rates and THC content limits, which must be at least 35% for flower and 90% for extracts. He's also said he has issues with the social equity program awarding licenses to people who were arrested or convicted of marijuana crimes.

House Speaker Jason Stephens, R-Kitts Hill, said the Legislature should reallocate some of the tax revenue to invest more in law enforcement and jail construction.

"This statute was written by the marijuana industry and should not be treated as a cash grab for their cash crop at the expense of a state trying to emerge from the opioid epidemic," Huffman said.