

Ohio Marijuana Penalties

UPDATED FOR SENATE BILL 56 | EFFECTIVE MARCH 20, 2026

Free Telephone Consultation

Penalties under Ohio Senate Bill 56 are set out in Revised Code Chapter 3796, the Marijuana Control Law (the prior Chapter 3780 was repealed effective March 20, 2026). Felony levels are noted as F5, F3, and F2; misdemeanor levels are defined in the chart on the last page.

Violation	Penalty	Ohio Revised Code
Possessing more than the allowable limits (more than 2.5 ounces of plant material or 15 grams of extract)	Possession of marijuana under section 2925.11: • Less than 100 grams: Minor Misdemeanor • 100 to under 200 grams: M4 • 200 to under 1,000 grams: F5 • 1,000 to under 5,000 grams: F3 • 5,000 to under 20,000 grams: F3, presumption of prison • 20,000 to under 40,000 grams: F2, mandatory 5 to 8 year prison term • 40,000 grams or more: F2, mandatory maximum prison term	3796.99(D) 3796.221(B) 2925.11(C)(3)
Possessing or using marijuana not obtained from a licensed Ohio dispensary or a legal home grow, such as marijuana brought in from another state NEW UNDER SB 56	Out-of-state and other non-dispensary marijuana is contraband and is treated as possession of marijuana under section 2925.11, regardless of amount.	3796.221 2925.11
Smoking, combusting, or vaporizing marijuana anywhere other than private residential or agricultural property (a public place, a place of employment, a child-care home, a halfway house, or a place prohibited by a lease)	Minor Misdemeanor	3796.99(B) 3796.06(C)
Smoking, combusting, or vaporizing marijuana in a vehicle, streetcar, trackless trolley, watercraft, or aircraft CHANGED BY SB 56	Operator: subject to Ohio's OVI laws. Passenger (while the operator is operating or in control): M3.	3796.99(A) 3796.06(C)(2) 4511.19
Operating a vehicle while impaired by marijuana, or testing over the legal limit while operating a vehicle	Current OVI penalties apply.	4511.19 3796.99(A)(1)
Transporting marijuana in a vehicle when it is not in its original unopened packaging or, once opened, not stored in the trunk or behind the last upright seat; or transporting marijuana other than legal adult-use, homegrown, or medical marijuana NEW UNDER SB 56	Minor Misdemeanor	3796.99(I) 3796.062
Transporting marijuana drug paraphernalia in violation of the transportation rules NEW UNDER SB 56	Illegal use or possession of marijuana drug paraphernalia under section 2925.141.	3796.99(J) 3796.062(D) 2925.141

Violation	Penalty	Ohio Revised Code
Knowingly distributing or transferring marijuana to a person under 21 (applies to any person, not only dispensary staff) CHANGED BY SB 56	1st offense: M1 - Subsequent offense: F5 - A license holder's license is immediately revoked	3796.99(C) 3796.06(F)
Underage (under 21) knowingly giving false information to obtain marijuana from a licensed dispensary	Without a false ID: M1. By presenting a false, fictitious, or altered ID or driver's license: 1st offense: M1; fined \$250 to \$1,000 - Prior conviction: M1; fined \$500 to \$1,000; court may impose a class seven license suspension or community service - Two or more prior convictions: M1; fined \$500 to \$1,000; court may impose a class six license suspension (which may last until age 21) or community service	3796.99(G) 3796.06(G)
Underage (under 21) soliciting another person to purchase marijuana from a licensed dispensary	1st offense: M4 2nd or subsequent offense: M2	3796.99(H) 3796.06(G)
Home grow: knowingly cultivating, growing, or possessing more plants than allowed (more than 6 per adult or 12 per residence), or growing in an unsecured or publicly visible area or a prohibited location CHANGED BY SB 56	Illegal cultivation of marijuana under section 2925.04. (Previously keyed to double the limit; exceeding the limit is now the trigger.)	3796.99(E) 3796.04 2925.04
Operating as a marijuana operator without a license, transferring marijuana outside the legal conditions, or transferring or transporting more than the allowable amounts	Trafficking in marijuana under section 2925.03.	3796.99(F) 3796.221(C) 2925.03

Ohio Misdemeanor Penalty Chart

Maximum penalties under R.C. 2929.24 and 2929.28. A minor misdemeanor does not carry jail time.

Misdemeanor Level	Maximum Fine	Maximum Jail
MM: Minor Misdemeanor	\$150	No jail
M4: Fourth Degree Misdemeanor	\$250	30 days
M3: Third Degree Misdemeanor	\$500	60 days
M2: Second Degree Misdemeanor	\$750	90 days
M1: First Degree Misdemeanor	\$1,000	180 days

Charged with a marijuana offense or a marijuana OVI? Call The Law Offices of Brian J. Smith, Ltd. at **800-641-1970** for a free telephone consultation.