



# DAVE YOST

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***Via E-mail and Regular U.S. Mail***

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Re: Referendum Petition to Repeal Sections 1-3 of S.B. 56

Dear Ms. Hauff,

On December 29, 2025, in accordance with Ohio Revised Code (“ORC”) Section 3519.01(B), I received a written petition containing (1) a copy of a proposed referendum petition to repeal Sections 1, 2, and 3 of Amended Substitute Senate Bill 56 (2025) and (2) a summary of the same measure.

It is my statutory duty to determine whether the submitted title and summary are “fair and truthful statements of the measure to be referred.” ORC Section 3519.01(B)(3). If I conclude that the title and summary are fair and truthful, I am to certify them as such within ten business days of receipt of the petition. In this instance, the tenth day falls on January 13, 2026.

Having reviewed the submission, I am unable to certify the summary as a fair and truthful representation of the measure to be referred, which in this case is Amended Substitute Senate Bill 56 (2025). Upon review of the summary, we identified omissions and misstatements that, as a whole, would mislead a potential signer as to the scope and effect of S.B. 56.

First, the summary (at Bullet Point 2, Sub-Bullet Points 4 and 5) includes two very similar descriptions concerning S.B. 56’s definition of “hemp.” The two descriptions attempt to outline what is excluded under the definition of “hemp” for “[a]ny final hemp-derived cannabinoid product.” Both definitions provide similar, successive descriptions of what is not considered “hemp derived” under the law. At bottom, the distinction between sub-bullet point 4 and sub-bullet point 5 is unclear and the need or rationale for two different bullet points is not clear. In any event,

a potential signer would likely be misled as to the character and import of this definition. The summary is misleading in this regard.

Second, the summary inaccurately states that S.B. 56 permits delivery of adult use cannabis. The summary states that the bill “[r]equires the division of cannabis control to adopt rules for the online and mobile order and delivery of adult-use and medical marijuana.” But the bill requires the division of cannabis control to “establish standards and procedures for both of the following: (a) Online and mobile ordering of adult-use and medical marijuana by a licensed dispensary; (b) Delivery of medical marijuana by a licensed dispensary or an agent of a licensed dispensary to a registered medical marijuana patient or caregiver.” Nowhere in the bill is the division of cannabis control authorized to adopt rules on the delivery of adult-use cannabis. Thus, the summary is inaccurate and misleading in this regard.

Third, the summary inaccurately states that felony offenses are disqualifying for cannabis-related licensure. Governor DeWine vetoed this provision, and it is not a part of the S.B. 56 as signed into law. Thus, the summary’s statements that “all felony offenses are disqualifying” for licensure is inaccurate.

Fourth, the summary inaccurately states S.B. 56 repealed a prohibition of license holders offering gifts, samples or other free or discounted adult-use marijuana products. This is false. First, no such prohibition was repealed by S.B. 56. Instead, the bill directs the division of cannabis control to “establish standards prohibiting the use of gifts, samples, or other free or discounted goods or services to induce or reward a license holder for business or referrals.” In other words, S.B. 56 does not repeal a prohibition in this context but calls for standards that create a prohibition. Further, the summary is additionally misleading because S.B. 56 prohibits those types of offers *to* license holders, not *from* license holders.

Fifth, the summary misleads the reader into believing that S.B. 56 gives local governments the authority to pass ordinances that prohibit or limit the rights of license holders and/or prohibit other activities that are permitted under statewide cannabis control laws. The summary states that S.B. 56 “[s]ets forth laws concerning local government authority, including the authority of municipalities to prohibit or limit the rights of a license holder through ordinance or resolution, and any activity otherwise authorized under the applicable cannabis control laws.” The wording of that second clause—“including the authority of municipalities to prohibit or limit the rights of a license holder through ordinance or resolution, and any activity otherwise authorized under the applicable cannabis control laws”—incorrectly suggests that local governments have any such authority under S.B. 56.

In reality, the law does the opposite: it does not *authorize* local governments to do those things, it *prohibits* them from doing so. S.B. 56 provides that “except as otherwise provided in division (B) of this section,” a local legislative authority may limit or prohibit the number of licensed cannabis

cultivators, processors, and dispensaries within its territory. However, division (B) of that section states that local legislative authorities “shall not adopt or enforce an ordinance or resolution” that “prohibits or limits any activity authorized under this chapter, except as expressly permitted under division (A) of this section.” In short, the plain text of S.B. 56 forbids local governments from prohibiting or limiting the rights of a license holder and prohibiting or limiting any other activity otherwise authorized by state law through ordinance or resolution. The summary inaccurately suggests the reverse is true.

Finally, the summary misleads the reader about another aspect of local cannabis regulation under S.B. 56: local governments’ taxing powers. The summary incorrectly states that S.B. 56 “[a]uthorizes state and local governments to levy an excise tax on the retail sale of adult-use marijuana and develops rules and limitations related to the same. . . .” This is flatly wrong and, again, S.B. 56 in reality does just the opposite with regard to local governments. Start with Section 3796.40(B), which provides that “an excise tax is levied on the retail sale of adult-use marijuana” by the State. Turn next to Section 3796.31, which states that “no political subdivision shall . . . levy any tax or fee on license holders . . . that is the same or similar to any tax or fee imposed by the state.” Taken together, S.B. 56 explicitly prohibits local governments from levying an excise tax on the retail sale of adult-use marijuana because the State creates such an excise tax in Section 3796.40, and in Section 3796.31 forbids local governments from levying taxes that are the same or similar to the States’. The summary’s statement that S.B. 56 “authorizes . . . local governments to levy an excise tax on the retail sale of adult-use marijuana” therefore misleads a reader into believing S.B. 56 permits this, where S.B. 56 actually prohibits it.

The above instances are just a few examples of the summary’s omissions and misstatements, and further review will be undertaken should the matter be resubmitted. Thus, without reaching the balance of the summary, I am unable to certify the summary as a fair and truthful statement of the proposed referendum of Sections 1, 2 and 3 of Amended Substitute Senate Bill 56.

Yours,



Dave Yost  
Ohio Attorney General

cc: Committee to Represent the Petitioners