

General Assembly expected to go home for the holidays, leaving recreational marijuana law untouched

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COLUMBUS, Ohio – The legislature appears poised to finish for the year without having made promised changes to the voter-approved recreational marijuana initiated statute.

The Ohio House concluded its last scheduled session of 2023 without voting on any changes to the law voters approved in November, despite pressure from the Ohio Senate, which last week passed a bill backed by Gov. Mike DeWine that would tweak the law, including making recreational sales available immediately at medical dispensaries.

That doesn't mean the issue is dead in the legislature. The second year of the two-year 135th General Assembly begins Jan. 1.

But until lawmakers can agree on changes, Ohioans aged 21 and older are allowed to possess 2.5 ounces of most forms of marijuana, and roughly 0.5 ounces of extract. They can grow up to six cannabis plants per person at home, or 12 total per household if more than one adult lives there. The initiated statute went into effect Dec. 7.

Fifty-seven percent of Ohio voters approved the adult-use initiated statute on Nov. 7, which also states that Ohioans will be taxed 10%, in addition to sales taxes, at dispensaries when recreational sales begin. It also orders state regulators to expand the number of cultivators, processors and dispensaries.

To the dismay of many marijuana activists and members of the cannabis industry, Republican lawmakers are eyeing changes to the law. Yet the chambers disagree with how tax revenue should be distributed, whether to lower the number of plants that can be grown at home, whether to raise the tax rate, allowable potency levels and other issues.

Last week, the Ohio Senate amended an alcohol regulation bill to add changes to the initiated statute. It's a bill that [Gov. Mike DeWine is championing](#) because it would allow adults to almost immediately purchase product from existing medical marijuana dispensaries. That would ensure the illicit market doesn't expand in the intervening months it will take state regulators to stand up the rest of the adult-use market, DeWine said last week.

The Senate's legislation, [House Bill 86](#), also provides money and a process for people convicted of small possession crimes to get their records expunged. It limits home grow to six plants per household and caps potency at 35% for plant material and 50% for extracts, lower than the 90% extract cap in the initiated statute. Taxes would be 15%.

The House is not expected to look at the Senate's marijuana amendments to HB 86 on Wednesday, Speaker Jason Stephens, a Lawrence County Republican said.

In the House, representatives are coalescing around a different bill, [House Bill 354](#), which is undergoing hearings in a House committee. The committee had a third hearing on the bill but did not vote on advancing it to the floor.

House members say HB 354 is closer to what voters passed in November. The 10% tax rate in the initiated statute remains the same. Potency limits remain at no less than 35% for plant material and no less than 90% for extracts. The number of plants remains the same. The changes are to the distribution of the tax revenues, and explicitly saying that marijuana businesses can advertise on outdoor billboards but are limited to similar rules that govern the tobacco and alcohol industries, such as keep it several hundred feet from schools and churches and not using images that are attractive to children.