



for the **RECORD**

NEWS FOR THE OHIO COURTS

Winds of Change

As we celebrate the 250th anniversary of the Declaration of Independence, Ohio will be undergoing a “change election.” When the dust settles on November 3rd, we will have elected a new Governor, Lt. Governor, Attorney General, Auditor, Secretary of State, and Treasurer. Ninety-nine members of the House of Representative, half of the Ohio Senate, and approximately onethird of Ohio’s common pleas and appellate judgeships will also be determined.

Add the possibility of a constitutional amendment eliminating property taxes and “consequential” does not adequately describe the importance of Ohio’s November election. For judges, it is an important opportunity to cultivate and nurture connections with present and future leaders. There will always be natural tension between the executive, legislative and judicial branches of government - that was designed by our national and Ohio Constitutions; but the common interests far exceed the occasional dust-ups.

Irrespective of political philosophy or party, all elected public officials, including judges, are community influencers. Election activities and one-on-one interactions with your community keep you grounded on the challenges and joys of public service. Even if you are not on the ballot this year, do not miss the opportunities for good food and good company that are a part of every election.

There are also two opportunities coming up to connect with legislators in Columbus: on May 20, the OJC is hosting its annual Judicial-Legislative Exchange and on November 20, the Ohio Council County of County Officials (of which the OJC is a member organization) is hosting its annual Legislative Reception. You are invited - and encouraged!- to attend both. You will be glad you did.

Paul
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The circuitous path to updating marijuana laws in Ohio.

Patrick Carroll, retired judge
February 9, 2026

The recent events surrounding the Ohio marijuana laws has been both interesting and confusing. There are two significant pending changes to Ohio’s marijuana laws 1) Senate Bill 56 and 2) Governor DeWine’s executive order regarding hemp products. There are questions if either of these regulations will go into effect, and if so, when.

Legislative enactments

History of Ohio marijuana laws.

In 2016 the Ohio General Assembly passed laws to conditionally permit the use of medical marijuana in Ohio. R.C. Chap. 3796.¹ On November 7, 2023, Ohio voters passed by citizen referendum R.C. Chap. 3780 which added permitted adult use (recreational) and home grown marijuana. Chapter 3780 became effective thirty days later, on December 7, 2023 (a day that apparently continues to live in infamy) by operation of Article II, Section 1b of the Ohio Constitution.

On February 26, 2025 the Ohio Senate passed S.B. 56. After some amendments, the Ohio House passed S.B. 56 on December 9, 2025 and the bill was sent to the governor for signature.

S.B. 56 made some changes to Ohio marijuana laws, including permissible levels of THC content, taxes, and other changes involving the cultivation, sales, transporting, and use of marijuana in Ohio.² S.B. 56 combined adult use and homegrown marijuana with medical

¹ I use the term “conditionally permitted” instead of “legalization” because marijuana is still a Schedule I controlled substance under the federal Controlled Substances Act, 21 U.S.C. § 801 et. seq. Notwithstanding its continued illegality, States are permitted to grow, cultivate, sell, and use marijuana. By act of Congress, the Department of Justice (“DOJ”) is prohibited from using its appropriated funds to take legal action against states that have implemented laws legalizing medicinal marijuana. *See* Consolidated Appropriations Act of 2022, Pub. L. No. 117-103, 136 Stat. 49, § 530 (2022) (“Rohrabacher-Farr Amendment”).

Marijuana is still classified as a dangerous drug/drug of abuse under Ohio law. R.C. 2925.01(B), R.C. 3719.011(A). Use of marijuana outside of the permitted conditions is a violation of:

- 1) R.C. 2925.03, trafficking in drugs. (sales)
- 2) R.C. 2925.04, illegal cultivation of marijuana. (homegrown), or
- 3) R.C. 2925.11, possession of controlled substances. (possession)

² Other changes include prohibiting any marijuana packaging or products attractive to children, such as “gummy bears,” expediting expungment procedures for certain marijuana and hashish convictions, limiting home-grown locations, requiring medical and adult use marijuana to be kept in original packaging, and prohibiting smoking or vaping any marijuana in public places.

marijuana in R.C. Chap 3796 and repealed R.C. Chap. 3780. S.B. 56 also added a new chapter, R.C. 3779, to address retail sales of hemp and other THC products.

On December 19, 2025, Governor DeWine signed the bill with a partial veto, removing R.C. Chap. 3779 from the bill. The amended law is scheduled to go into effect on March 20, 2026.

Citizens' referendum.

In response to its passage, a citizens' referendum was launched on December 29, 2025 to rescind S.B. 56. If it had been successful, it would have reinstated the laws that were adopted by citizens' initiative in 2023. Although an initial submission of the referendum petition was rejected by the Ohio Attorney General, the ballot language of the petition was approved on February 2, 2026. Approximately 250,000 valid signatures from at least 44 counties were required by March 19, 2026; the referendum effort was abandoned on March 18.

Hemp and other cannabis products.

Federal regulation of consumable hemp products.

When Congress ended the federal government shutdown last fall, included in the legislation was a provision to close the loophole in the 2018 Federal Farm Bill that allowed the unregulated sale of consumable, intoxicating hemp products and other THC products, including products with delta-9 below 0.3% and delta-8.³ Both hemp and marijuana are forms of cannabis, but are treated differently with Ohio law.⁴ Under the federal bill intoxicating hemp products will be banned from general retail effective November 12, 2026. The delay in the effective date of prohibiting hemp products was meant to permit time to amend the regulation with greater safeguards or restrictions.

Ohio regulation of consumable hemp products.

On October 8, 2025, Governor DeWine issued an executive order banning intoxicating hemp products.⁵ Under this order all intoxicating hemp products were required to be removed from retail stores by October 14, 2026. A civil action, seeking a temporary restraining order and preliminary injunction of the governor's executive order, was filed on October 8, 2025 and a temporary restraining order was issued on October 14, 2025.⁶ A hearing on the preliminary injunction was scheduled for January 29, 2026. To date, no decision has been issued. As a result,

³ P.L. 119-37, effective November 12, 2025.

⁴ Hemp and hemp products are currently governed by R.C. Chap. 928.

⁵ Executive Order 2025-05D.

⁶ Franklin County Common Pleas Case No. 25-CV-108646.

the governor's executive order continues to be stayed. Regardless of the trial court's decision, it is unlikely this would be the court of final determination.

Conclusion

The amended Ohio marijuana laws went into effect on March 20, 2026. Changes to Ohio's hemp laws by the governor's executive order are stayed at this time and the effective date will depend on a court decision. Regardless of the validity of the governor's executive order, it become moot as of November 12, 2026 when the federal ban on the same products goes into effect.

NCSC Guidance on Government Websites to be ADA Compliant

This [webpage](#) outlines the **Department of Justice (DOJ) April 2024 rule** which mandates that state and local courts ensure their digital content—including websites, mobile apps, and PDF documents—meets [WCAG 2.1, Level AA](#) accessibility standards. Compliance deadlines are set for **April 24, 2026** for jurisdictions with populations over 50,000, and **April 26, 2027** for smaller governments. To meet these requirements, the [National Center for State Courts \(NCSC\)](#) recommends that courts conduct digital audits, prioritize high-traffic content like court forms, and establish sustainable policies for training staff and managing vendors. Ultimately, the initiative aims to remove digital barriers and improve public trust by ensuring that justice remains accessible to all individuals, including those with disabilities.

This [article](#) from the **National Center for State Courts (NCSC)** outlines critical [FAQs about court digital accessibility](#) in light of the **Department of Justice (DOJ)** rule and its upcoming compliance deadlines. It emphasizes that essential digital content—including **court forms, online dockets, and social media posts**—must meet **WCAG 2.1 Level AA** standards, regardless of whether they were created before the deadline. While courts are generally not responsible for the accessibility of third-party litigant filings, they must ensure their own official documents, such as orders and opinions, are fully accessible. The guide suggests that smaller courts prioritize high-traffic pages and use tools like **Microsoft Word’s accessibility checker** or **OCR software** for scanned documents, while noting that **AI** should only be used as a supplement to human review.

All uniform forms that are available from the Supreme Court are being updated (made fully accessible and ADA compliant) by the Supreme Court. Courts should link to those forms to ensure compliance.

Judicial College Offerings

The Judicial College CLE schedule is available online. To view the calendar and sign up for courses, please visit this [site](#)

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- OxyContin Maker Asks Judge to Toss Case Brought by City
- Gorsuch Might Be Tough to Predict on Criminal Justice Cases

STATE NEWS:

- Justice Insider: Murderer's Attorney Tries Punctuation Defense in Sentencing
- Summit Prosecutor Campaign Reaches out to Victims in Different Languages
- Drunken Driver Gets 180 Days After Coroner's Office Says Crash Victim Died of Cancer
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