

Adult Use Marijuana – Comparison Document

Last Updated: December 11, 2023

TOPIC	ISSUE 2	SUBSTITUTE HOUSE BILL 86 (SENATE PASSED VERSION)	HOUSE BILL 354 (HOUSE VERSION)
TRANSITION	Allows nine months for the Department of Commerce to adopt rules related to adult-use marijuana.	Requires Department of Commerce to adopt rules related to adult-use marijuana within nine months after the effective date of the bill. Allows adults 21+ to purchase adult-use marijuana at currently licensed medical dispensaries while the Department of Commerce completes rule-making process.	Requires Department of Commerce to adopt rules related to adult-use marijuana within nine months after the effective date of the bill. Allows adults 21+ to purchase adult-use marijuana at currently licensed medical dispensaries while the Department of Commerce completes rule-making process.
HOME GROW	Authorizes an adult-use consumer to cultivate, grow, and possess up to six cannabis plants (not more than 12 plants per household)	Limits home grow to six plants per adult; no more than six plants per household. Prohibits adults from transferring homegrown cannabis to other adults.	Same language as Issue 2 but prohibits adults from transferring homegrown cannabis to other adults.
THC LIMITS	Department of Commerce would set THC limits for adult use at no less than the following <ul style="list-style-type: none"> - 35% for plant material - 90% for extracts 	THC limits for adult use: <ul style="list-style-type: none"> - 35% for plant material - 50% for extracts Content can not exceed 10mg per serving or 100 mg per package	Same language as Issue 2
PUBLIC SMOKING BAN	Smoking or vaping subject to Ohio’s current public smoking laws	Smoking or vaping of marijuana would only be permitted in a private residence	Specifies that the smoking or vaping of cannabis is prohibited wherever smoking is prohibited.
TAXES	Imposes a 10% excise tax Revenue distribution <ul style="list-style-type: none"> - 36% to the Department of Development’s Cannabis Social Equity and Jobs Program; 	Increases excise tax to 15% Revenue distribution <ul style="list-style-type: none"> - 28%, up to \$80M per year, to fund the construction and renovation of county jails; 	Imposes a 10% excise tax Revenue distribution <ul style="list-style-type: none"> - Same as Issue 2 except reallocates 25% earmarked to OhioMHAS to: <ul style="list-style-type: none"> o 12.5% to support 988

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House Bill 354 Analysis: <https://www.legislature.ohio.gov/download?key=21891&format=pdf>

	<ul style="list-style-type: none"> - 36% for municipal corporations or townships that have adult use dispensaries - 25% to support the efforts of OhioMHAS to alleviate substance abuse and related research; - 3% for state administrative and operational support 	<ul style="list-style-type: none"> - 16%, up to \$45M per year, to fund peace officer training. Would increase to 19% after first five years; - 14%, up to \$40M per year, to fund law enforcement continuing education costs - 9%, up to \$25M per year, to OhioMHAS to fund substance use treatment, prevention, and education programs. Would increase to 11% after first five years; - 9%, up to \$25M per year, for OhioMHAS to fund and administer the 988 suicide prevention hotline; - 5%, up to \$15M per year, for a five-year program which the Attorney General reimburses certain costs associated with expungement for marijuana possession - 5%, up to \$15 million per year, to fund local drug task forces 	<ul style="list-style-type: none"> o 10% to provide mental health and addiction services in county jails o 2.5% to support efforts of the Department to develop the state’s mental health workforce
CANNABIS SOCIAL EQUITY AND JOBS PROGRAM	Establishes the Cannabis and Social Equity Jobs Program to provide financial assistance and license application support to individuals most directly and adversely impacted by the enforcement of marijuana-related laws.	Repeals the Cannabis Social Equity and Jobs Program	Retains the program but requires funds to be administered by counties through a grant program. Allows grant fund to be used for any purpose that involves community engagement, economic development, or social programming.
EXPUNGEMENT	No language regarding expungement	Allows individuals who have been convicted for possession of 2.5 ounces of marijuana or less to have their records expunged.	No language regarding expungement

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ADVERTISEMENTS	Would require the Department of Commerce to adopt rules that prevent advertisements that are false, targeted towards minors, promote excessive use, or promote illegal activity	Prohibits adult-use marijuana 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.	Subject to rulemaking process but requires rules to be “at least as stringent” as state and federal law governing tobacco and alcohol advertisements”
PACKAGING AND LABELING	Subject to rulemaking process.	<p>Requires licensed dispensaries to label dispensed adult-use marijuana with all of the following:</p> <ul style="list-style-type: none"> - The name and address of the processor and dispensary; - A statement that the use of marijuana by underage persons is both harmful and illegal; - The quantity, strength, kind, or form of marijuana in the package. <p>Prohibits adult-use marijuana from being dispensed in a form that bears the likeness or characteristics of a realistic or fictional human, animal, or fruit.</p>	Subject to rulemaking process but requires packaging and labeling rules to, at minimum, comply with federal child-resistant effectiveness standards.
988 LANGUAGE	No language	<p>Adds exercising the powers and performing the duties relating to 988 suicide and crisis response to the existing law powers and duties of OhioMHAS Director.</p> <p>Establishes the 988 Administrator within the Department of Mental Health and Addiction Services to oversee the administration of 988.</p> <p>Requires the 988 Administrator to compile an annual report and submit the report to the General Assembly and the Governor.</p>	<p>Adds exercising the powers and performing the duties relating to 988 suicide and crisis response to the existing law powers and duties of OhioMHAS Director.</p> <p>Establishes the 988 Administrator within the Department of Mental Health and Addiction Services to oversee the administration of 988.</p> <p>Requires the 988 Administrator to compile an annual report and submit the report to the General Assembly and the Governor.</p>

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