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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 634  
133<sup>rd</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Reps. Denson and Upchurch

Nicholas A. Keller, Attorney

### SUMMARY

- Allows for limited cultivation of marihuana by eliminating all existing criminal prohibitions and penalties for that conduct.<sup>1</sup>
- Prohibits the cultivation of more than 12 marihuana plants and makes violation of the prohibition a second degree misdemeanor on a first offense involving fewer than 30 plants with escalating penalties up to a first degree felony, with a fine of up to \$250,000 if the offense involves more than 100 marihuana plants.<sup>2</sup>
- Prohibits the cultivation of marihuana on property not owned by the cultivator and without consent of the property owner, in a place that is open to public view, or in a place that is not secured against access by persons under age 21 or persons who do not have the cultivator's permission to access the place.<sup>3</sup>
- Makes the cultivation offenses in the above dot point minor misdemeanor offenses, punishable by a fine of up to \$100 for a first offense and up to \$200 for any subsequent offense and specifies that arrest or conviction for such an offense does not constitute a criminal record and need not be reported in response to criminal record inquiries.<sup>4</sup>
- Allows for limited possession of marihuana or hashish by eliminating all existing criminal prohibitions and penalties for that conduct.<sup>5</sup>

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<sup>1</sup> R.C. 2925.04.

<sup>2</sup> R.C. 2925.042.

<sup>3</sup> R.C. 2925.043(A).

<sup>4</sup> R.C. 2925.043(B) and (C).

<sup>5</sup> R.C. 2925.11.

- Prohibits a person from knowingly obtaining or possessing more than 100 grams of marihuana or 10 grams of hashish, an offense punishable by penalties ranging from a fourth degree misdemeanor for amounts under 100 grams of marihuana or 10 grams of hashish, to a first degree felony with a fine of up to \$250,000 for possession of more than 20,000 grams of marihuana.<sup>6</sup>
- Allows for the expungement of records of conviction for any person who is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a qualified marihuana offense involving the obtaining, use, or possession of up to 100 grams of marihuana or up to 10 grams of hashish or the cultivation of 12 or fewer marihuana plants.<sup>7</sup>

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## HISTORY

Action	Date
Introduced	05-13-20

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H0634-I-133/ts

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<sup>6</sup> R.C. 2925.111.

<sup>7</sup> R.C. 2953.39.