



MIKE DEWINE
GOVERNOR
STATE OF OHIO

Executive Order 2025-05D

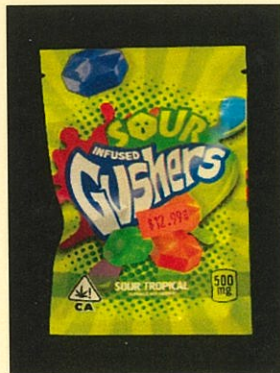
The Emergency Amendment of Rules 901:14-1-01 and 901:14-2-01 of the Ohio Administrative Code by the Ohio Department of Agriculture and Declaration of an Adulterated Consumer Product Emergency

WHEREAS, hemp is a legal, non-intoxicating plant; and

WHEREAS, numerous manufacturers create intoxicating hemp by extracting compounds or creating new compounds from hemp that cause a high or psychoactive effects similar to marijuana; and

WHEREAS, the availability and abuse of intoxicating hemp products are a serious threat to public health and safety; and

WHEREAS, intoxicating hemp is being marketed in stores across Ohio as candy, gummy candy, cookies, and other products that are attractive to children, and the packaging often mimics commercially available candy and cookies; and



WHEREAS, Ohio children are currently legally able to purchase intoxicating hemp products without presenting any form of age-verification or identification; and

WHEREAS, intoxicating hemp products available for sale in Ohio are typically not placed in child-resistant packaging; and

WHEREAS, intoxicating hemp products are currently being advertised and sold in retail establishments across Ohio, including near schools, playgrounds, and churches; and

WHEREAS, there are no mandatory testing protocols in Ohio to ensure the safety of intoxicating hemp; and

WHEREAS, when subject to testing, intoxicating hemp products have been found to contain contaminants such as pesticides, mold, and solvents¹; and

WHEREAS, marijuana typically contains a very small amount of delta-8-THC and a larger amount of delta-9-THC, in contrast intoxicating hemp products contain much larger amounts of delta-8-THC. It is therefore obvious that delta-8-THC poisonings are a result of intoxicating hemp and not marijuana; and

WHEREAS, according to data from Ohio Poison Control Centers, there have been hundreds of reports of intoxicating hemp (delta-8-THC) poisoning in Ohio over the last several years, including reports involving children under the age of six, the majority of whom received emergency care or were hospitalized after ingesting intoxicating hemp; and

WHEREAS, the foregoing demonstrate an immediate need to address the dangers of intoxicating hemp and its serious threat to public health and safety; and

WHEREAS, there is a need to clearly prohibit the manufacture, distribution, and/or sale of intoxicating hemp in Ohio by further clarifying in the Ohio Administrative Code that intoxicating hemp is not “hemp” or a “hemp product.” This clarification will not impede the manufacture, distribution, or sale of “hemp” or a “hemp product” and does not conflict with Section 928.02(D) of the Ohio Revised Code (ORC) because although the addition of “hemp” or a “hemp product” does not adulterate a consumer product, the addition of intoxicating hemp does; and

WHEREAS, Section 928.03 of the ORC authorizes the Ohio Department of Agriculture to adopt rules regarding standards and procedures for the regulation of hemp cultivation and processing; and

WHEREAS, Section 119.03(G) of the ORC authorizes the Governor, on the request of a State agency, to suspend the normal rule making procedures with respect to specific rules when an emergency exists necessitating the immediate adoption, amendment, or rescission of such rules. When such a determination is made, the agency may immediately adopt, amend, or rescind such rules, but the rules are only valid for one hundred and twenty (120) days; and

¹ See, e.g., Missouri Department of Health and Senior Services, Health Advisory, Health Advisory: Health Risks Associated with Hemp-Derived Intoxicating Cannabinoids (accessed Oct. 8, 2025).

WHEREAS, the Ohio Department of Agriculture has requested a determination whether an emergency exists that requires the amendment of rules 901:14-1-01 and 901:14-2-01 of the Ohio Administrative Code (OAC) on an emergency basis and that would therefore permit the Ohio Department of Agriculture, pursuant to Section 928.03 of the ORC, to immediately amend these rules; and

WHEREAS, Section 3715.74 of the ORC authorizes the Governor to declare an adulterated consumer product emergency if the Governor has a reasonable basis to believe that one or more units of a consumer product have been adulterated and that further sale or use of the consumer product presents a threat to public health and safety; and

WHEREAS, the Ohio Department of Agriculture and the Ohio Department of Health have requested an adulterated consumer product emergency for consumer products containing intoxicating hemp pursuant to ORC 3715.74.

NOW THEREFORE, I, Mike DeWine, Governor of the State of Ohio, have determined, upon the request of the Ohio Department of Agriculture, that an emergency exists requiring the immediate amendment of rules 901:14-1-01 and 901:14-2-01 of the OAC.

I hereby order that the procedures prescribed by Section 119.03 of the ORC with respect to the adoption or amendment of the specified rules be suspended and that the Ohio Department of Agriculture be permitted to amend the rules immediately by filing them electronically with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review (JCARR).

I hereby order that this Executive Order be filed in electronic form with the Ohio Department of Agriculture, the Secretary of State, the Director of the Legislative Service Commission, and JCARR.

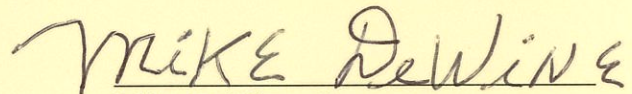
I signed this Executive Order on October 8, 2025, in Columbus, Ohio. This Executive Order will go into effect on October 14, 2025, at 12:01 a.m., and it will expire one hundred and twenty (120) days from the effective date of the emergency rules, or upon the adoption of the rules through the normal JCARR process, whichever is sooner.

FURTHER, I, Mike DeWine, Governor of the State of Ohio, by virtue of the authority vested in me by the Constitution and laws of the State of Ohio, do hereby order and direct that there is a reasonable basis to believe that intoxicating hemp, as defined in emergency rule 901:14-2-01 of the Ohio Administrative Code, and intoxicating hemp products have been adulterated and that further sale or use of intoxicating hemp and intoxicating hemp products present a threat to the public health and safety. **Pursuant to ORC 3715.74, I hereby declare an adulterated consumer product emergency for consumer products containing intoxicating hemp.** Accordingly, I hereby order and direct:

1. All consumer products containing intoxicating hemp must be removed from public display by all retailers,
2. No consumer products containing intoxicating hemp may be sold or offered for sale during the pendency of this emergency, and
3. Any retailer who possesses consumer products containing intoxicating hemp must segregate these units from other merchandise and dispossess them in a lawful manner, which includes but is not limited to returning them to the manufacturer or supplier, or holding them for disposition by law enforcement officers, officials of the Department of Agriculture, or officials of local health departments.

I hereby direct that this adulterated consumer product emergency order be filed with the Secretary of State, Department of Agriculture, Department of Health, and the State Board of Pharmacy.

This adulterated consumer product emergency order will go into effect on October 14, 2025, at 12:01 a.m., and it will remain in place for ninety (90) days unless modified or terminated by my order. Pursuant to ORC 107.42, this consumer product emergency order will terminate ninety (90) days from the effective date of this order, unless otherwise extended by division (C) of ORC 107.42.


Mike DeWine, Governor



ATTEST:

Frank LaRose, Secretary of State