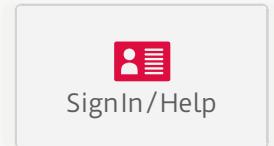
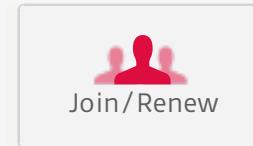


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Operating a Vehicle Under the Influence of Marijuana

Q: What should I know about driving and using marijuana in Ohio?

A: Ohio law prohibits four acts related to marijuana ingestion and vehicle operation. First, the law prohibits you from operating a vehicle while under the influence of marijuana. Second, the law prohibits you from operating a vehicle if you have a certain concentration of marijuana in your blood (2 nanograms or more per milliliter) or urine (10 nanograms or more per milliliter). Third, the law prohibits you from operating a vehicle with a certain concentration of marijuana metabolite in your blood (50 nanograms or more per milliliter) or urine (35 nanograms or more per milliliter). Fourth, the law prohibits you from operating a vehicle while under the influence of marijuana *and* while having a certain concentration of marijuana metabolite in your blood (5 nanograms or more per milliliter) or urine (15 nanograms or more per milliliter).

Q: What is the difference between marijuana and marijuana metabolite?

A: Marijuana is the dried, shredded leaves and flowers of the cannabis sativa plant. The psychoactive ingredient in marijuana is THC (tetrahydrocannabinol). A marijuana metabolite is a substance produced when the marijuana is broken down in the body.

Q: The four marijuana-related driving prohibitions mentioned above sound similar.

How are they different?

A: The first prohibited act involves being under the influence, independent of proof of a prohibited level of marijuana or marijuana metabolite in your blood or urine. The second prohibited act involves the level of marijuana in your blood or urine, but not the marijuana metabolite in your blood or urine. The third prohibited act involves only the level of marijuana metabolite in your blood or urine. The fourth prohibited act involves the combination of being under the influence and having a prohibited level of marijuana metabolite in your blood or urine.

Q: When would Ohio law consider me to be “under the influence” of marijuana?

A: Ohio law considers you to be “under the influence of marijuana” if the marijuana so affects your nervous system, brain or muscles that it impairs, to a noticeable degree, your ability to operate a vehicle.

Q: How long after marijuana ingestion is a person generally affected?

A: Studies have produced varying results, but the average is two to five hours.

Q: For how long could marijuana metabolites be detected in blood and urine?

A: Marijuana metabolites may be detected in your blood or urine for up to five weeks.

Q: Can I be found guilty of driving under the influence of marijuana or marijuana metabolites even if my driving is not affected?

A: Yes and no. For the first and fourth prohibitions, the prosecution must prove that your ability to drive was impaired during the time that you operated the vehicle. For the second and third prohibitions, the prosecution must simply prove that there was a prohibited concentration of marijuana or marijuana metabolite in your body when you operated the vehicle, regardless of whether the marijuana impaired your ability to drive.

Q: What are the penalties if I am convicted of violating this law?

A: The sentence for a first conviction includes between three and 180 days of jail time, a license suspension of between six months and three years, a fine of between \$375 and \$1,075, and six points on your driver’s license. The judge may also require you to display restricted (yellow) license plates, to use an ignition interlock device, and/or to submit to substance abuse treatment. In addition, the judge may place you on probation for up to five years. The sentences for additional convictions within six years are increasingly punitive, and a fourth conviction within six years is classified as a felony.

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This “Law You Can Use” consumer legal information column was provided by the Ohio State Bar Association (OSBA). It was prepared by Columbus attorney Shawn R. Dominy.

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