

Court halts Ohio's hemp ban amid lawsuit from local retailers

Court Temporarily Blocks Ohio's Hemp Ban, Citing Retailers' Lawsuit

An Ohio judge has temporarily blocked Governor Mike DeWine's 90-day ban on intoxicating hemp products, granting a 15-day pause that could reshape the state's handling of hemp-derived THC.

The decision, issued Tuesday by Judge Carl Aveni of the Franklin County Common Pleas Court, comes just hours after the ban took effect. The ruling follows an emergency motion filed by a group of hemp retailers and business owners, who argued that the governor's order would cause irreparable financial harm and oversteps the state's regulatory authority.

A full hearing on the matter is scheduled for October 28, when both sides will present evidence and arguments regarding the future of the controversial ban.

A Sudden Ban and a Swift Legal Response

Governor Mike DeWine's 90-day executive order took effect on Tuesday, targeting intoxicating hemp products such as delta-8 THC, THCP, and other psychoactive hemp derivatives.

The order was justified on public safety grounds, with the governor citing concerns that unregulated hemp-derived THC items were being marketed toward minors and lacked proper labeling or child-resistant packaging.

DeWine framed the ban as an urgent response to rising hospital visits and reports of minors accessing hemp edibles, though the data behind those claims remains under review.

Court Intervention: A 15-Day Pause to Evaluate Legality

Judge Aveni's ruling temporarily halts enforcement of the executive order, granting hemp retailers breathing room while their lawsuit challenging the ban proceeds.

The injunction is effective for 15 days, during which time the court will review whether the governor's emergency powers were properly applied and whether the Ohio Department of Agriculture and Department of Commerce followed lawful procedures in implementing the ban.

The court's decision underscores a growing national debate over state authority in regulating hemp-derived intoxicants, which occupy a gray area between federally legal hemp and regulated marijuana products.

The Retailers' Argument: Economic Survival and Due Process

The plaintiffs — several Ohio-based hemp retailers and manufacturers — argue that the state's sudden action violates due process and threatens to cripple small businesses that operate legally under the 2018 federal Farm Bill, which legalized hemp with less than 0.3% delta-9 THC.

Their lawsuit contends that the blanket prohibition on hemp-derived cannabinoids is overly broad, arbitrary, and unfairly penalizes compliant businesses that have invested in testing, labeling, and responsible marketing.

In a statement, the Ohio Healthy Alternatives Association (OHAA) — a trade group representing small hemp retailers — praised the court's decision as a critical victory for fairness and due process.

The association also emphasized that its members support reasonable safety regulations and child-protection measures, but not sweeping bans that erase an entire market segment overnight.

Governor DeWine's Position: Protecting Children and Regulated Markets

In a statement released Tuesday, Governor DeWine defended the intent behind his executive order, asserting that the move was necessary to protect public health and preserve the integrity of Ohio's newly legalized adult-use cannabis market.

DeWine's administration argues that unregulated hemp products create confusion among consumers and undermine licensed marijuana dispensaries, which must adhere to strict testing, packaging, and tax rules.

State officials have also expressed concern that hemp-derived THC can produce psychoactive effects similar to marijuana without undergoing equivalent safety or potency oversight.

The Broader Battle: Hemp-Derived THC and Regulatory Gray Zones

Ohio is the latest battleground in a national wave of legal disputes over how to regulate intoxicating hemp derivatives.

Across the United States, states including Tennessee, Florida, Virginia, and Minnesota have introduced — or been challenged on — similar bans and restrictions on hemp-derived cannabinoids such as delta-8 and delta-10 THC.

Supporters of the hemp industry argue that these compounds fall under the federal definition of hemp established by the 2018 Farm Bill, which legalized all hemp derivatives as long as their delta-9 THC content remains below 0.3%.

Critics, however, say that loophole-derived intoxicants undermine cannabis regulation and pose safety risks because of inconsistent manufacturing standards and synthetic conversion processes used to create them.

Judge Aveni's temporary ruling adds Ohio to the growing list of states caught between federal permissiveness and state-level crackdowns.

What Happens Next: Countdown to the October 28 Hearing

For now, Ohio hemp retailers can continue selling intoxicating hemp products under the protection of the court's 15-day stay.

However, the outcome of the October 28 hearing could determine whether that relief becomes permanent or whether enforcement resumes.

If the court sides with the governor, sales of delta-8 and other hemp-derived intoxicants could cease statewide, leaving shelves empty and businesses scrambling to adjust.

If the retailers prevail, the ruling could embolden other states to rethink the scope of executive authority over hemp and potentially lead to federal clarification of what counts as "intoxicating hemp."

For now, Ohio's hemp industry — from farmers to shop owners — remains in legal limbo, watching closely as the case unfolds.

Economic Stakes and Public Perception

Behind the courtroom drama lies a rapidly expanding market. Ohio's hemp-derived product sector has grown significantly over the past two years, driven by consumer demand for accessible alternatives to marijuana and wellness-focused THC products.

Retailers estimate that tens of millions of dollars in annual sales are at risk if the ban is upheld. Many of these businesses are small, locally owned shops that lack the capital reserves to withstand a months-long prohibition.

Meanwhile, the public debate continues to evolve. Parents and pediatricians have raised alarms about youth exposure to THC-like products disguised as candy or snacks, while hemp advocates push for responsible regulation, not prohibition.

The question Ohio now faces mirrors the national conversation: how to balance consumer safety, child protection, and economic opportunity in a market that outpaced its own legal framework.

Looking Ahead: Regulation or Restriction?

As Ohio prepares for its October 28 court date, policymakers, industry leaders, and consumers alike are left weighing what comes next.

The temporary halt offers a brief window for dialogue — one that could lead to comprehensive hemp regulation instead of crisis-driven bans.

Whether Ohio opts for tighter testing requirements, age restrictions, or a complete crackdown, the court's ruling will likely shape how states nationwide approach hemp-derived THC in the years ahead.

For now, the message from Ohio's retailers is clear: they want rules, not ruin — and a fair chance to compete in the marketplace they helped build.

Email: info@cannabisriskmanager.com | Phone: +415-226-4060

© Copyright 2025 Cannabis Risk Manager. All Rights Reserved