

Ohio lawmakers' changes to recreational marijuana law expected to begin this week

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COLUMBUS, Ohio – The Ohio Senate is expected to begin making changes this week to the voter-approved initiated statute legalizing adult use of marijuana.

The Ohio Senate General Government Committee could meet as soon as Monday to review proposals to change the law, which takes effect Dec. 7 after [voters approved](#) it with 57% of the vote in November.

Unlike constitutional amendments, the General Assembly can repeal and amend initiated statutes. [Gov. Mike DeWine](#), [Ohio House Speaker Jason Stephens](#), and [Ohio Senate President Matt Huffman](#) each described parts of the 41-page initiated statute, or law, that they would like to see changed.

Expect lawmakers to toy with changes in the level of taxation, how tax revenues are distributed across the state, THC limits, protections for businesses that enact zero tolerance anti-drug policies, and clarifications about outdoor marijuana use. In fact, in the House, two bills have already been introduced that make some of these changes.

How those various ideas form into legislation that can pass both chambers, however, remains a mystery. DeWine and Huffman have pushed for urgency in making changes, while Stephens has said the legislature need not rush.

Ohio Sen. Mark Romanchuk, a Richland County Republican, on Thursday told a meeting of Ohio Manufacturers' Association members that he wouldn't be surprised if the entire initiated statute was removed and the Senate voted to legalize recreational marijuana by adding it into the state's existing medical marijuana laws.

Romanchuk didn't provide many specifics about what parts of the law would and would not be added to the medical law if that idea were to gain traction, and he didn't respond to a request for comment. A spokesman for Huffman said people don't need to worry about the law being completely gutted.

“No one is repealing or overturning the election results,” said John Fortney, a spokesman for Huffman, a Lima Republican. The Senate intends to “simply (make) critical changes to a sweetheart deal written by the industry, ranging from tax structure to THC limits to indoor smoking laws.”

The Senate

Huffman has previously said that he would like to [clarify the THC levels in the recreational marijuana](#) law.

He also has mentioned the 10% excise tax on product, the same tax as Michigan and the lowest adult-use cannabis tax level in the country, as being too low.

Huffman doesn't agree with the new law's tax distribution scheme, specifically with a program that would provide application and license discounts to people affected by the war on drugs who want to get into the marijuana business, including people convicted of drug crimes. He sees this as the industry giving a gift to itself, especially since many locally owned businesses are sold after a year or so to large, multi-state marijuana operators.

Romanchuk, who told the Ohio Manufacturers' Association he'll likely be a “no” vote on any recreational marijuana proposal, said that he wouldn't be surprised to see in a bill “that we completely delete the language that was passed at the ballot.”

“Now I know you're thinking, ‘Oh my gosh, that's not the will of the voters.’ But In exchange for deleting all of that language that was passed at the ballot, we will build on top of the current medical marijuana program and legalize recreational using that statute that's already in place,” he said.

Huffman, the Senate president, told reporters on Nov. 15 that he would like to insert the recreational marijuana changes into a bill that has already passed the House. That way, it would be a priority for the House to approve the changes, since they're attached to a bill that already won the chamber's approval.

A piece of legislation that could fit that bill is [House Bill 86](#), which revises the state's liquor control laws, and has passed the House, Fortney said. HB 86 is in the Senate General Government Committee.

Sen. Stephen Huffman, a Dayton-area Republican who is a physician outside the legislature, sponsored the state's medical marijuana bill in 2016 and is expected to be involved in amending the new law.

He said he'd prefer the changes to the law voters approved be inserted into a bill he introduced earlier this year, [Senate Bill 9](#), which makes updates to the state's medical marijuana law – including explicitly allowing the drug for autism, which has been a point of contention between advocates and the regulators in charge of adding conditions.

SB 9 would also would broadly allow marijuana for any condition that physicians, in their discretion and medical opinion, determines is debilitating to a patient.

That bill already has had seven hearings in the Senate General Government Committee.

The House

Some parts of the new law go into effect on Thursday, one month after the Nov. 7 election, including legalizing [home grow](#) and possession of up to 2.5 grams of flower and roughly 0.5 grams of THC extract.

Large portions of the bill don't go into practical effect until the state has created licensing rules and started to license adult-use cultivators, testing labs, processors and dispensaries. Huffman has said he would like to make changes before regulators begin making rules, so they know the final parameters of the law.

However, that's [not the philosophy of Stephens](#), the House speaker who is a Lawrence County Republican. Stephens doesn't think it's realistic to get amendments through both chambers and onto the governor's desk by Thursday. (If lawmakers want the changes to go into effect immediately, they have to pass the bill with supermajorities in each chamber, which will require negotiations and talks with members, which can also be time-consuming.)

Since the licensing scheme won't be finalized until late summer or early fall, there is time to make the changes, Stephens said.

He's previously suggested he wants the House to divert some of the marijuana tax money toward county jail construction and law-enforcement training.

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