



## Ohio - State Specific Information

Information provided is current as of February 1, 2024, and companies are encouraged to consult with legal counsel on these types of complex matters.

### Cannabis Legalization History

<b>Medical Use</b>	Legalized – 2016 ( <a href="#">House Bill 523</a> )
<b>Recreational Use</b>	Legalized – 2023 ( <a href="#">Issue 2</a> )
<b>Possession/Personal Use Specifics</b>	Adults are allowed to possess up to 2.5 ounces of marijuana and up to 15 grams of marijuana concentrates. Individuals are allowed to cultivate up to six marijuana plants at home, households - 12 plants collectively  Smoking marijuana is banned in indoor public places or places of employment by the state's indoor smoking ban.

### State Regulatory Agency Information

<b>State Regulatory Agency</b>	*Ohio Division of Cannabis Control ( <a href="#">DCC</a> )
<b>State Forms (If Applicable)</b>	<a href="#">Reasonable Suspicion Testing Checklist</a> *Sample obtained from Ohio State University website. Must access <a href="#">DCC portal</a> to obtain an official copy.

### State Testing Policy

<b>General Information</b>	*There are no state-mandated testing requirements for private employers. Ohio has a drug-free workplace program regulating drug testing which employers can qualify for a discount on their workers' compensation insurance premiums.  Remember, establishing robust documentation is a key risk mitigant for employers in states like New Mexico.
<b>Safety Sensitive Positions</b>	Any role where a mistake could endanger the physical well-being or security of the employee, colleagues, customers, or the public.
<b>Privacy Laws</b>	Ohio law allows direct observation during drug testing for at-will employees with their consent, but doesn't guarantee broader privacy protections, making adherence to federal regulations and clear communication of policies crucial.

## Recommended Procedures

**Does the state have recommended procedures?**

It is always recommended to have standardized documentation and training procedures and regular employee evaluations to set clear performance expectations.

[Private employers in Ohio](#) have the freedom to implement drug and alcohol testing policies but aren't mandated by state law to do so. While pre-employment, reasonable suspicion, and post-accident testing are allowed, employers must follow specific protocols and adhere to federal and state laws to avoid legal issues.

**State Employee Procedures and Policies**

[Ohio state employees](#) are subject to stricter drug testing policies than private sector workers. Pre-employment testing is mandatory for designated positions, and a negative result is necessary for appointment. Reasonable suspicion testing can occur if a supervisor observes specific signs of impairment that could endanger workplace safety or performance.

## Protections for Use Outside Workplace/ Work Hours

**Is Ohio a "Right to Weed State"?**

In most cases, you can be fired for failing a drug test in Ohio. That's true even if you're a medical marijuana card holder and use marijuana to treat a medical condition.

**More Detailed Information**

[MPP-Ohio](#)

## State Requirements for Drug & Alcohol Testing Program

**Testing policy requirements:**

[Ohio Drug Testing Laws-NOLO](#)

**Main Requirement:**

Ohio grants private employers flexibility in drug testing, but adherence to specific protocols and compliance with federal and state laws are crucial to avoid legal challenges

**\* Given the rapid evolution of Ohio's legal and regulatory landscape surrounding cannabis, reliable information on workplace policies are changing frequently. For tailored guidance on updating your policies, it's crucial to consult legal counsel specializing in labor law.**