

Ohio voters approved a new recreational marijuana law. Why can the Legislature change it?

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Ohio voters made the Buckeye State the 24th to legalize recreational marijuana for adults.

The ballot measure, known as Issue 2, passed in the Nov. 7 election with 57% of the vote, according to unofficial results. And Ohio Republicans who oppose marijuana started talking almost immediately about how they want to change it.

Gov. Mike DeWine and legislative leaders aren't pushing for a repeal, but they do plan to make tweaks – and could do so before the end of the year.

"I can't believe in 2023 we're actually talking about elected officials not respecting the will of the voters and not respecting the outcome of an election," Tom Haren, a spokesman for the Coalition to Regulate Marijuana Like Alcohol, said on election night. "I expect, I think that every single voter in Ohio has a right to expect, that elected officials will implement and respect the will of voters."

Why can the Ohio Legislature change the marijuana law?

Unlike the abortion rights measure that passed on Nov. 7, Issue 2 was not a constitutional amendment. It was an initiated statute.

This process allows Ohio citizens to propose laws for the Ohio Revised Code. Petitioners gather signatures to place the measure before the Legislature, which then has four months to act. If lawmakers don't consider it, groups can collect a second round of signatures to put their proposed statute on the ballot.

The Coalition to Regulate Marijuana Like Alcohol got Issue 2 on the November ballot after Republican leaders declined to take up the recreational marijuana law. Haren said they did an initiated statute to maintain flexibility in case tweaks are needed after the program rolls out. Constitutional amendments are incredibly difficult to change or repeal.

But since Issue 2 is a statute, lawmakers are free to make changes whenever they want – just like they can with other state laws.

What changes have been proposed?

GOP leaders are still finalizing their plans. DeWine and Senate President Matt Huffman, R-Lima, want to enact some changes before the law takes effect Dec. 7, but the House is operating with less urgency. Their ideas have included reallocating tax revenue, clearing up rules for public use and limiting children's exposure to advertising.

Rep. Gary Click, R-Vickery, introduced legislation this week that would allow municipalities to restrict marijuana use and home grow and impose additional taxes on cannabis businesses. It would also change how revenue is doled out, with some money going toward police training.

"What the people have clearly told us is they want legal marijuana in Ohio," DeWine said after the election. "We are going to see that they have that, but we've also got to live up to our responsibility to all the people in the state of Ohio, whether they voted for it or voted against it ... that we do this in a very responsible way."