

### Ohio Marijuana Penalties

 conditional 
  decriminalized 
  mandatory 
  drugged driving

		Incarceration	Fine
<b>Possession and Cultivation*</b>			
Less than 100 g	minor misdemeanor**	none	\$150
100 g to 200 g	misdemeanor of 4th degree	not more than thirty days and/or fine	\$250
201 g to 999 g	5th degree felony	up to thirty days and/or fine	\$2,500
1000 g to 4999 g	3rd degree felony	1 - 5 years and/or fine	\$5,000- \$10,000
5000 g to 19,999 g	3rd degree felony	1 - 5 years and/or fine	\$5,000- \$10,000
20,000 g or more	2nd degree felony	8 years and/or fine	\$7,500- \$15,000

\*For cultivation the entire plant is weighed, including the stem of the plant, the root system, as well as the leaves and flowers

\*\*A minor misdemeanor does not create a criminal record in Ohio

A driver's license suspension of from six months to five years is mandatory for any drug conviction in Ohio.

#### Sale/Distribution

gift of 20 g or less	minor misdemeanor**	none	\$100
less than 200 g	felony	6 - 18 months	variable
200 g to 600 g	felony	1 - 5 years	variable
600 g or more	felony	6 months MMS*	variable
To minors within 1,000 feet of school, within 100 feet of a juvenile, and previous felony drug convictions	felony	increased penalty	increased penalty

\*Mandatory minimum sentence.

\*\*A minor misdemeanor does not create a criminal record in Ohio

A driver's license suspension of from six months to five years is mandatory for any drug conviction in Ohio.

#### Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...)

Paraphernalia possession	misdemeanor	30 days	\$750
Paraphernalia sale	misdemeanor	90 days	\$1,000

Any drug conviction causes driver's license suspension for 6 months to 5 years.

Professional licenses are suspended.

#### Details

Possession of less than 100 grams of marijuana is a citable offense only, with a fine of \$150. Possession of 100 grams or more is punishable by a fine of up to \$250. For possession of 200 grams or more, the penalty increases to a possible sentence of 6 months - one year in jail. Possession of 1,000 grams or more is punishable by 1 - 5 years in prison. Any possession of less than 5,000 grams does not carry the presumption of prison, which leaves available the possibility of probation. Possession of 5,000 grams of marijuana or more is punishable by 1 - 5 years in prison. For any amount or 20,000 grams or more the penalty increases to a

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mandatory minimum sentence of eight years in prison.


Delivery of 20 grams or less, for no remuneration, is considered possession and is punished with a fine of \$100. Sale or distribution of less than 200 grams carries a penalty of 6 - 18 months in jail. Sale or distribution of 200 grams or more is punishable by 1 - 5 years in prison. Sale or distribution of 600 grams or greater carries a mandatory minimum sentence of six months and a possible 2 - 8 year sentence.


Sale to minors, sale within 1,000 feet of a school, sale within 100 feet of a juvenile, and previous felony drug convictions all increase the penalty for the sale or distribution of marijuana.


Possession of paraphernalia is punishable by up to 30 days in jail and sale of paraphernalia is punishable by up to 90 days in jail.

For all drug convictions, the offender's driver's license is also suspended for a period of 6 months - 5 years. Professional licenses are also suspended.

 **Conditional release:** The state allows conditional release or alternative or diversion sentencing for people facing their first prosecutions. Usually, conditional release lets a person opt for probation rather than trial. After successfully completing probation, the individual's criminal record does not reflect the charge.

 **Mandatory minimum sentence:** When someone is convicted of an offense punishable by a mandatory minimum sentence, the judge must sentence the defendant to the mandatory minimum sentence or to a higher sentence. The judge has no power to sentence the defendant to less time than the mandatory minimum. A prisoner serving an MMS for a federal offense and for most state offenses will not be eligible for parole. Even peaceful marijuana smokers sentenced to "life MMS" must serve a life sentence with no chance of parole.

 **Decriminalization:** The state has decriminalized marijuana to some degree. Typically, decriminalization means no prison time or criminal record for first-time possession of a small amount for personal consumption. The conduct is treated like a minor traffic violation.

 **Drugged driving:** This state has a per se drugged driving law enacted. In their strictest form, these laws forbid drivers from operating a motor vehicle if they have any detectable level of an illicit drug or drug metabolite (i.e., compounds produced from chemical changes of a drug in the body, but not necessarily psychoactive themselves) present in their bodily fluids above a specific threshold. For more information, see state DUID laws. [http://norml.org/index.cfm?Group\\_ID=6669](http://norml.org/index.cfm?Group_ID=6669)

Also see Federal Laws [http://norml.org/index.cfm?Group\\_ID=4575](http://norml.org/index.cfm?Group_ID=4575)

### About this Report

NORML's State Guide to Marijuana Penalties outlines most penalties for prohibited marijuana conduct in the 50 states, the District of Columbia, and under federal law. To view the list of prohibited conduct and penalties, click the map icon to the left to find your jurisdiction.

Marijuana laws and penalties change rapidly and are enforced and interpreted differently even in the same legal jurisdiction. Please consult a criminal defense lawyer if you have been busted or if you want to know how a particular conduct might be punished. If you spot an error or have information that should be included in NORML's State Guide to Marijuana Penalties, please inform the NORML Foundation ([foundation@norml.org](mailto:foundation@norml.org)).

**The National Organization for the Reform of Marijuana Laws ([www.norml.org](http://www.norml.org))**

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Please note:

- The guide does not list penalties for every marijuana offense nor every enhanced sentence such as possessing marijuana near a school, involving a minor, and automatic driver's or professional license suspension. Your state may require an enhanced sentence even if the enhancement is not in the guide.
- Unless otherwise specified, please assume that listed penalties apply only to first convictions. Prior convictions often place a defendant in a higher penalty range, and convictions while on probation for a previous offense may result in revocation of probation.
- Except where indicated otherwise, a listed fine is the maximum fine for the conviction and the minimum fine is zero.
- "Possession" usually means "possessing marijuana only for personal use". If the government accuses you of possessing marijuana for other reasons, the accompanying penalties will probably exceed those for possessing marijuana for personal use. Possessing large amounts of marijuana frequently results in more serious charges of "possession with intent to distribute", "trafficking", and/or "sale".
- Many factors contribute to a defendant's sentence. Factors include level of involvement in the prohibited conduct, location, age, presence or absence of minors, use or presence of weapons, conduct for which a person has been acquitted, and many other things.
- If you are in trouble, please know your rights and hire an attorney.

Warning: The information contained in this report is for informational purposes only. Individuals are encouraged to confirm their state's laws before engaging in any particular behavior, or before going to court without a lawyer.

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### Metric units to United States units of measurements:

One ounce (oz.) = 28.35 grams

One pound (lb.) = 16 ounces = 453.59 grams

One kilogram (kg.) = 1,000 grams (g) = 2.2 pounds (lbs.)