

# Know Your Rights: Ohio Marijuana Legalization Laws

The information provided in this FAQ is for educational purposes and is not legal advice.



## Who can possess cannabis in Ohio?

Ohioans who are **21 years and older** can possess cannabis.

## Can I smoke marijuana in public?

**No!** If you are smoking cannabis, you should follow the rules outlined in [Ohio's public smoking ban](#). If you choose to smoke cannabis, your best bet is to smoke only on private property where the property owner has given you permission to smoke on-premises.

## Can I have marijuana in my possession in public but not smoke it? (ie., joint in pocket at a public park).

**Yes**, people in Ohio who are 21 and over can possess up to 2.5 ounces of adult-use cannabis or 15 grams of concentrates. Property owners might place further restrictions on what is permitted on their premises.

## Is there a difference between smoking weed and consuming it?

**Yes.** Smoking is a method of consumption, but not the only one. Issue 2 did not place limits on how adults can consume cannabis, but you should be aware of limits on how much a person can possess and where they can consume their cannabis.

## How do Ohio's nicotine laws + restrictions relate/compare to Ohio's marijuana laws?

Similar to Ohio's laws requiring a purchaser of tobacco, people purchasing cannabis in Ohio must also be 21 years old or older. There are also similar restrictions about where cannabis can be consumed. Further, unlike nicotine, legal adult-use cannabis is only available for sale at licensed dispensaries.

## Can I be terminated from my job if I smoke marijuana?

**Possibly!** While Ohioans enjoy a number of protections related to cannabis use, Issue 2 did not require employers to change their employment policies. As a result, employers can still enforce drug-free workplace policies.

## Can my employer still require drug testing now that marijuana is legal?

**Yes.** See above.

## What happens if I'm stopped by law enforcement while smoking? What are my rights?

Regardless of whether or not you are smoking, **you have important rights during interactions with law enforcement.** As always, these rights are only as strong as your knowledge of them. You can find more information about interactions with law enforcement [here](#).



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## Can I legally drive under the influence of marijuana?

**No.** Ohio law prohibits the operation of a vehicle under the influence of alcohol or drugs.

## When will pre-roll options be available at dispensaries?

### Current non-combustion rules make them unavailable. Is there a timeline for when that change will be in place?

As dual-licensed (medical and recreational) dispensaries came online for adult-use sales, it is likely that many did not have pre-rolls for sale because of existing medical inventory. Ohio's medical cannabis laws do not allow for combustion (smoking) of medical cannabis. As the industry continues to operate and develop, it is likely that pre-rolls will be available in the future if they are not already available at a dispensary in your area.

## What regulations will be put in place regarding illegal pop-up shops that have been seen in other areas where recreational marijuana is in place?

Ohio's adult-use cannabis laws do not permit the sale of the newly legalized adult-use product outside of licensed dispensaries. This means that unlicensed shops where cannabis is exchanged for money would likely fall outside the bounds of the law.

## Adult use cannabis is legal now, what's next?

The ACLU of Ohio endorsed Issue 2 in 2023 because of its role in stemming the tide of people into our criminal legal system because of cannabis use. However, we knew then just as much as we know now that the work is far from finished. **We must legalize and repair.** The failed War on Drugs has a lasting impact on our state and country, much of it falling most heavily on our Black neighbors. This is why we're continuing to push for policy reforms that repair those harms.

## Are Ohio's cannabis laws permanent?

**No!** Issue 2 was a citizen-initiated statute, meaning that the state legislature can alter the language at any time using the legislative process. Since passage, some Issue 2 language has already been in the crosshairs of lawmakers. Keep checking the ACLU of Ohio website and our social media channels for updates about legislative action and opportunities to engage with your state lawmakers.

## Where can I read more about Ohio's adult use cannabis laws and policy?

Keep an eye out for more from us soon on our website and social media channels. There is also great information available from the Drug Enforcement and Policy Center, a part of the Ohio State University's Moritz College of Law, available [here](#).

