



STATEHOUSE REPORT

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Ohio voters pass Issue 2, legalizing adult use cannabis

Earlier this week, Ohio voters passed **Issue 2, To Commercialize, Regulate, Legalize, and Tax the Adult Use of Cannabis** by a vote of 57% to 43%. As an initiated statute, the provisions of Issue 2 will be inserted into the Revised Code and take effect 30 days after the election (December 7). However, practical matters, such as standing up and staffing the newly created Division of Cannabis Control, which is tasked with licensing grow operations and dispensaries, will likely delay the beginning of adult use cannabis sales into 2024.

As a note, Issue 2 was an initiated statute, which means its provisions are inserted into the Revised Code, not the Ohio Constitution. That means that the General Assembly is able to freely make changes to the provisions through the ordinary legislative process.

Counties have little direct involvement in the provisions of [Chapter 3780: Adult Use Cannabis](#). Adult use cannabis sales will be subject to all applicable sales and use taxes, so counties will see some revenue increase, both from their own permissive sales tax levies and from increased revenue to the Local Government Fund.

Generally, criminal penalties for infractions such as selling cannabis to underage individuals (those under the age of 21) and operating a vehicle under the influence of cannabis are the same as the corresponding activities with alcohol. Additionally, selling or giving away cannabis in excess of a set amount is still classified as drug trafficking.

CCAO is working with Fishel Downey Albrecht Riepenhoff LLC to provide a County Advisory Bulletin (CAB) covering the specifics of the initiated statute and considerations for employers/appointing authorities because of the new law. We anticipate that the CAB will be available before Thanksgiving.

The firm will also provide a webinar and present a session during the upcoming Winter Conference to give CCAO members the opportunity to ask questions about the new statute and its implications.

The Policy Team expects the General Assembly to consider changes to the provisions of Issue 2 in December. We will keep our membership informed regarding changes to the adult use cannabis law that pertain to counties.

Longtime State Public Defender Tim Young to retire at year's end

Earlier this week, the Ohio Public Defender Commission announced that Tim Young will be stepping down as State Public Defender at the end of the year. Tim has served as the State Public Defender for the last 16 years and led numerous initiatives in that office to improve the representation for the indigent in Ohio. CCAO would like to thank Tim for his years of service and wish him well in his future endeavors.

The Commission announced that Elizabeth Miller will become the new State Public Defender effective December 31, 2023. She has served as the Assistant Director of the Office of the Ohio Public Defender since 2013 and is very familiar with the indigent defense system at the county and state level. Additionally, she is the first woman to be appointed to this position. CCAO looks forward to working with Elizabeth to improve the funding and system delivery for indigent defense services in Ohio. The official appointment letter can be [found here](#).

As a reminder, the Task Force to Study Indigent Defense will begin its work in November. CCAO's appointed representative on that Task Force is Commissioner Steven Davis from Fairfield County. CCAO will be working with Elizabeth and the other members of the Task Force to ensure that the indigent defense system is fully funded, to create a state ran delivery model for indigent defense services that is optional for counties, and to allow for counties to retain their current indigent defense system if desired. If you have other issues that you would like CCAO to convey to the Task Force, please contact Managing Director of Policy, Kyle Petty at kpetty@ccao.org or 740-503-6088.

Legislative Activity

Committee Hearings

Several bills of interest to counties received hearings this week across different committees.

House Civil Justice

- [House Bill 305](#) (Representative Brian Stewart and Representative Richard Brown): To provide for the electronic filing of pleadings or documents in courts of common pleas except a probate or juvenile court, in municipal courts, and in county courts, to permit the clerk to disburse funds for the computerization of the clerk's office without the court's authorization, and to permit municipal and county courts to increase the maximum amount of their additional fees from ten dollars to twenty dollars to cover the computerization of the clerk's office.
 - First hearing, sponsor testimony

Introduction of Bills

The following bills were introduced this week that may be of interest to counties:

- [House Bill 321](#) (Representative Gary Click and Representative Brian Lorenz): To establish a statewide 9-1-1 special needs database.
- [House Bill 325](#) (Representative Terrance Upchurch): To require municipal and county correctional facilities and state correctional institutions to provide inmates who are deaf, hard of hearing, or severely speech impaired with access to teletypewriters.
- [Senate Bill 184](#) (Senator Niraj Antani): To prohibit boards of elections from receiving absent voters ballots in outdoor receptacles.
- [Senate Bill 185](#) (Senator Al Landis): To exempt redaction request forms, affidavits, and the records of the work schedules of designated public service workers from disclosure under public records law.