

Jail time, home grow limits: How Ohio Senate voted to change marijuana law

By Haley BeMiller
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Ohio would impose a mandatory three-day jail sentence on car passengers who smoke marijuana under a bill passed by Senate Republicans Wednesday.

Senate Bill 56 would overhaul the recreational marijuana program approved by voters in 2023. Backers of the current law touted it as a way to right the wrongs of cannabis prohibition: The statute created a social equity and jobs program to promote diversity in the industry and support those who were penalized by previous laws.

Senate Bill 56 allows Ohioans to apply for expungement if they were convicted of low-level marijuana possession, although they'd have to pay a \$50 fee. But it removes the social equity program – including licenses for smaller, minority-owned businesses – and creates new penalties for people who smoke or vape marijuana while riding in a vehicle.

Under the proposal, courts would sentence first-time offenders to at least three days in jail. Those with prior violations could end up in jail or prison for 10 days to five years. By contrast, flouting the state's open container law for alcohol is a minor misdemeanor.

Another change added to the bill Wednesday bars anyone convicted of a felony from holding a marijuana license.

"We're now trying to take away the rights of people by making lots of things that are legal today illegal, should this bill become law," Sen. Bill DeMora, D-Columbus, said.

Senate Bill 56 also:

- Decreases the number of plants people can grow at home from 12 to six.
- Prohibits people from gifting home-grown marijuana.
- Permits smoking and vaping only at private residences.
- Bans growing and smoking at homes that also serve as child care facilities.
- Caps the number of active dispensaries statewide at 350.
- Requires anyone driving with marijuana to store it in the trunk or ensure products are in their original packaging.
- Eliminates a fund for substance use and addiction services and research.
- Reduces the maximum cultivation space for large growers.

- Gives the Division of Cannabis Control more authority to regulate advertising and prohibits advertisements that feature cartoons or other content targeted to children.

"The access that they voted for, their ability to go to licensed dispensaries and to purchase these products, is not changing at all in this legislation," Senate President Rob McColley, R-Napoleon, said. "Any assertion to the contrary is hyperbole."

The bill no longer increases taxes on adult-use cannabis products or redistributes revenue, but those ideas aren't off the table. The Legislature will likely tweak the money side of the marijuana program in the next two-year budget. Gov. Mike DeWine has already pitched a 20% tax rate, with revenue going to jail construction, law enforcement training, driver's education and more.

Senate Bill 56 must pass the Ohio House before it heads to DeWine's desk. Speaker Matt Huffman, R-Lima, said House lawmakers will introduce their own marijuana bill soon.

(This story was updated with additional information.)

Statehouse bureau reporter Erin Glynn contributed.