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H.B. 631
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Ghanbari and K. Miller

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SUMMARY

- Imposes a third degree misdemeanor criminal penalty on a person who violates existing law's prohibition against a person under 21 who knowingly purchases, uses, or possesses adult-use marijuana or homegrown marijuana ("underage marijuana possession prohibition").
- Allows a court to order a person who has been convicted of or has pleaded guilty to a violation of the underage marijuana possession prohibition into a diversion program.
- Establishes additional driving-related penalties for violation of the underage marijuana possession prohibition if the offender is operating or is a passenger in a motor vehicle.

DETAILED ANALYSIS

Underage marijuana possession

Current law allows a person who is 21 and older to purchase, use, or possess marijuana so long as it is done in accordance with Ohio's Marijuana Control Laws.¹ However, it establishes an underage marijuana possession prohibition by prohibiting a person under 21 from knowingly purchasing, using, or possessing adult-use marijuana (e.g., marijuana sold at a dispensary) or homegrown marijuana. Current law does not, however, establish a criminal penalty for violating the underage marijuana possession prohibition.² The bill imposes a third degree misdemeanor criminal penalty on a person who violates the underage marijuana possession prohibition.

¹ See R.C. Chapter 3796.

² R.C. 3796.01(A)(8) and (9), not in the bill, and R.C. 3796.06(G)(1).

Diversion program

The bill also allows a court to order a person who pleads guilty to or is convicted of the prohibition into a diversion program and hold the complaint in abeyance pending successful completion of the program. However, a person is not eligible for participation in a diversion program if the person previously was diverted to such a program. If the person completes the diversion program to the satisfaction of the court, the court must dismiss the complaint and order the person's record to be sealed. If the person fails to satisfactorily complete the diversion program, the court must proceed with the complaint.³

Driving-related penalties

Furthermore, if an offender is a minor and is operating, or is a passenger in, a motor vehicle at the time of the underage marijuana possession offense, in addition to any other penalties, the bill imposes one of the following, as applicable:

1. If the offender is under 18, the court must suspend the offender's temporary instruction permit or probationary driver's license for a period between six months and one year;
2. If the offender is 15 ½ or older, but has not been issued a temporary instruction permit or probationary driver's license, the offender is not eligible to be issued such a permit or license for six months; or
3. If the offender is younger than 15 ½, the offender cannot be issued a temporary instruction permit until the offender turns 16.⁴

HISTORY

Action	Date
Introduced	12-17-25

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³ R.C. 3796.06(G)(2) and (3).

⁴ R.C. 3796.99(K).