

Legislative Summary: Ordinance No. 902-2019

Ordinance No. 902-2019 amends Sections 607.02 and 607.03 to lower the penalties for misdemeanor marihuana offenses to no fines or prison time. This applies to possession or use of marihuana up to 200 grams. Ohio cities of Cincinnati, Columbus, Toledo, Dayton, Athens, Bellaire, Logan, Newark and Roseville have enacted ordinances that lowered the penalties for misdemeanor marihuana offenses, including possession and use of marihuana of 200 grams and/or 100 grams or less, in order to avoid unnecessary incarceration, economic burdens of fines, and uneven enforcement of marihuana changes against minorities.

Our current codified ordinance penalties mirror state law with a minor misdemeanor fine of \$150 for possession or use of marihuana up to 100 grams, and a 4th degree misdemeanor fine of \$250 and/or up to 30 days imprisonment for possession or use of marihuana up to 200 grams. Felony level charges under state law remain unchanged, beginning with possession of 200 grams to less than 1000 grams of marihuana, a 5th degree felony punishable by up to a year in prison and a maximum \$2500 fine.

Toledo and Columbus decriminalized marijuana possession and use for up to 200 grams, a 4th degree misdemeanor (Columbus with a minor fine of \$10 for up to 100 grams, and \$25 for 100 to 200 grams). Cincinnati and Dayton decriminalized marijuana possession and use for up to 100 grams, a minor misdemeanor. The majority of these Ohio cities no longer charge or prosecute misdemeanor possession offenses, but police officers still seize marihuana as contraband, and bring companion charges. Executive policies followed the passage of local decriminalization ordinances, and the state legislature legalizing hemp.

Amendments:

Two amendments were made after negotiation with the Law Department and Prosecutor's Office. The first removes a clause that prohibited police from reporting a marihuana charge to another authority. Alternative language now provides that a misdemeanor marihuana conviction is not a criminal record and need not be reported by the person convicted on applications for employment, license, or other right or privilege.

The second amendment clarifies that the decriminalization of a drug paraphernalia conviction only applies to possession and use of drug paraphernalia, but does not apply to drug paraphernalia used in growing or manufacturing marihuana.