



Friday, November 10, 2023

Dear OPTA Members,

In response to the recent passage of Ohio's State Issue 2, we wanted to share the following information with you regarding the status of legalized marijuana as it relates to public transit employees. Please note, this memo should in no way be considered a legal opinion and we urge you to consult your transit agency counsel with questions.

On Tuesday, November 7, Ohioans had an opportunity to vote on Issue 2, which was an initiated statute legalizing recreational marijuana. The vote was over 56% in favor and the measure passed. Under the new law, which takes effect on December 7, 2023, adults 21 and older may purchase and possess up to 2.5 ounces of cannabis and grow up to 12 plants at home where at least 2 adults live. A 10% tax on purchases will go toward administrative costs, addiction treatment, municipalities with dispensaries, and social equity and jobs programs.

It is estimated that the Ohio Department of Commerce's rulemaking process should be complete by August 2024 and the first round of adult licenses should be issued then.

However, included in Issue 2's language were provisions protecting an employer's right regarding employee use, possession, and distribution of marijuana. Employers, private and public, are still able to establish and enforce drug testing policies that may prohibit the use of cannabis. The use of cannabis also remains illegal under federal law and is a Schedule 1 substance.

Our public transit agencies will continue to enforce our drug-free workplace policies and safety-sensitive drug testing programs. Should you or a fellow agency employee have any questions on the new recreational marijuana law, please feel free to contact any of the listed people below.

Thank you,

Matt Carle
Executive Director
OPTA

Claudia Amrhein
President
OPTA

Howard Stewart
Incoming President
OPTA