SANDUSKY COUNTY
COMMON PLEAS COURT
FILED

MAR 24 2026

CHRIS SCHNEIDER
CLERK

IN THE COMMON PLEAS COURT OF SANDUSKY COUNTY, OHIO

North Fork Distribution I, LLC	)	Case No. 26 CV 312
plaintiffs,	)	Judge Judge Jeremiah S. Ray
vs.	)	**Order granting TRO concerning Senate Bill 56**
Derek Wensinger, et al.,	)	
defendants.	)	

The entirety of S.B. 56 is in dispute in this case, as are certain parts of it.[1]

By narrowing the definition of "hemp," S.B. 56 has the effect of granting Ohio's **marihuana** dispensaries an exclusive right to sell in this state what is otherwise federally legal **hemp** products. "If a law discriminates against interstate commerce, it is in big trouble because a discriminatory law is virtually per se invalid." *Hignell-Stark v. City of New Orleans*, 46 F.4th 317, 325 (5th Cir. 2022), (citations omitted). The fact that Senate Bill 56 also has the practical effect of discriminating against thousands of in-state hemp and hemp-beverage manufacturers, producers, distributors, or retailers is no defense. If anything, the existence of parallel intrastate discrimination "makes the protectionist effect of the ordinance more acute." *C & A Carbone, Inc. v. Town of Clarkstown, N.Y.*, 511 U.S. 383, 392 (1994).

Marijuana possession and sales is illegal under federal law—even if it 100% occurs within Ohio's borders. So. S.B. 56 forces Ohioans who wish to purchase hemp (as opposed to traditional marihuana) to fund an Ohio industry that is otherwise engaged in the sale of

[1] The purportedly "enrolled version" of S.B. 56 and the governor's "Disapproved Language" and "Veto Message" are viewable by visiting and scrolling at: **https://www.legislature.ohio.gov/legislation/136/sb56/documents**

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products (federally illegal marihuana) that offend the federal penal code. It also closes Ohio's market to **all** out-of-state hemp cultivators, processors, and growers.

The practical effect is to immunize Ohio's in-state marihuana industry, which Ohio law requires to have an in-state physical presence, from out-of-state competition with respect to federally **legal** hemp products otherwise sold in interstate commerce.

While the new Ohio law would also forbid (via criminal enforcement) in-state businesses from selling federally legal hemp if they lack a dispensary license, which are not presently available in Ohio anyway, the parallel intrastate discrimination is no defense to the interstate discrimination. Indeed, the existence of parallel intrastate discrimination "makes the protectionist effect of the ordinance more acute." *C & A Carbone, Inc. v. Town of Clarkstown, N.Y.*, 511 U.S. 383, 392 (1994).

This is because the licensed dispensaries and their attendant supply chain benefit from a lack of competition from either inside our outside Ohio.

This is thus inherently discriminatory on its face.

Beyond that, the discriminatory effects are apparent: no out-of-state hemp or hemp beverages will be legal in Ohio and possession or sale may generate felony charges, whereas sale of materially similar product by the favored class of federally illegal marihuana dealing companies would be legal under the new Ohio law. This favoritism suggests that the dormant Commerce Clause challenge is likely to succeed on the merits. (The item-veto and federal preemption challenges will be addressed at a later stage.)

Indeed, all but the favored, licensed dispensaries with a physical in-state presence face ongoing harm by losing sales that cannot likely be recovered later. This also causes lost market share and forces plaintiffs to make strategic business decisions across their companies regarding product lines, hiring, advertising and budgeting etc. This is very similar to the *Loki* case cited in the complaint. *Loki Brands, LLC v. Platkin*, 2024 WL 4457485, (D.N.J. Oct. 10, 2024). The main difference is that New Jersey did not favor a federally illegal industry. The fact that Ohio does is a distinction favoring plaintiffs—not defendants.

Therefore, the defendants and all who may act in concert with them are hereby temporarily restrained during the term of this order (and any extensions of it) from taking any adverse, punitive, or other governmental action, whether directly or indirectly—and whether criminal (including no assisting in search-warrant applications or the filing of complaints or indictments), civil, administrative, or regulatory in nature or otherwise—based upon, pursuant to, or under the authority of amendments or new statutes purportedly amended, created, or otherwise enacted under color of enrolled Senate Bill 56. The defendants shall inform their subordinates of this order.

During the period of this TRO, the defendants shall not take any adverse action against the parties if they are otherwise acting in compliance with federal law and other applicable laws not implicated by S.B. 56. Plaintiffs have alleged that their products are made consistent with applicable federal law and this court's TRO will apply to the extent that this is so. Absent this order, plaintiffs would have to withdraw from the Ohio market or face criminal prosecution. It is not likely that plaintiffs could recover monetary damages, but even if they could, it would not compensate plaintiffs for lost market-share or the extraterritorial effects of S.B. 56. Thus, by nature, this court finds that there would be cascading, immediate irreparable harm absent a TRO. This order also fully protects third-parties that facilitate plaintiffs' businesses—such as distributors, warehousing, and logistics firms. This court finds that plaintiffs have notified defendants and/or their counsel of this case and the pending TRO motion via email on March 17, 2026. Security is required in the amount

#500

of ~~$100.~~ Cash, check, or credit-card payments permitted. ***So ordered.***

Judge: ______________________

Date: 3-24-26

TO THE CLERK:

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(X) ALL COUNSEL/PARTIES

(__) ADULT PROBATION

(__) SHERIFF