



Non-Medical Cannabis FAQ

On November 7, 2023, a majority of Ohio voters approved Issue 2 to legalize the possession and use of marijuana by individuals aged 21 and over, the sale of marijuana by state-licensed dispensaries to those individuals, and to create the Division of Cannabis Control within the Ohio Department of Commerce.

PLEASE NOTE: The following information is based on the initiated statute ballot measure approved by voters. Because it is an initiated statute, it may be amended by the state legislature. The legislature is actively considering updates to the law. Any amendments to the statute could impact the timeline for the rulemaking and licensing processes, and dispensary sales.

Non-medical cannabis is not yet available to purchase in licensed dispensaries and the general public at this moment is not permitted in dispensaries unless the individual is a registered patient or caregiver in the Ohio Medical Marijuana Control Program (MMCP). Currently there are no individuals or entities licensed to sell non-medical cannabis in the state of Ohio, and any sale of marijuana prior to adult-use licenses being issued may be subject to criminal penalties.

The new division within Commerce has nine months to complete the rulemaking and licensing processes for non-medical cannabis. Sales of non-medical cannabis may not begin until licenses are issued and facilities are certified. The MMCP will continue to be administered by the Division of Cannabis Control and MMCP patients and caregivers are encouraged to keep their patient or caregiver card active, even after non-medical cannabis sales begin.

Please see the following FAQs for additional information.

When will the initiated statute become effective?



The initiated statute became effective December 7, 2023 - 30 days after the date of the election. The state legislature can amend the statute at any time which could impact the timeline for the rulemaking and licensing processes, and dispensary sales.

Can the General Assembly make changes to the statute?



Yes, the state legislature can amend the law at any time which could impact the timeline for the rulemaking and licensing processes, and dispensary sales.

When will non-medical marijuana be available for purchase?



Non-medical marijuana will not be immediately available to purchase in dispensaries and the public is not permitted in medical marijuana dispensaries unless the individual is a registered patient or caregiver in the Ohio Medical Marijuana Control Program (MMCP).

Currently there are no individuals or entities licensed to sell non-medical cannabis in the state of Ohio, and any sale of marijuana prior to adult-use licenses being issued may be subject to criminal penalties.

The new Division of Cannabis Control (DCC) must adopt rules necessary to initially implement the initiated statute within nine months of the effective date. After the DCC issues licenses and those facilities are certified to operate under the new law and rules, the first non-medical marijuana sales can occur.

The state legislature can amend the law at any time which could impact the timeline for the rulemaking and a licensing processes, and dispensary sales.

When will the rules for non-medical marijuana be available?



The initiated statute provides that the DCC has nine months following the effective date of the statute (Dec. 7) to adopt rules necessary to initially implement the non-medical program.

Will there be a license application process open to the public?



Pursuant to the initiated statute, the Division will issue 40 level III cultivator licenses and 50 dispensary licenses with a preference to certified participants in the Cannabis Social Equity and Jobs Program to be established by the Ohio Department of Development. Once that program is established and applicants are certified, the DCC has the authority to request applications for these licenses.

The initiated statute does not provide for any other licensing applications to be opened to the public initially. Following 24 months from the first date of issuance of a non-medical cannabis operator license, the DCC must review the number of licenses on a biannual basis and may authorize additional licenses.

How many new licenses will there be?

Pursuant to the initiated statute requirements, each current medical marijuana cultivator, processor, and testing laboratory will receive a non-medical cannabis cultivation, processing, and testing license, respectively. Those licenses are for the same location at which they are currently operating.



Additionally, each current medical marijuana level I cultivator will receive three dispensary licenses, while current medical marijuana level II cultivators will receive one dispensary license. Each current medical marijuana dispensary will receive a non-medical cannabis dispensary license, and each medical marijuana dispensary that is not commonly owned or controlled by a cultivator or processor will receive an additional non-medical cannabis dispensary license at new locations selected during the application process.

Finally, 40 level III cultivator licenses and 50 dispensary licenses will be issued to applicants with a preference to participants of the Cannabis Social Equity and Jobs Program, which the statute prescribes to be established by the Department of Development.

The state legislature can amend the law at any time which could impact the timeline for the rulemaking and a licensing processes, and dispensary sales.

Will there still be a medical program?



Yes. The Medical Marijuana Control Program (MMCP) will continue to be administered by the DCC and MMCP patients and caregivers are encouraged to keep their patient or caregiver card active.

Remaining as a patient within the MMCP ensures the patient is speaking with a physician about their qualifying condition and maintains access to medical marijuana at current operational medical marijuana dispensaries. Additionally, when non-medical marijuana sales begin, MMCP patient purchases are not subject to the 10% excise tax levied on non-medical marijuana sales per the approved statute.

Will non-medical cannabis be taxed?



Yes. Non-medical cannabis sales are subject to state and local sales tax. In addition, the initiated statute includes a 10% excise tax on non-medical cannabis purchases. The excise tax revenue will go toward a social equity and jobs program, mental health and addiction services, local governments, and the administrative costs of the Ohio Department of Taxation and the Division of Cannabis Control.

Are there age restrictions for the consumption of non-medical marijuana?



Yes. An individual must be at least 21 years old to purchase, possess, grow, or use non-medical marijuana.

Can individuals purchase marijuana in other states and bring it to Ohio?



No. Federal law prohibits traveling across state lines with marijuana.

Can consumers grow their own marijuana now?



Chapter 3780.29 of the initiated statute permits adults aged 21 and over to grow their own marijuana at home, subject to limitations prescribed in the statute, such as:

- Ensuring that marijuana is kept in a secured, enclosed area that prevents access by individuals under the age of 21 and which is not visible by normal unaided vision from a public space.

- A maximum of 6 plants per individual, 12 per household if there are two or more adults 21 and over.
- Processing home-grown cannabis by manual or mechanical means is permissible. Individuals are prohibited from processing home-grown cannabis by hydrocarbon-based extraction.
- Transferring up to 6 plants to a non-medical consumer is permissible; however, it is prohibited to receive payment for the plants or to advertise or promote such transfers to the public.

The state legislature can amend the statute at any time which could impact the provisions of the law.

How much cannabis can I possess?



Pursuant to the initiated statute, the amount of cannabis that may be possessed, transferred, or transported by a non-medical consumer is 15 grams of extract and 2.5 ounces of another form.

The state legislature can amend the statute at any time which could impact the provisions of the law.

What forms of marijuana will be available for purchase at a non-medical cannabis dispensary?



The initiated statute permits the following forms of non-medical cannabis to be sold at dispensaries: plant material and seeds, live plants, clones (a non-flowering plant cut from a mother plant), extracts, drops, lozenges, oils, tinctures, edibles, patches, smoking or combustible product, vaporization of product, beverages, pills, capsules, suppositories, oral pouches, oral strips, oral and topical sprays, salves, lotions or similar cosmetic products, and inhalers.

Am I allowed to use marijuana in public?



No. The initiated statute states that a non-medical cannabis consumer who uses non-medical cannabis in public areas is guilty of a minor misdemeanor. Additionally, Ohio's law prohibiting smoking or vaping in public indoor spaces applies to marijuana as well.

Can I drive after using marijuana?



No. Per the initiated statute, an individual is prohibited from operating a vehicle, motor vehicle, streetcar, trackless trolley, bike, watercraft, or aircraft while using cannabis or while under the influence of cannabis.

Additionally, an individual is prohibited from smoking, vaporizing, or using any other combustible cannabis product while in a vehicle, motor vehicle, streetcar, trackless trolley, bike, watercraft, or aircraft.

Can my employer fire me for using marijuana?

Yes. The law allows an employer to fire, discipline, refuse to hire, or take other adverse employment action against an individual because of the individual's use, possession, or distribution of cannabis.

An employer may establish and enforce a drug testing policy, drug-free workplace policy, or zero-tolerance drug policy.



An individual who is fired because of the individual's use of cannabis is considered to have been fired for just cause for the purposes of unemployment compensation review, if the individual's use of cannabis was in violation of the employer's drug-free or zero-tolerance policy, or other program or policy regulating the use of cannabis.

Additionally, pursuant to the law as approved by voters, all federal restrictions on employment, including the regulations adopted by the United States Department of Transportation in Title 49 of the Code of Federal Regulations, remain in place.

For information about your workplace policy, you should speak with your employer.

Can I purchase a gun if I use marijuana?



The federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) has issued a public statement that any person who is an unlawful user of or addicted to any controlled substance is prohibited from shipping, transporting, receiving, or possessing firearms or ammunition under federal law.

The ATF also clarified that an individual who is a current user of marijuana, whether for recreational or medical purposes, is federally defined as an "unlawful user" of a controlled substance under federal law. If you have questions about your individual situation, you should seek the advice of an attorney.