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Synopsis of Conference Committee Amendments

S.B. 56 of the 136th General Assembly

Committee of Conference

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Intoxicating hemp products and DCPs

(R.C. Sections 928.01, 928.03, 928.031 and Chapter 3779; various R.C. cross-references; Sections 4, 5, 6, and 7)

Removes the bill's provisions governing intoxicating hemp products, including the tax levied on those products, and replaces those provisions with new federally compliant hemp definitions that narrow the scope of what is considered hemp by specifying, in part, that hemp does not include any final hemp-derived cannabinoid product that:

1. Exceeds 0.4 mg of total tetrahydrocannabinol (THC) per container;
2. Includes cannabinoids that are not capable of being naturally produced by a *Cannabis sativa* L. plant; and
3. Includes cannabinoids that are capable of being naturally produced by a *Cannabis sativa* L. plant and were synthesized or manufactured outside the plant.

As a result, requires products that fall outside the scope of the new narrowed hemp definition to be considered marijuana and sold exclusively in marijuana dispensaries.

Requires the Superintendent of Cannabis Control, in consultation with the Director of Agriculture, to establish certain lists related to the definition of hemp, including:

1. Cannabinoids known to be capable of being naturally produced by a *Cannabis sativa* L. plant;
2. THC class cannabinoids known to the Superintendent to be naturally occurring in the plant *Cannabis sativa* L.;
3. All other known cannabinoids with similar effects to, or marketed to have similar effects to, THC class cannabinoids; and
4. Any additional cannabinoids that have similar effects or are marketed to have similar effects on humans or animals as a THC.

Requires the Superintendent to update the lists based on changes made by applicable federal agencies.

Eliminates the bill's permanent drinkable cannabinoid product (DCP) program and replaces it with a temporary program that remains in effect until December 31, 2026.

Regarding the temporary DCP program, does the following:

1. Eliminates the low-level and high-level DCP categories in the Passed-House version, and replaces those categories with only one category – DCPs;
2. Allows A-1-A, A-1c (added by the Conference Committee), and D class liquor permit holders to sell DCPs for on- and off-premises consumption;
3. Allows C class liquor permit holders to sell DCPs for off-premises consumption;
4. Requires the Superintendent of Liquor Control to establish policies, rather than adopting rules, for the administration and enforcement of the temporary DCP program, including policies governing the labeling of DCPs and administrative penalties for violations of the DCP law;
5. Requires the Superintendent of Cannabis Control, rather than the Superintendent of Liquor Control as in the House-passed version, to adopt policies governing all of the following:
 - a. The testing of DCPs;
 - b. Creation and maintenance of a list of approved THC's that may be included in DCPs; and
 - c. The amount of administrative penalties for violating those policies.
6. Eliminates the requirement that a DCP manufacturer must register with the Superintendent of Liquor Control;
7. Eliminates all information that must be included on a DCP label, other than the amount of THC, in milligrams, as identified by the certificate of analysis issued by a testing facility;
8. Removes the bill's provisions that levy a tax on DCPs;
9. Specifies that, should the federal government legalize hemp beverages at tetrahydrocannabinol limits greater than those allowable under the version of 7 U.S.C. 1639o, *et seq.*, set to take effect on November 12, 2026, it is the intent of the General Assembly to review the federal enactment and consider a more robust regulatory framework of these products, including licensure, registration, taxation, and responsible consumer and child protections in an effort to legalize hemp beverages for sale and consumption in Ohio beyond December 31, 2026.
10. Also specifies that nothing in the above statement (9, above) may be interpreted to legalize DCPs or hemp beverages beyond December 31, 2026.

Expungement – amount of marijuana possessed

(R.C. 2953.321)

Removes a provision that allows a person to expunge a prior marijuana possession offense if the conduct that was the basis of the violation of the possession offense was 100 grams or more, but less than 200 grams of marijuana, but retains the provision that allows a person to expunge a marijuana possession offense if the conduct that was the basis of the violation of the possession offense was less than 100 grams of marijuana.

Division of Cannabis Control

(R.C. Chapter 3796 (numerous sections); Section 5)

Renames the Division of Marijuana Control the Division of Cannabis Control, which is responsible for overseeing both the medical marijuana program and the adult-use marijuana program.

Disqualifying offenses – marijuana

(R.C. 109.572, 3796.01, 3796.03, 3796.09, and 3796.10)

Removes the defined term “disqualifying offense” for purposes of specifying those offenses for which a person is ineligible for licensure under the Cannabis Control Program and instead allows the Division of Cannabis Control to adopt rules specifying those offenses which disqualify a person for licensure under the Cannabis Control Program.

Specifies that all felony offenses disqualify an applicant for licensure.

Factual basis for field sobriety test

(R.C. 3796.24)

Does both of the following regarding the factual basis to conduct a field sobriety test:

1. Removes a House-passed provision that specifies that engaging in authorized marijuana activities in accordance with the Marijuana Control Law is not a sufficient basis for conducting a field sobriety test on the person or for suspending the person’s driver’s license; and instead
2. Restores current law that states that a person’s status as a registered medical marijuana patient or caregiver is not a sufficient basis for the field sobriety test or suspension.

Adult-use marijuana excise tax revenue

(R.C. 3796.40; Section 9)

Changes the name of the fund that holds marijuana excise tax receipts from the Marijuana Receipts Fund to the Adult Use Tax Fund, which is the same fund name that holds marijuana tax revenue under current law.

Removes a provision crediting interest earned by that fund to that fund.

Requires TAX, instead of OBM, to distribute marijuana excise tax revenue to municipalities and townships that have adult-use marijuana dispensaries.

Penalty for smoking marijuana or hemp on a residential premises subject to rental agreement

(R.C. 3796.99)

Removes the penalty, a minor misdemeanor, but retains the prohibition on knowingly smoking, combusting, or vaporizing marijuana on a residential premises occupied pursuant to a rental agreement that prohibits the smoking, combustion, or vaporization of marijuana.