



Issue 2

& What Townships Need to Know

On November 7, 2023, Ohio voters approved State Issue 2, which authorizes and regulates the possession, use, and sale of recreational marijuana and cannabis products. Recreational products are generally referred to in the Ohio Revised Code (R.C.) Chapter 3780 as "adult-use cannabis" to distinguish them from medical marijuana, which is already authorized and regulated under R.C. Ch. 3796.

The new law will go into effect on December 7, 2023.

This law:

- Permits adults to possess up to two and a half ounces of marijuana or 15 grams of marijuana extract.
- Allows individuals to purchase marijuana from retail locations or grow up to six plants per adult at a private residence for personal use.
- Issues retail dispensary licenses, estimated to be distributed by late 2024.

**Please note that the ballot initiative adopted by Ohioans was not a constitutional amendment; therefore, the Ohio General Assembly can amend the recreational marijuana laws in the same way it amends other statutes. The General Assembly is currently discussing amendments to the new law.*

Regulating Adult-Use Cannabis Operators

Previously enacted law in 2016 allowed for medical marijuana operations in Ohio and permitted townships, regardless of whether they are zoned, to prohibit or limit the number of medical marijuana cultivators, processors, or retail dispensaries licensed by Ohio in their jurisdiction.

The new law will now also allow a board of township trustees - beginning on December 7 - to adopt a resolution by majority vote to prohibit or limit the number of adult-use cannabis operators permitted within the unincorporated territory of the township. It is important to note that townships may not prohibit or limit home growing of marijuana as authorized by the law (up to six plants per adult at a residence). The ability to prohibit or limit adult-use cannabis operators applies to ALL townships regardless of whether they have zoning or not.

A township that elects not to adopt a resolution prohibiting or limiting adult-use cannabis operators may have adult-use cannabis operators siting in their township and the township would be eligible to host community cannabis funding.

However, there are exceptions based on medical marijuana operations or those that partner with a medical marijuana operation. Existing cultivators, processors, or dispensaries for medical marijuana who have a certificate of operation may not be prohibited or limited by a township from operating unless there is a revocation of the certificate of operation.

Adult-use cultivators, adult-use processors, and adult-use

dispensaries that are co-located on the same parcel or contiguous parcels with an adult-use cultivator and an adult-use processor, who are applicants or license holders for medical marijuana and whose owners also have a certificate of operation at the same location as of December 7, 2023, may not be prohibited or limited by any township from operating because of the significant capital investment in the facilities.

Dispensaries, or the owners of dispensaries, who have a certificate of operation and who are not co-located on the same parcel or contiguous parcels with a cultivator or processor that has a certificate of operation as of December 7, 2023, shall also be authorized to operate as an adult use dispensary without any township prohibitions upon receiving a license from the division of cannabis control, unless a majority of the board of trustees of a township affirmatively pass a resolution, after the license is issued and within 120 days from license issuance, prohibiting the operation of the adult use dispensary within the unincorporated territory of the township.

Suppose a majority of the board of township trustees pass a resolution prohibiting the adult-use dispensary. In that case, the adult-use dispensary license holder shall cease operations

within 60 days unless the license holder files with the board of elections a petition signed by the lessor of 100 qualified electors or 5% of the qualified electors of the township, requesting that the issue, of whether the adult use dispensary shall remain open be placed on the next general election ballot. If a majority of the voters at the general election vote yes for the issue, then the adult-use dispensary may operate within the township, and the township shall receive related host community cannabis funding as authorized. If a majority of voters vote no, the adult-use dispensary with a certificate of operation must close within 90 days unless a request to relocate has been made to the board of pharmacy.

A township may not adopt a resolution limiting research related to marijuana conducted at a state university, academic medical center, or private research and development organization. A township may not levy a tax, fee, or charge on adult-use cannabis operators, their owners, or their property, which is not generally charged to other businesses in the township. A township may not prohibit or limit home growth or any other activity otherwise authorized by law.*

**Please note that the General Assembly is currently discussing eliminating the restrictions listed here.*

BOARD OF TOWNSHIP TRUSTEES OF Washington TOWNSHIP

A RESOLUTION TO PROHIBIT ADULT USE CANNABIS OPERATORS AND
MEDICAL MARIJUANA CULTIVATORS, PROCESSORS, AND RETAIL DISPENSARIES
WITHIN THE UNINCORPORATED AREA OF Washington TOWNSHIP

The Board of Township Trustees of Washington Township met on 12/15,
2023, with the following members present:

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Trustee Steve Swank moved that the following resolution be adopted:

WHEREAS, on November 7, 2023, voters in Ohio approved State Issue 2, which enacts new Chapter 3780 of the Ohio Revised Code, effective thirty days from the date of the election; and

WHEREAS, Chapter 3780 authorizes and regulates recreational adult use cannabis in the state of Ohio; and

WHEREAS, R.C. 3780.25 authorizes townships to prohibit or limit the number of adult use cannabis operators (as defined in R.C. 3780.01) within the unincorporated area of the township; and

WHEREAS, Medical marijuana is regulated in Ohio by Chapter 3796 of the Ohio Revised Code; and

WHEREAS, R.C. 3796.29 similarly authorizes townships to prohibit or limit the number of marijuana cultivators, processors, or retail dispensaries licensed under Chapter 3796 within the unincorporated area of the township; and

WHEREAS, the board of township trustees finds it to be in the best interest of the township to prohibit adult use cannabis operators licensed under Chapter 3780, as well as cultivators, processors, and retail dispensaries licensed under Chapter 3796, within the unincorporated area of the township;

Now, therefore, be it RESOLVED, as follows:

- 1) All terms used in this resolution shall be defined in the same manner as R.C. Chapter 3796, as it pertains to medical marijuana, and R.C. Chapter 3780, as it pertains to adult use cannabis. All terms used in this resolution but not defined in those chapters shall be construed, for purposes of this resolution, in a manner to be consistent with the use of such terms in both chapters.
- 2) Adult use cannabis operators, as well as cultivators, processors, and retail dispensaries of medical marijuana are hereby prohibited from operating within the unincorporated area of Washington Township.
- 3) It is the intent of the Board of Township Trustees to prohibit the operations described in Section 2 above to the maximum extent permitted by R.C. 3780.25, R.C. 3796.29, and any other applicable provisions of state law. This resolution shall be construed in a manner that gives maximum effect to that intent.

Trustee Jack Butler seconded the motion, and the roll call vote proceeded as follows:

<u>Jack D. Butler</u>	<u>Y</u>
<u>Barry Under</u>	<u>Y</u>
<u>AKS</u>	<u>Y</u>

Adopted this 15 day of February, 20 24.

[Signature]
Township Fiscal Officer