

REFERENDUM PETITION

To the Secretary of State and the Attorney General of Ohio: Pursuant to Ohio Revised Code § 3519.01(B), the undersigned electors of the State of Ohio, numbering in excess of one thousand, hereby submit to each of you Sections 1, 2, and 3 of Amended Substitute Senate Bill Number 56 of the 136th General Assembly (the “Act”) sought to be referred to the electors, and a title and summary of the same.

TITLE

A referendum petition on Sections 1, 2, and 3 of Amended Substitute Senate Bill Number 56 passed by the 136th General Assembly (the “Act”), the title and legislative history of the Act being:

AN ACT

To amend sections 9.79, 109.572, 121.04, 121.08, 131.02, 519.21, 715.013, 928.02, 928.03, 928.04, 2925.01, 3376.07, 3719.01, 3719.41, 3796.01, 3796.02, 3796.021, 3796.03, 3796.032, 3796.05, 3796.06, 3796.061, 3796.07, 3796.08, 3796.09, 3796.10, 3796.11, 3796.12, 3796.13, 3796.14, 3796.15, 3796.16, 3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 3796.23, 3796.24, 3796.27, 3796.28, 3796.29, 3796.30, 3796.31, 4506.04, 4729.01, 4729.80, 4735.18, 4776.01, 4796.25, 5502.01, 5502.13, 5502.14, 5703.052, and 5713.30; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 3780.37 (3796.34); to enact new section 928.01 and sections 928.01, 928.08, 2953.321, 3779.21, 3779.211, 3779.22, 3779.23, 3779.24, 3779.25, 3779.26, 3779.27, 3779.28, 3779.29, 3779.30, 3779.99, 3796.04, 3796.062, 3796.224, 3796.32, 3796.33, 3796.40, 3796.99, and 5119.171; and to repeal sections 928.01, 3780.01, 3780.02, 3780.03, 3780.04, 3780.05, 3780.06, 3780.07, 3780.08, 3780.09, 3780.10, 3780.11, 3780.12, 3780.13, 3780.14, 3780.15, 3780.16, 3780.17, 3780.20, 3780.21, 3780.22, 3780.24, 3780.25, 3780.26, 3780.27, 3780.28, 3780.29, 3780.30, 3780.31, 3780.32, 3780.33, 3780.34, 3780.35, 3780.36, 3780.90, 3780.99, and 3796.021 of the Revised Code; and to repeal the versions of sections 3779.21, 3779.211, 3779.22, 3779.23, 3779.24, 3779.25, 3779.26, 3779.27, 3779.28, 3779.29, 3779.30, and 3779.99 of the Revised Code enacted by this act effective December 31, 2026, to revise specified provisions of the liquor control, hemp, and adult-use marijuana laws, and to make an appropriation, and to amend section 4506.01 of the Revised Code effective December 31, 2026, to revise the law governing commercial driver's licenses.

Legislative History:

Introduced in the Ohio Senate on 1/28/2025 as Senate Bill 56; Substitute bill reported by the Senate General Government Committee on 2/26/2025; Substitute bill amended and passed on 2/26/2025; introduced in the Ohio House of Representatives on 3/3/2025; Substitute bill reported by the House Judiciary Committee and re-referred to the House Rules and Reference Committee on 10/21/2025; Substitute bill reported by the House Rules and Reference Committee and re-referred to the House Finance Committee on 10/21/2025; Substitute bill reported by the House Finance Committee on 10/22/2025; Substitute bill amended and passed by House on 10/22/2025; Senate refused to concur on 10/29/2025; Substitute bill as amended by the House reported to Conference Committee on 11/19/2025; conference report agreed to by the House and Senate on 12/9/2025; signed into law with line-item vetoes by Governor on 12/19/2025; filed by Governor with the Secretary of State on 12/19/2025.

SUMMARY

Sections 1, 2, and 3 of Am. Sub. S. B. No. 56 enact new provisions and amend and repeal existing provisions of the Ohio Revised Code that relate to the regulation, criminalization, and taxation of cannabis products, such as the sale, use, possession, cultivation, license, classification, transport, and manufacture of marijuana and certain hemp products. A summary of these changes include, but are not limited to, the following:

- Creates a statutory definition of “hemp,” and defines it as a *Cannabis sativa L.* plant, or any part of that plant, with a total tetrahydrocannabinol concentration, including tetrahydrocannabinolic acid, that is not more than three-tenths per cent on a dry weight basis.
- Establishes that the statutory definition of “hemp” excludes all of the following:
 - Any viable seeds from a cannabis plant with a total concentration of tetrahydrocannabinols, including tetrahydrocannabinolic acid, that exceeds three-tenths per cent in the plant on a dry weight basis;
 - Any intermediate hemp-derived cannabinoid product containing cannabinoids that were either not produced naturally by the plant or were manufactured outside of the plant or contain a level of total tetrahydrocannabinols, including tetrahydrocannabinolic acid and any equivalent components designated by the division of cannabis control regulation, and which combined total three-tenths per cent;
 - Any intermediate hemp-derived cannabinoid product that is marketed or sold directly to consumers;
 - Any final hemp-derived cannabinoid product containing either (i) cannabinoids that are not capable of being naturally produced by a *Cannabis sativa L.* plant; (ii) cannabinoids that are capable of being naturally produced by a *Cannabis sativa L.* plant and were synthesized or manufactured outside the plant; or (iii) greater than four-tenths of a milligram combined total per container of total tetrahydrocannabinols, including tetrahydrocannabinolic acid, and any other cannabinoids that have similar effects, or are marketed to have similar effects, on humans or animals as a tetrahydrocannabinol as established by the superintendent of cannabis control in lists adopted under section 928.031 of the Revised Code.
- Defines hemp-derived cannabinoid product as any intermediate or final product derived from non-industrial hemp and which contains cannabinoids in any form and is intended for human or animal use.
- Requires the superintendent of cannabis control to establish lists of cannabinoids for the purpose included in the statutory definition of hemp.
- Consolidates the division of cannabis control, established in Chapter 3780 to oversee the regulation of adult-use and homegrown marijuana, with the division of marijuana control, established in Chapter 3796 to oversee the regulation of medical marijuana, and establishes the authority and duties of the expanded

division, which include the administration of the cannabis control program, licensure of marijuana cultivators, processors, retail dispensaries, and test laboratories, and other operational duties.

- Changes the name of the division of marijuana control to the division of cannabis control and clarifies that existing references to the division of marijuana control will be understood to refer to the current division of cannabis control.
- Requires the division of cannabis control to adopt rules establishing standards and procedures for the cannabis control program.
- Allows the superintendent of the division of cannabis control to promulgate administrative rules regarding the classification of cannabis products and to make changes to said rules in consideration of any subsequent revisions to the classifications used by the U.S. Department of Health and Human Services.
- Authorizes the department of public safety to assist the division of cannabis control with enforcement and requires the division of cannabis control to adopt rules governing the Ohio investigative unit's authority to inspect and investigate compliance with or alleged violations of division rules.
- Requires the division of cannabis control to establish standards and procedures for the online and mobile ordering of adult-use and medical marijuana by a licensed dispensary, and the delivery of medical marijuana by a licensed dispensary or agent of the dispensary to a registered medical marijuana patient or caregiver.
- Adds new definitions pertaining to the regulation of adult-use marijuana and amends existing definitions in the definition section found in R.C. 3796.01.
- Allows adult-use consumers to possess marijuana in certain amounts and clarifies that the limit for plant material does not apply to seeds, live plants, or clones.
- Requires the division of cannabis control to adopt rules specifying the paraphernalia or other accessories which may be used in the administration of medical marijuana, and adult-use marijuana.
- Establishes rules related to civil actions and other legal challenges against the division of cannabis control.
- Enacts provisions on the use, storage, cultivation, and possession and prohibitions related to the same of adult-use marijuana and homegrown marijuana plants, including a prohibition on the possession or use of adult-use marijuana purchased outside of the state.
- Enacts prohibitions related to the administration or consumption of adult-use, homegrown, and medical marijuana and establishes the related criminal and administrative penalties, fines, and other collateral consequences for violations of the prohibitions as set forth in Chapter 3796.
- Forbids the smoking, combustion, or vaporization of adult-use or homegrown marijuana, and, when consumed by vaporization, medical marijuana, in public places and other specific listed settings, and further forbids the smoking and combustion of medical marijuana in public places.
- Prohibits an adult-use consumer from operating a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of marijuana, restricts transportation of medical or adult-use marijuana in circumstances other than allowed by law, and applies an enhanced penalty for passengers in a vehicle who smoke, combust, or vaporize marijuana.
- Requires adult-use and homegrown marijuana and marijuana paraphernalia to be transported in the trunk or behind the back row of seats in a place not easily accessible to the driver.
- Establishes limits on the quantity of marijuana that may be possessed by an adult-use consumer.
- Prohibits a person under 21 years of age from purchasing, using, or possessing marijuana.
- Eliminates the distinction between adult-use and medical marijuana licenses and combines the application and renewal processes, and requires licensed cultivators, processors, dispensaries, and laboratories to work with both adult-use and medical marijuana.
- Defines the different types of cultivation licenses and sets forth duties of licensed cultivators with respect to both adult-use and medical marijuana cultivation, including but not limited to employment, place of business, mandatory disclosures, supply, and sales.
- Permits the division of cannabis control to suspend, revoke, or refuse to renew any license or registration issued under its authority or prior department or agency with equivalent authority that is now under the authority of the division of cannabis control.
- Makes the following changes with regard to licensure, including licensing administration under the division's cannabis control program:
 - Modifies the eligibility criteria for licensure and allows the division of cannabis control to adopt rules specifying offenses that will disqualify a person for licensure;
 - Requires the division to rank applicants that meet those criteria using an impartial and evidence-based process according to eligibility, suitability, and ability to operate;
 - Amends the ranking process criteria to include consideration of factors such as proposed business plans; location of principal place of business; employment practices; hiring plans; criminal records and civil and administrative history; and other criteria as allowed by law; and
 - Requires the division of cannabis control, if it uses a lottery system to issue licenses, to assign better odds to applicants that are highly rated under the ranking process.
- Requires the division of cannabis control to issue a license to an applicant meeting all eligibility requirements and prohibits the division of cannabis control from issuing a license to an applicant who does not.
- Specifies that applications for renewal are not subject to ranking or lottery requirements.
- Prohibits the division of cannabis control from denying a renewal application based solely on the location of the applicant's existing facility in proximity to other license holders.
- Specifies that "10(B) licenses" issued under the cannabis control law before the bill's effective date are subject to all procedures, requirements, and penalties that apply to the equivalent license under the marijuana control law.
- Requires the division of cannabis control to merge equivalent licenses issued to the same person and used at the same location and treat them as the same license for all purposes, including expiration and renewal.
- Eliminates level III adult-use cultivator licenses.
- Requires the division of cannabis control to deny relocation requests if it would result in the marijuana facility being located within 500 feet of a church, public library, public playground, public park, or school.
- Specifies that the division of cannabis control is not required to revoke the license of an existing marijuana operator or require that operator to relocate, if a church, public library, public playground, public park, or school is established on, or relocates to, 500 feet of that operational marijuana facility.

- Requires 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.
- Sets forth regulations on the issuance of provisional dispensary license.
- Establishes the division of cannabis control's authority with respect to the marketing and advertisement of adult-use marijuana products, and requires that related rules promulgated by the division be no less stringent than the most stringent rules or laws regulating tobacco or alcohol sales.
- Requires names, logos, signs, or materials used to advertise adult-use or medical marijuana receive approval from the division of cannabis control prior to use.
- Prohibits advertisements that are false, misleading, targeted to minors, attractive to minors, promote excessive use, promote illegal activity, are obscene or indecent, contain depictions of marijuana use, or promote marijuana as an intoxicant.
- Prohibits adult-use and medical marijuana products from being marketed using any graphic, picture, or drawing that bears any resemblance to a cartoon character or popular figure whose target audience is children or youth.
- Prohibits advertisements asserting or suggesting that adult-use marijuana has any health or therapeutic benefits.
- Prohibits marijuana advertisements within 500 feet of a school, church, public library, public playground, or public park but exempts signage on the facility of a license holder.
- Permits adult-use marijuana consumers who possess homegrown marijuana or purchase the product from a licensed dispensary to use, possess, and transfer without remuneration and subject to certain restrictions, subject to restrictions on amount, and prohibits the sale, transfer, or gift of said product except under the circumstances expressly authorized by statute.
- Allows a landlord to prohibit the consumption, cultivation, growth of marijuana in a residential premise or common areas of the premises if the restriction is included in the applicable lease agreement.
- Establishes that the lawful use or possession of medical, adult-use, or homegrown marijuana may not be used as a basis for disqualification from a public benefit administrated by a state or local authority, with the exception on unemployment compensation benefits.
- Establishes rights related to employment, including the rights of employers to make decisions related to the employment of an individual because of the individual's use, possession, or distribution of marijuana and to establish workplace policies related to the same, and the rights of individuals from commencing a cause of action related to the use, possession, or distribution of marijuana.
- Authorizes the legislative authority of a municipal corporation to adopt an ordinance or resolution that prohibits or limits the number of licensed cultivators, licensed processors, or licensed dispensaries within the boundaries of the municipal corporation unless otherwise prohibited by law.
- Prohibits the legislative authority of a municipal corporation from adopting or enforcing an ordinance or resolution that either prohibits or limits the operations of license holder that received a provisional license or certificate of operation before the effective date of this amendment, or limits any other activity otherwise authorized by state law through ordinance or resolution.
- Levies an excise tax at a rate of 10% on the retail sale of adult-use marijuana in addition to existing sales and use taxes, and requires the tax to be paid by the consumer to the vendor at the time of sale. Requires the tax to be reported and remitted by the vendor in the same manner and time as a tax levied under R.C. Chapter 5739, on a separate form that will be prescribed by the tax commissioner.
- Levies the 10% excise tax that applies to the retail sale of adult-use marijuana on a vendor that sells any marijuana other than adult-use marijuana or medical marijuana to a consumer.
- Creates the host community cannabis fund in the state treasury for the benefit of municipal corporations or townships that have at least one licensed dispensary.
- Deposits revenue from the adult-use marijuana excise tax into the adult-use tax fund created in the state treasury and requires by the director of budget and management, after any necessary transfer to the tax refund fund for refunds attributable to the excise tax, to allocate 36% of funds to the host community cannabis fund and the remaining funds to the general revenue fund, and requires the tax commissioner to make distributions from the adult-use tax fund at the end of each month.
- Allows land used to cultivate adult-use marijuana to be valued at its current agricultural use value.
- Permits a person who, prior to the bill's effective date, was a defendant named in a dismissed complaint, indictment, or information for or was convicted of or pled guilty to a misdemeanor marijuana possession offense involving less than 100 grams marijuana or hashish possession offense or a felony hashish possession offense involving the possession of not more than 15 grams hashish to apply to the sentencing court to have the official record or record of conviction expunged. The application must:
 - Identify the applicant, the offense for which the expungement is sought, the date of the conviction of, plea of guilty to, or dismissal of charges for that offense, and the court in which the conviction occurred, or the plea of guilty was entered, or the charges were dismissed;
 - Evidence that the offense and the conduct underlying the charge involved a misdemeanor marijuana possession offense involving less than 100 grams marijuana or hashish possession offense or a felony hashish possession offense involving the possession of not more than 15 grams hashish, and that the dismissal, conviction, or plea of guilty occurred prior to the bill's effective date; and
 - Include a request for expungement of the official record or record of conviction of that offense.
- Specifies that unless indigent, the applicant must pay a filing fee of \$50, with \$30 of the fee designated to go to the state treasury (with half of that amount credited to the Attorney General Reimbursement Fund) and \$20 to go to the county general revenue fund.
- Requires the court that receives an application for expungement under the bill to set a date for a hearing within 45 to 90 days after the date of the filing of the application and to notify the prosecutor of the hearing, and permits the prosecutor to file an objection.
- Requires the court, if the prosecutor has filed an objection, to direct its regular probation officer, a state probation officer, or the department of probation of the country in which the applicant resides to make inquiries and written reports as the court requires concerning the applicant.
- Requires the court, at the hearing, to determine whether the applicant has, prior to the bill's effective date, been a defendant named in a dismissed complaint, indictment, or information for or been convicted of or pleaded guilty to a misdemeanor marijuana possession offense involving a minor marijuana offense; consider whether the prosecutor has filed an objection and the reasons against granting the application; and

- weigh the interests of the applicant in having the official record or record of conviction expunged against the legitimate needs, if any, of the government to maintain those records.
- Requires the court to order expungement if the record meets eligibility requirements and, if the court orders the expungement, requires the court to send notice of the order to each public office or agency that the court has reason to believe may have an official record pertaining to the case.
- Specifies the proceedings in the case that is subject of an order issued under the bill will be considered not to have occurred and the official records, conviction, or guilty plea of the person who is the subject of the proceedings must be expunged. The records may not be used for any purpose, including, but not limited to, a statutorily prescribed criminal records check. The applicant may, and the court must, reply that no record exists with respect to the applicant upon any inquiry into the matter.

If a majority of the voters vote to not approve Sections 1, 2, and 3 of the Act, then the enacted changes will not take effect and the prior version of the affected laws will remain in effect.

COMMITTEE TO REPRESENT THE PETITIONERS

The following persons are designated as a committee to represent the petitioners in all matters relating to the petition or its circulation:

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