

# Ohio Cannabis Activity Update: Legislation, Ballot Initiative and Hemp Program Summarized

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## Legislation

Three separate marijuana-related proposals were announced by Ohio legislators in May. House Bill 634 would allow the cultivation of up to 12 marijuana plants and possession of up to 100 grams of marijuana or 10 grams of hashish. Reps. Terrence Upchurch (D-Cleveland) and Sedrick Denson (D-Cincinnati) introduced the bill, which was referred to the House Criminal Justice Committee.

Separately, Rep. Juanita Brent (D-Cleveland) announced that she would be introducing two cannabis-related bills. One would decriminalize marijuana in Ohio for individuals over 21 years of age and include an ability to vacate current and past criminal sentences. The second proposed bill would authorize the use of medical cannabis for autism spectrum disorder.

## The Ohio Marijuana Legalization Initiative

Proponents of the anticipated “Ohio Marijuana Legalization Initiative” hope that it will be on the ballot in November of 2020. However, COVID19 may have disrupted those plans due to the difficulty of collecting the required 440,000 valid signatures during a quarantine. A federal judge recently provided additional time until July 1, 2020 to collect the signatures and permitted the signatures to be made electronically. Ohio Secretary of State Frank LaRose appealed that decision and the Sixth Circuit entered an order blocking electronic signatures while it reviews the case.

The initiative, if passed, would amend the Ohio Constitution to make the following changes:

- allow individuals 21 years of age or older to possess, consume, purchase, or transfer one ounce of marijuana;
- allow individuals 21 years of age or older to grow, manufacture, transport, or store six marijuana plants per household; and
- authorize marijuana retail stores.

## Ohio Hemp Program

Legislation creating the Ohio Hemp Program, House Bill 57, became effective July 30, 2019. The Ohio Department of Agriculture has issued 195 cultivator licenses under the new law. The application fee is \$100 plus an annual license fee of \$500 per growing location.

Also, Attorney General Dave Yost announced that the Bureau of Criminal Identification and Investigation can now perform quantitative analyses of cannabis in order to help law enforcement differentiate between marijuana and hemp by determining THC content.

**For more information, contact a member of Benesch's Cannabis Industry Group.**

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