



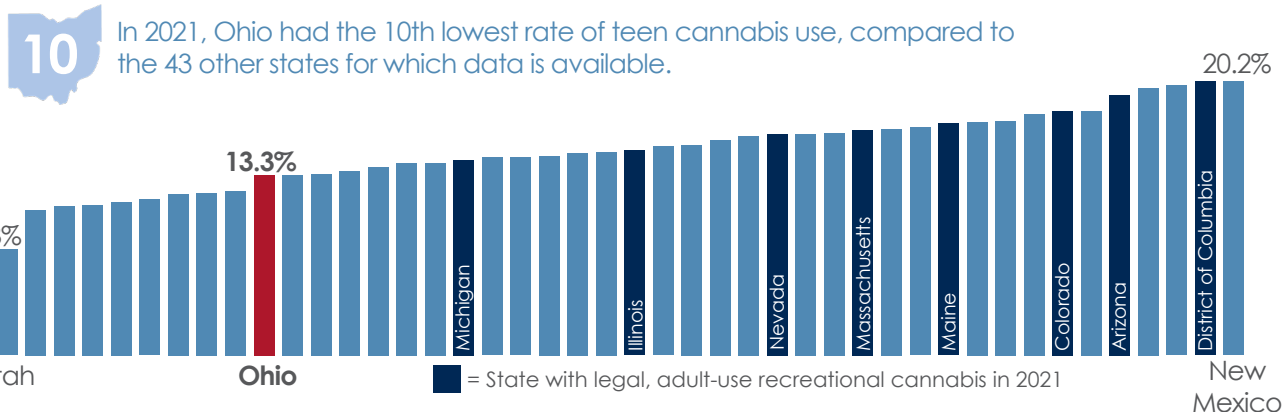
# Policy considerations

## Cannabis regulation in Ohio

On Nov. 7, 2023, Ohio voters approved **Ohio Issue 2**. The ballot initiative changed Ohio law to allow the sale and purchase of recreational cannabis, regulated by a new Division of Cannabis Control within the Ohio Department of Commerce. As the General Assembly considers legislation to develop a new regulatory framework for recreational cannabis, and the executive branch considers next steps, policymakers will need to weigh public health, public safety, equity and other considerations. This HPIO publication provides a brief data overview and policy considerations.

### Youth marijuana use

Percent of high school students who used marijuana in the past 30 days, 2021



**Note:** Data is not available for Alaska, California, Georgia, Minnesota, Oregon, Washington and Wyoming. Adult-use recreational cannabis was legal in Alaska, California and Oregon in 2021.  
**Source:** Youth Risk Behavior Survey

While the cannabis use rate for Black Ohioans was 1.7 times greater than white Ohioans, the cannabis arrest rate for Black Ohioans was 5.3 times greater than for white Ohioans.

### Adult marijuana use by race

Percent of Ohio adults, 19 and older who used marijuana in the past 30 days, 2021



**Source:** HPIO analysis of data from the Ohio Medicaid Assessment Survey

### Cannabis arrests rate by race

Number of arrests for cannabis offenses, per 100,000 population, 2022



**Source:** Ohio Incident-Based Reporting System, provided by the Ohio Department of Public Safety

### Medical marijuana program in Ohio

Ohio has an existing legal cannabis market. In 2016, the Ohio General Assembly passed House Bill 523, creating the Ohio Medical Marijuana Control Program. This program allows people with qualifying medical conditions (such as cancer, epilepsy, chronic pain and post-traumatic stress disorder) to purchase and use cannabis products. According to a **Drug Enforcement and Policy Center report**, as of July 2023, there were 34 licensed cultivators, 92 dispensaries and 377,384 registered patients in the program.

# Cannabis policy considerations

By taking lessons learned from the successes and failures of tobacco and alcohol control policy (see page 4), and considering the goals and questions below, policymakers can work toward equitable and effective cannabis regulation. For more information, see HPIO's brief "[Tobacco, alcohol and health series: Implications for future cannabis policy.](#)"



Policy goal

## Protect youth health and brain development

To what extent would the proposed legislation or administrative rules:

- Monitor and enforce age restrictions?
- Prohibit marketing, packaging and product types that are attractive to children and adolescents (including considerations for flavors and products that look like candy)?
- Reduce youth access through buffer zones (around schools and libraries, etc.) and other retail outlet restrictions?
- Allow local municipalities to enact additional protections for youth?
- Evaluate the impact of policies on youth cannabis consumption and health and education outcomes?



Policy goal

## Minimize harms and protect public safety

To what extent would the proposed legislation or administrative rules:

- Provide education and media campaigns about how to prevent cannabis-related harms, including specific risks related to pregnancy, mental health and driving?
- Require retailers and packaging to include health warnings?
- Limit THC content?
- Limit the amount of cannabis that can be legally sold?
- Protect the public from secondhand smoke exposure?
- Prevent motor vehicle crashes due to impaired driving?
- Evaluate the impact of policies on birth outcomes, mental health, motor vehicle crash deaths, emergency department visits and other population-level health outcomes?



Policy goal

## Promote equity and justice

(increased economic opportunity and decreased incarceration)

To what extent would the proposed legislation or administrative rules:

- Reduce cannabis-related arrests, court fees/fines and incarceration?
- Reduce collateral sanctions from past cannabis-related criminal justice system involvement (including record relief through expungement or sealing of criminal records, and resentencing)?
- Establish a licensing system that intentionally includes historically disadvantaged groups in the industry, while also maintaining limits on retail licenses, particularly in communities with the worse health outcomes?
- Invest tax revenue into communities most affected by cannabis-related incarceration?
- Evaluate impact on health disparities and inequities in criminal justice system involvement?



Policy goal

## Reinvest tax revenue in prevention, treatment and recovery

To what extent would the proposed legislation or administrative rules:

- Establish taxes and fees that generate meaningful revenue to support health, equity and social services?
- Allocate tax revenue to support youth cannabis use prevention?
- Allocate tax revenue to support substance use disorder treatment and recovery services?
- Allocate tax revenue to support data collection, analysis and reporting to evaluate of the effects of cannabis legalization?

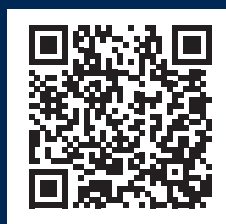
### Current status of recreational cannabis regulation

The legislation proposed by Ohio Issue 2 became effective on Dec. 7, 2023, 30 days after the November election. State policymakers in the legislative and executive branch are now working toward additional regulation of recreational cannabis. For more information about pending legislation and administrative rules, see the following:

- The Ohio Department of Commerce [Division of Cannabis Control's website](#), including the [Non-Medical Cannabis FAQ](#). The FAQ includes information pertaining to business licenses and applications, consumers, and administrative rules. Several proposed rules were submitted to the Common Sense Initiative on March 1 and public comment on these rules is due by March 13, 2024. More information is [available here](#).
- **House Bill 86**. HB 86, which was focused on liquor and contained no cannabis provisions when it was voted out of the House, was changed in the Senate. The new version of the bill would repeal the cannabis control law initiated by Ohio Issue 2 and instead incorporate many of its provisions into the existing Medical Marijuana Control Law. It also would revise the law governing hemp products and levy taxes on adult-use cannabis. The Ohio Senate passed the substitute version of HB 86 on Dec. 6, 2023. The bill has now stalled pending concurrence by the House, or differences between the House and Senate passed version being addressed in a conference committee.
- **House Bill 354**. HB 354 includes proposed revisions to the initiated cannabis control law, including revisions to its home grow provisions, specifying that smoking cannabis is prohibited wherever smoking tobacco is prohibited, and levying a tax on adult-use cannabis. It was introduced in early December 2023 and was referred to the House Finance committee.

### Learn more about mental health and substance use policy in Ohio

HPIO has created tools that elevate evidence on what works and enable state and local leaders to determine the next steps in addressing mental health and substance use challenges in Ohio. Visit [www.hpio.net/focus-areas/mental-health-and-substance-use](http://www.hpio.net/focus-areas/mental-health-and-substance-use) or scan the QR code below.



## What lessons can be learned from current tobacco and alcohol policy to inform future cannabis regulation?

As policymakers consider regulating recreational cannabis, the following **lessons learned** from decades of tobacco and alcohol policy can reduce the likelihood of negative health outcomes:

- 1. Easy access and low prices lead to higher consumption.** Well-designed access, price and tax policies can reduce consumption, prevent downstream harms and save lives (see retail sales restrictions, taxation and pricing strategies in figure 2 of HPIO's publication [Tobacco, Alcohol and Health Series: Implications for Future Cannabis Policy](#)).
- 2. Product types and marketing tactics change more quickly than public health data systems can monitor drug use trends.** Vigilant monitoring, timely data collection and proactive regulation are needed to protect youth from potentially dangerous emerging products and aggressive marketing tactics.
- 3. Excise tax revenue is not used for addiction prevention.** Alcohol and tobacco excise tax revenue is used to support the state's general operating budget, and funding from the Tobacco Master Settlement was diverted away from tobacco prevention and cessation. Strong protections are needed to make sure future tax and settlement revenues are re-invested in prevention and treatment.
- 4. Designating a drug as legal may lead the public to assume it is not harmful to health.** Alcohol, for example, is widely perceived as safe for most adults despite links to cancer and heart disease. Effective public education about the relative health risks of cannabis, tobacco and alcohol is needed so that Ohioans can make informed decisions about drug use.
- 5. Toxic stress and trauma play a critical role in drug dependence.** Trauma-informed care and addiction treatment services tailored to meet the complex needs of people experiencing violence, poverty and mental illness are critical to support recovery from all forms of substance use disorder.
- 6. General "one size fits all" prevention and treatment approaches do not work for every Ohioan.** Disparities in health outcomes will persist unless communications and services are tailored to reach Ohioans with disabilities, LGBTQ+ Ohioans, people who smoke menthol cigarettes and others at high risk for drug-related harms. Culturally relevant prevention and cessation messages and services are needed to counter the effects of aggressive marketing tactics that target communities of color, young people and other groups.
- 7. An effective public health approach includes both prevention and harm reduction.** Prevention is particularly important to deter or delay youth drug use, while harm reduction is needed to mitigate downstream effects of excessive use. Harm reduction includes avoiding policies that increase incarceration.

### Additional resources

- [Tobacco, Alcohol and Health Series: Implications for Future Cannabis Policy](#) — Health Policy Institute of Ohio
- [HPIO resource page on Issue 2: An act to regulate adult use of cannabis \(2023\)](#)
- [Marijuana reform-related research, resources](#) — Ohio State University Moritz College of Law Drug Enforcement and Policy Center
- [Advancing Public Health & Equity in Cannabis Policy](#) — Getting it Right from the Start Public Health Institute