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Ohio's Recreational Marijuana Initiative Certified and Collecting Signatures

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Since medical marijuana was legalized in Ohio in 2016, proponents have repeatedly advanced proposals to legalize marijuana recreationally. After previously rejecting proposed ballot language, on August 20, 2021, the Ohio Attorney General certified a revised ballot summary, and on August 31, 2021 the Ohio Ballot Board certified an initiative to collect signatures in order to ask the Ohio legislature to legalize recreational marijuana in Ohio. The organization, Coalition to Regulate Marijuana Like Alcohol, now has until December 24, 2021 to collect approximately 133,000 in 44 of the 88 Ohio counties to submit the proposed language to the Ohio General Assembly. The Ohio General Assembly then has 4 months to act on the petition. Should the General Assembly not pass the legislation during the 4 months, the Coalition would have 90 days to collect an additional 133,000 signatures in order to place the initiative on the November 2022 ballot.

The proposed legislation would legalize the cultivation, manufacturing, testing, and sale of marijuana and would legalize home growing for up to 6 plants per person or 12 plants per household for adults age 21 and over. The proposed legislation would also expunge marijuana criminal convictions. However, the proposed language would still permit employers to refuse to hire and terminate employees for use, possession, or distribution of cannabis and maintain Drug-Free Workplace policies and discharge of an employee for use of cannabis would still be discharged “for cause” for unemployment purposes. Additionally, the proposed initiative would not require employers to accommodate an employee’s cannabis use. The Coalition claims the legislation would result in \$150 million dollars annually for social programs and job funding in Ohio. It also claims it would generate another \$150 million annually for “cannabis host communities” and generate over \$100 million to fund addiction services and education programs.

Public support for legalization of recreational marijuana has greatly increased over the last several years. A Gallup poll completed in the fall of 2020, found that 68% supported legalization of marijuana, a 10% increase in just 5 years. 18 states and the District of Columbia have already legalized marijuana for recreational purposes and 48 states now have some form of legalized marijuana. Could Ohio be next? We may find out in the near future.

James Yates and Sarah Pawlicki are Members in Eastman & Smith Ltd.'s Labor and Employment group and are both SHRM Certified Senior Professionals in Human Resources (SHRM-SCPs). Between them, they have over 30 years of experience partnering with human resource professionals to make workplaces better (and legally compliant). They can be reached at 419-241-6000 or jbyates@eastmansmith.com and sepawlicki@eastmansmith.com.

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