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Columbus City Attorney Zach Klein Issues Policy Dismissing Misdemeanor Marijuana Charges

COLUMBUS, OH—Today, Columbus City Attorney Zach Klein announced that the City Attorney’s Office will no longer prosecute misdemeanor marijuana possession cases. Upon the passage of Senate Bill 57 now signed into law by Governor DeWine, the prosecution of marijuana possession charges would require drug testing that distinguishes hemp from marijuana. Without this drug testing capability, the City Attorney’s Office is not able to prove misdemeanor marijuana possession beyond a reasonable doubt.

“Following the recent hemp legislation passed by the State Legislature and signed by the Governor, the Columbus City Attorney’s office will no longer be prosecuting misdemeanor marijuana possession cases, and we are dismissing any current pending misdemeanor marijuana possession charges,” said Columbus City Attorney Zach Klein.

“The passage of Senate Bill 57 requires a distinction between hemp and marijuana, but our current drug testing technology is not able to differentiate, so we will not have the evidence required to prosecute these cases. As we continue to review these policies, SB 57 has opened up a broader conversation about how we should prosecute minor misdemeanor marijuana possession cases in the future. Considering the substantial cost of new equipment and testing versus the possible benefit of prosecuting these often-dismissed cases, in addition to the recent ordinance passed by Columbus City Council, we plan on engaging in further discussions on whether to make this new policy permanent.”

The new policy will go as follows:

- 1.) The City Attorney’s Office (CAO) will be dismissing all marijuana possession charges. The CAO will not dismiss other accompanying charges unless there is a separate and distinct reason to do so.
- 2.) Possession of marijuana is still illegal. Therefore, it can still be a legal, constitutional reason to stop and/or search someone. An officer may still therefore have reasonable suspicion or probable cause to believe someone is committing the crime of possession of marijuana.
- 3.) OVI’s based on marijuana intoxication will be reviewed on a case-by-case basis. The CAO will not dismiss on the basis of this policy.

This policy is effective immediately.

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