

In the
Supreme Court of Ohio

FIFTY WEST BREWING COMPANY LLC,
7605 Wooster Pike
Cincinnati, Ohio 45227

GRAYSCALE BREWING LLC, D/B/A
URBAN ARTIFACT,
1660 Blue Rock Street
Cincinnati, Ohio 45223

NORTH FORK DISTRIBUTION I, INC.,
D/B/A CYCLING FROG,
1116 NW 51st Street
Seattle, Washington 98107

SARENE CRAFT BEER DISTRIBUTORS
OHIO LLC,
3341 Centerpoint Dr., Unit I,
Grove City, Ohio 43123

Relators,

vs.

JAMES V. CANEPA, Superintendent of the
Division of Cannabis Control,
77 South High Street, 23rd Floor
Columbus, Ohio 43215

JACKIE DEGENOVA, Superintendent of
the Division of Liquor Control,
77 South High Street, 23rd Floor
Columbus, Ohio 43215

FRANK LAROSE, Secretary of State,
180 Civic Center Drive
Columbus, Ohio 43215

Respondents.

Case No. _____

Original Action
Writ of Mandamus
Peremptory Writ

****EMERGENCY****

**COMPLAINT FOR WRIT OF MANDAMUS
AND AFFIDAVITS IN SUPPORT**

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INTRODUCTION

This case is about Governor DeWine’s lawless executive overreach. Last December, the People’s representatives agreed to generally restrict hemp ahead of federal legislation. But the General Assembly created a carveout for hemp *beverages*—a nine-month sales window ending December 31, 2026 that would have allowed companies to sell their inventory and transition their businesses.

Governor DeWine thought he knew better than the People of Ohio. So, he “line-item” vetoed every reference to the hemp-beverages sections in S.B. 56, struck the entire chapter that created a regulatory framework for hemp beverages, and deleted fifteen pages of legislation. As one of the delegates to Ohio’s Constitutional Convention of 1912 put it in arguing for the current language limiting the governor to vetoing only “items,” not “sections,” “You can take the life out of any bill by cutting a section out of it.” Ohio Constitutional Convention, *Proceedings and Debates*, at 1201 (Apr. 11, 1912) (statement of Mr. Knight). Governor DeWine cut seventeen out of S.B. 56.

That “line-item” veto is invalid under any reasonable interpretation of “item,” and

it has catastrophic consequences for Relators—several Ohio establishments and businesses that operate in Ohio. The vetoed version of S.B. 56 is set to take effect on March 20, two weeks from today. If it does, Relators face potential *criminal* enforcement actions against them for possessing millions of dollars’ worth of inventory that they purchased in good faith before the governor’s veto. In addition to potential criminal penalties, the veto will force them, collectively, to lay off dozens of employees and will cost them millions of dollars in investments and lost sales.

Governor DeWine’s “line-item” veto is lawless. It is unmoored from the plain text and original public meaning of Article II, Section 16 of the Ohio Constitution. Under that provision, Governor DeWine may disapprove only an “item or items in any bill making an appropriation of money.” And contrary to Governor DeWine’s view, “item” does not mean any part of a bill whatsoever.

“Item,” as originally understood, means “a specific appropriation of money.” *Bengzon v. Secretary of Justice of Philippine Islands*, 299 U.S. 410, 414 (1937). This Court’s decision in *State ex rel. Brown v. Ferguson*, 32 Ohio St.2d 245, 252 (1972), says the same. And Ohio’s constitutional history makes the meaning of “item” particularly clear. In 1912, the People of Ohio adopted the current constitutional language allowing the governor to veto only “items” after a short, failed experiment with an expansive veto provision that had allowed the governor to veto “sections” as well as “items.” Ohio Const., art. II, §16 (1903).

Governor DeWine did not veto any “distinct and separate appropriation.” *State ex rel. Brown*, 32 Ohio St.2d at 252. The bill has only one appropriation, and it is for municipalities that have marijuana (not hemp) dispensaries. S.B. 56, §12. But he did veto seventeen sections—spanning fifteen pages—that would otherwise have become part of the Revised Code. The veto is pure policy-making and executive overreach.

Governor DeWine turned a sales window into a ban. He rewrote S.B. 56—through clever deletions—so that it means the exact opposite of what the People’s representatives hammered out in the democratic process.

The Court should grant a peremptory writ of mandamus, and if needed, an alternative writ, “compel[ling] the secretary of state to treat [original¹ S.B. 56]” —as presented to Governor DeWine before his invalid line-item veto—as “a validly enacted law and to fulfill all of the secretary’s statutory duties concerning that law.” *State ex rel. Ohio Gen. Assembly v. Brunner*, 2007-Ohio-3780, ¶51. The Court should also grant a peremptory writ of mandamus, and if needed, an alternative writ, compelling the superintendent of cannabis control and the superintendent of liquor control to immediately begin drafting the policies required by original S.B. 56’s hemp-beverages sections and to establish all such policies by **March 20, 2026**, as the original bill mandates.

Relators also seek a final writ compelling the mandamus relief set forth above.

¹ Throughout their Complaint, Relators use “original S.B. 56” to refer to the enrolled version of S.B. 56 without the deletions Governor DeWine made in his “Item Number 1” veto.

JURISDICTION

1. This Court has jurisdiction over this action in mandamus under Article IV, Section 2(B)(1)(b) of the Ohio Constitution.

PARTIES

2. Relator Fifty West Brewing Company LLC is an Ohio limited liability company with a principal place of business at 7605 Wooster Pike, Cincinnati, Ohio 45227.

3. Relator Grayscale Brewing LLC, d/b/a Urban Artifact, is an Ohio limited liability company with a principal place of business at 1660 Blue Rock Street, Cincinnati, Ohio 45223.

4. Relator North Fork Distribution I, Inc., d/b/a Cycling Frog, is a Delaware corporation with a principal place of business at 1116 NW 51st Street, Seattle, Washington 98107.

5. Relator Sarene Craft Beer Distributors Ohio LLC is an Ohio limited liability company with a principal place of business at 3341 Centerpoint Drive, Unit I, Grove City, Ohio 43123.

6. Respondent James V. Canepa is the superintendent of the division of cannabis control, located at 77 South High Street, 23rd Floor, Columbus, Ohio 43215.

7. Respondent Jackie DeGenova is the superintendent of the division of liquor control, located at 77 South High Street, 23rd Floor, Columbus, Ohio 43215.

8. Respondent Frank LaRose is the secretary of state, located at 180 Civic

Center Drive, Columbus, Ohio 43215.

FACTUAL BACKGROUND

I. **Governor DeWine vetoed the sections of S.B. 56 creating a regulatory framework for businesses to manufacture and sell hemp beverages until December 31, 2026.**

9. The General Assembly passed Amended Substitute Senate Bill 56 (“S.B. 56”) and, on December 10, 2025, presented it to Governor DeWine.² Nine days later, the governor vetoed the hemp-beverages sections (and related sections and references) and signed the bill, as altered by his veto. Veto Message, Item Number 1 (Dec. 19, 2025).³ The governor justified this purported line-item veto on the grounds that Congress enacted a federal ban on “intoxicating hemp” that starts in November 2026. *Id.* at 2.

10. Governor DeWine’s veto message stated:

Ohio is making good public policy by enacting its own intoxicating hemp ban earlier than federal law. However, a carve out to allow the further sale of intoxicating hemp beverages for most of 2026 will create confusion for consumers and a lack of conformity with federal law.

Id. The governor also cited “safety issues” based on the possibility that consumers might be “misl[ed] ... into thinking these products will have the same effect on them as alcohol, when there is no way to guarantee such claims.” *Id.* So, Governor DeWine determined that “a partial veto is in the public interest.” *Id.*

² See <https://www.legislature.ohio.gov/legislation/136/sb56/status>.

³ Available at <https://www.legislature.ohio.gov/assets/legislation/legislation-documents/136/VetoMessageSB56.pdf>; see also <https://www.legislature.ohio.gov/legislation/136/sb56/status>.

11. The governor’s veto struck seventeen new or amended sections of the enrolled bill, spanning fifteen pages.⁴ See S.B. 56 (as line-item vetoed)⁵, at pp.47–54, 120–26.⁶

12. Section 14 of the enrolled bill provided:

Nothing in this section shall be interpreted to legalize drinkable cannabinoid products, as defined in section 3779.21 of the Revised Code, or hemp beverages *beyond December 31, 2026*.

(emphasis added). Section 14, as line-item vetoed, now reads:

Nothing in this section shall be interpreted to legalize drinkable cannabinoid products, ~~as defined in section 3779.21 of the Revised Code, or hemp beverages beyond December 31, 2026.~~

II. S.B. 56 makes a single appropriation—which the governor did not veto—for municipalities that host at least one licensed marijuana (not hemp) dispensary.

13. As passed by the Senate and House, S.B. 56’s stated purposes include “revis[ing] specified provisions of the liquor control, hemp, and adult-use marijuana laws,” enacting a new hemp-beverages chapter (Chapter 3779), setting a December 31, 2026 sunset for the newly enacted hemp-beverages chapter, and “mak[ing] an

⁴ Separately, Governor DeWine vetoed what he referred to as “Item Number 2” —eight words relating to disqualifying offenses for persons working in the marijuana industry. See Veto Message, Item Number 2, at 3 (Dec. 19, 2025). Item Number 2 is not at issue here.

⁵ Throughout their Complaint, Relators use the parentheticals “(as enrolled)” and “(as line-item vetoed)” to distinguish between original S.B. 56 and the version with Governor DeWine’s deletions. If no parenthetical is included, the language cited was not altered by the veto.

⁶ Available at <https://www.legislature.ohio.gov/assets/legislation/legislation-documents/136/DisapprovedLanguageSB56.pdf>.

appropriation.” S.B. 56 (as enrolled), title. Consistent with these stated purposes, S.B. 56 enacts new and amended sections of Chapter 3796 regulating medical and adult-use marijuana.

14. Under S.B. 56, marijuana does not include hemp. S.B. 56, §928.01(J), §3719.01(M).

15. S.B. 56 makes a single appropriation pursuant to its new marijuana regulatory framework: “The ... appropriation item 110659, Host Community Cannabis Payments.” S.B. 56, §12.

16. This appropriation funds a new “host community cannabis fund,” which provides money to municipal corporations and townships that host at least one marijuana (not hemp) dispensary. S.B. 56, §3796.40(F).

17. S.B. 56 imposes a ten percent excise tax on the sale of marijuana (not hemp). S.B. 56, §3796.40(B), (D). And it creates a “host community cannabis fund,” which is funded from these collected taxes. S.B. 56, §3796.40(E), (F).

18. S.B. 56 makes an appropriation of forty-seven-and-a-half million dollars for fiscal year 2026 and forty-nine million dollars for fiscal year 2027 for this host community cannabis fund. S.B. 56, §12.

19. Governor DeWine did not veto S.B. 56’s appropriation.⁷

⁷ See generally <https://www.legislature.ohio.gov/assets/legislation/legislation-documents/136/DisapprovedLanguageSB56.pdf>.

III. Before the veto, S.B. 56 would have allowed businesses to continue selling hemp beverages with up to five milligrams of THC in Ohio—and to manufacture stronger hemp beverages for sale outside Ohio—until December 31, 2026.

20. In addition to the marijuana-related regulations and appropriation, S.B. 56 sets forth new regulations on hemp. As passed by both houses and presented to the governor, the bill’s hemp-related provisions are two-fold.

21. First, the bill sets forth a general, new requirement for final hemp-derived products, limiting the total maximum amount of tetrahydrocannabinols (“THCs”) to 0.4 milligrams per container. S.B. 56, §928.01(C)(4)(c).

22. Second, the bill—as presented to the governor—creates a nine-month carveout for hemp beverages. *See generally* S.B. 56 (as enrolled), Chapter 3779.

23. S.B. 56 provides that this hemp-beverages carveout is “operative notwithstanding any other provision of the Revised Code to the contrary.” S.B. 56 (as enrolled), §3779.211.

24. Hemp beverages are defined as “drinkable cannabinoid products” and may contain up to five milligrams of total THC per serving if sold in Ohio. S.B. 56 (as enrolled), §3779.21(F)(6).

25. However, businesses may manufacture hemp beverages with higher amounts of THC so long as those beverages are solely for export outside of Ohio. S.B. 56 (as enrolled), §3779.30.

26. S.B. 56’s hemp-beverages chapter allows businesses to manufacture,

distribute, and sell hemp beverages until December 31, 2026. S.B. 56, §4.

27. In addition, S.B. 56 provides:

Should the federal government legalize hemp beverages at [THC] limits greater than those allowable under the version of 7 U.S.C. 1639o, et seq., set to take effect on November 12, 2026, it is the intent of the General Assembly to review the federal enactment and consider a more robust regulatory framework of these products ... in an effort to legalize hemp beverages for sale and consumption in Ohio beyond December 31, 2026.

S.B. 56, §14.

IV. Original S.B. 56 requires the superintendents of cannabis and liquor control to establish policies governing hemp beverages by March 20, 2026.

28. As enrolled, S.B. 56 requires the superintendent of liquor control to “establish policies” for “the administration and enforcement of sections 3779.21 to 3779.30 of the Revised Code” (that is, the hemp-beverages sections). S.B. 56 (as enrolled), §3779.24(A). This must include polices governing the labeling of “drinkable cannabinoid products” (or “hemp beverages,” as used in this Complaint); the amount of administrative penalties; and “[a]ny other enforcement actions that may be taken.” *Id.*

29. As enrolled, S.B. 56 also requires the superintendent of cannabis control to “establish policies” for (among other things) the testing of hemp beverages and the “[c]reation and maintenance of a list of approved [THCs] that may be included for use in [hemp beverages].” S.B. 56 (as enrolled), §3779.24(B).

30. A manufacturer must contract with a testing laboratory to test its hemp beverages before sale, and the laboratory must issue a “certificate of analysis” that

includes the results of the test. S.B. 56 (as enrolled), §3779.25(A)–(C).

31. For products sold in Ohio, manufacturers must include a label on each hemp beverage that includes the amount of THC, in milligrams. S.B. 56 (as enrolled), §3779.26.

32. No manufacturer, distributor, or retailer shall sell or offer to sell a hemp beverage that is not tested in accordance with the policies the superintendent establishes under section 3779.24 or that “exceeds the maximum allowable level for a substance ... specified in those policies.” S.B. 56 (as enrolled), §3779.25(A)(2).

33. The enrolled bill requires the superintendents of cannabis and liquor control to establish all such policies by March 20, 2026. S.B. 56 (as enrolled), §3779.24(A), (B).

34. The policies to be established pursuant to the hemp-beverages sections (Chapter 3779) are not subject to Chapter 119 of the Revised Code as formal rules. *See* S.B. 56 (as enrolled), §3779.23, §3779.24, §3779.25, §3779.26; *see also, e.g.*, S.B. 56, §3796.03(A), §5502.14(B)(1). Thus, unlike the formal rules required elsewhere in the bill, the policies effectuating the nine-month hemp-beverages carveout are to be established by March 20, 2026. *Compare* S.B. 56 (as enrolled), §3779.24, *with* S.B. 56, §928.031(E).

V. Relators face immediate, irreparable harm.

35. Governor DeWine’s unlawful veto poses a severe—in some cases, existential—threat to Relators’ businesses.

36. Relators face potential criminal enforcement actions against them for possessing millions of dollars' worth of inventory that they purchased in good faith before the governor's veto.

37. The governor's veto will force Relators, collectively, to lay off dozens of employees.

38. The governor's veto will cost Relators, collectively, millions of dollars in investments and millions of dollars in lost sales.

39. Relators will never obtain money damages from the State, so all of the financial harms Governor DeWine's unlawful veto imposes will be irreparable.

40. Relator Fifty West Brewing Company LLC ("Fifty West") was founded in 2012 as an Ohio-based beer manufacturer, self-distributor, and retailer. Exhibit A, Affidavit of Bobby Slattery ("Slattery Aff."), ¶2. Fifty West has three locations: Chillicothe, Cincinnati, and Mason. *Id.*

41. Fifty West first launched a hemp beverage line (Sunflower) in August 2024. Slattery Aff. ¶3. All Sunflower products contain less than three-tenths percent of THC and five milligrams of total THC per serving. *Id.* Ever since it began producing this line of products, Fifty West has tested each batch to ensure the content remains below these two levels. *Id.* Fifty West publicly posts these tests on its website: <https://drinksunflower.com/pages/lab-results>. *Id.*

42. Fifty West has invested in excess of half a million dollars in the

infrastructure to support its hemp-beverages business—including multiple vehicles for distribution, upgrades to its facility operation, and numerous investments in equipment to support this line. Slattery Aff. ¶7.

43. Fifty West prides itself on being a family-friendly establishment. When it started manufacturing and selling Sunflower, Fifty West was concerned that the product would be negatively received in Fifty West’s family-friendly environments. The opposite happened. Slattery Aff. ¶4.

44. Fifty West’s owner petitioned the General Assembly to include the hemp-beverages sections in S.B. 56. Slattery Aff. ¶9. In his opinion, S.B. 56 would not have passed without the inclusion of the hemp-beverages carveout in Chapter 3779. *Id.*

45. Based on the hemp-beverages carveout, Fifty West purchased approximately a six months’ supply of production material. Slattery Aff. ¶10. Sunflower has a shelf life of only 120 days. *Id.*

46. According to guidance Fifty West has received from the division of cannabis control regarding S.B. 56 as line-item vetoed, it appears that Fifty West will have to destroy its entire inventory of Sunflower finished product. Slattery Aff. ¶12. This would result in a direct loss of over \$500,000 in inventory. *Id.*

47. Sunflower sales are critical to operations at Fifty West’s Chillicothe brewery. Slattery Aff. ¶13. Without the revenue generated by the Sunflower hemp beverage line, it is highly likely Fifty West will be forced to shut down its Chillicothe brewery. *Id.* Such a

closure would result in approximately forty additional employees losing their jobs, would leave a large vacant space in the center of downtown Chillicothe, and would eliminate a vibrant business that brings consistent activity to the area. *Id.*

48. If the Sunflower brand is allowed to continue operating, Fifty West has multiple pending requests for proposals from communities across the tri-state region to open new Sunflower locations. Slattery Aff. ¶14. These include Springboro, Centerville, and Fairfield, Ohio, as well as locations in Northern Kentucky. *Id.* Each new location represents roughly a seven million dollar investment, along with dozens of new jobs and additional tax revenue for those communities. *Id.* These planned investments are directly tied to the continued growth of the Sunflower brand. *Id.*

49. Relator Urban Artifact, a Cincinnati establishment, is the largest fruit-dedicated brewery in the world. Exhibit B, Affidavit of Scotty Hunter (“Hunter Aff.”), ¶3. Urban Artifact began co-manufacturing hemp-based drinks in 2023 and began selling its own hemp-based sodas in 2024. *Id.* ¶4. Since 2023, Urban Artifact has invested over \$200,000 in its hemp beverages. *Id.* ¶6. Urban Artifact’s average sales of hemp beverages in 2025 was around a quarter million dollars per month. *Id.* ¶8. If the vetoed version of S.B. 56 takes effect, Urban Artifact anticipates having to forfeit 100% of this inventory, resulting in a loss of hundreds of thousands of dollars. *Id.* ¶11.

50. These impending losses are not just financial. Since Governor DeWine’s veto in December 2025, Urban Artifact has laid off six employees and one contractor, with

an additional two to three individuals whose terminations are imminent. Hunter Aff. ¶13.

51. Relator Cycling Frog was founded in 2021 with the sole focus of manufacturing hemp-derived THC and CBD products, including drinks (hemp beverages). Exhibit C, Affidavit of Dylan Summers (“Summers Aff.”), ¶3. Over the past six years, Cycling Frog has invested approximately five million dollars in its hemp beverage product line. *Id.* ¶6. Its average sales for hemp beverages are \$150,000 to \$200,000 per month. *Id.* ¶7. Cycling Frog’s highest sales months are in the summer (June–August) and during the holidays (November–December). *Id.* If Governor DeWine’s veto is given effect on March 20, Cycling Frog anticipates losing approximately 20% of its business-to-business sales in Ohio. *Id.* ¶10. This will cause Cycling Frog to have to terminate approximately three to four employees. *Id.*

52. Relator Sarene Craft Beer (“Sarene Craft”) is a craft beer distributor with distribution centers in Ohio, Connecticut, Kentucky, New York, and Pennsylvania. Exhibit D, Affidavit of Joseph Grabowski (“Grabowski Aff.”) ¶2. Its Ohio distribution center is located in Columbus. *Id.*

53. If Governor DeWine’s version of S.B. 56 takes effect, Sarene Craft is very likely to close. Grabowski Aff. ¶12.

54. Absent relief from this Court, Relators face potential criminal penalties, layoffs, and unrecoverable financial losses starting March 20, 2026, when large sectors of their businesses will become illegal.

LEGAL BACKGROUND

55. The line-item-veto provision of Article II, Section 16 provides:

The governor may disapprove *any item or items in any bill making an appropriation of money* and the item or items, so disapproved, shall be void, unless repassed in the manner prescribed by this section for the repassage of a bill.

Ohio Const., art. II, §16 (emphasis added).

56. Caselaw and dictionary definitions from the early 1900s show that an “item” in an appropriations bill is a specific appropriation of money. For example, a definition of “line item” from 1924 reads: “[i]n a financial statement, a single entry or notation to which a particular dollar amount is attached.” ITEM, Black’s Law Dictionary (12th ed. 2024) (providing the definition of “line item” from 1924).

57. Moreover, the history of Ohio’s line-item-veto provision shows that the voters adopting the currently operative language would have understood “items” to mean specific appropriations of money—not entire sections of a bill. The People first granted the governor a line-item veto in 1903. Ohio Constitutional Convention, *Proceedings and Debates*, at 567 (Mar. 4, 1912). The 1903 version was much more expansive than today’s, as it allowed the governor to veto not simply “items,” but entire “sections.” Ohio Const., art. II, §16 (1903).

58. The People of Ohio soon realized that the governor’s ability to veto sections of a bill was far too expansive. *See, e.g.*, Ohio Constitutional Convention, *Proceedings and Debates*, at 567 (Mar. 4, 1912); *id.* at 1201 (Apr. 11, 1912). So, at the Constitutional

Convention of 1912, one of the potential amendments proposed limiting the governor to vetoing only an “item or items in any bill making an appropriation of money.” *Id.* at 1204–05 (Apr. 11, 1912). When the sponsor of the proposed line-item-veto amendment (Mr. Johnson) was asked directly, “Do you propose to take away from the governor the power to veto a section or part of a law?”, he answered, “Yes.” *Id.* at 1204. The proposed amendment passed seventy-six to ten. *Id.*

59. The voters approved the new line-item-veto language in 1912; the amendment became effective in 1913. Ohio Const., art. II, §16 (1913).

60. The 1913 language is materially identical to the current version. In 1973, the line-item-veto provision was amended, changing the 1913 version’s phrase “in the manner herein prescribed” to “in the manner prescribed by this section.” Ohio Const., art. II, §16. The provision remained otherwise unchanged.

61. Article II, Section 16’s constitutional history confirms that “item” cannot be read to mean “section” (or an equally broad equivalent).

62. *State ex rel. Brown v. Ferguson*, 32 Ohio St.2d 245 (1972), confirms that the governor may line-item veto only specific appropriations of money.

63. Like Ohio, the majority of States with equivalent line-item-veto provisions define “item” as a specific appropriation of money. See *Jubelirer v. Rendell*, 598 Pa. 16, 49 (2008) (collecting cases).

64. Governor DeWine’s purported line-item veto is null and void under any

reasonable interpretation of “item”.

65. The governor vetoed no specific appropriation of money and therefore failed to veto “any item or items in any bill making an appropriation of money” under Article II, Section 16 of the Ohio Constitution.

66. Governor DeWine’s sweeping veto fails every test States have employed to properly cabin executive overreach and maintain the separation of powers.

67. The veto creates new legislation: it enacts a brand-new ban on hemp beverages—including those sold exclusively out-of-state—starting March 20, 2026.

68. The veto also materially alters the bill the General Assembly passed.

69. The governor’s veto of the hemp-beverages sections does not reflect any constitutional exercise of power. It reflects the governor’s persistent desire to write (or rewrite) legislation, after he unsuccessfully attempted an emergency ninety-day ban on hemp and hemp products last October. *See* Temporary Restraining Order at 2, *Titan Logistics Group, LLC v. Mike DeWine*, No. 2025-CV-8646 (Franklin Cnty. Ct. C.P. Oct. 14, 2025) (“Executive Order No. 2025-05D attempts to exercise legislative power reserved by the Ohio Constitution to the General Assembly, thereby violating the separation of powers.”).

COUNT 1 – WRIT OF MANDAMUS

70. Relators incorporate and reallege the preceding paragraphs.

71. A writ of mandamus requires: “(1) a clear legal right to the requested relief,

(2) a clear legal duty on the part of the Respondent to provide it, and (3) the lack of an adequate remedy in the ordinary course of law.” *State ex rel. Waters v. Spaeth*, 2012-Ohio-69, ¶6.

72. Governor DeWine’s purported veto of S.B. 56’s hemp-beverages sections is “unauthorized by law” and therefore “null and void.” *State ex rel. Akron Ed. Ass’n v. Essex*, 47 Ohio St.2d 47, 50 (1976). Thus, original S.B. 56 “is now effective in its entirety.” *Id.* at 51.

73. Original S.B. 56 requires the respondent superintendents of cannabis and liquor control to establish certain policies to effectuate the bill’s hemp-beverages sections. S.B. 56 (as enrolled), §3779.24.

74. The respondent superintendents must establish these policies by S.B. 56’s effective date—March 20, 2026. S.B. 56 (as enrolled), §3779.24.

75. Without these policies in place, Relators will not be able to operate the hemp-beverages sectors of their businesses. *See* S.B. 56 (as enrolled), §3779.25(A)(2).

76. Thus, Relators are entitled to a writ of mandamus compelling the superintendents to immediately begin drafting the policies and to establish any such policies by March 20, 2026.

77. Relators are also entitled to a writ of mandamus “ordering the secretary [of state] to treat [original S.B. 56] as a duly enacted law.” *State ex rel. Ohio Gen. Assembly v. Brunner*, 2007-Ohio-3780, ¶25.

78. Relators have a clear legal right to this relief.
79. Respondents have a clear legal duty to provide this relief.
80. Relators are “without a plain and adequate remedy in the ordinary course of law.” *State ex rel. Akron Ed. Ass’n*, 47 Ohio St.2d at 51 (granting writ of mandamus after declaring governor’s veto to be null and void). A declaratory judgment here “would not be a complete remedy unless coupled with extraordinary ancillary relief in the nature of a mandatory injunction.” *State ex rel. Ohio Gen. Assembly*, 2007-Ohio-3780, at ¶51. And the immediate need for an order compelling respondents to treat original S.B. 56 as the law and to establish regulations effectuating the bill’s hemp-beverages carveout underscores that Relators lack an adequate remedy in the ordinary course of law.

RELIEF REQUESTED

Relators pray that the Court will grant a peremptory writ, and if needed, an alternative writ, compelling the respondent secretary of state to treat original S.B. 56 as a validly enacted law and to fulfill all of the secretary’s statutory duties concerning that law, including maintaining and preserving original S.B. 56, making the law available to the director of the Legislative Service Commission so that codification duties with regard to newly enacted laws may be completed, and fulfilling each of the secretary’s other statutory duties imposed by R.C. Chapter 149 with regard to original S.B. 56.

In addition, Relators pray that the Court will grant a peremptory writ, and if needed, an alternative writ, compelling the respondent superintendent of cannabis

control and the respondent superintendent of liquor control to immediately begin drafting the policies required by S.B. 56's original hemp-beverages sections and to establish all such policies by **March 20, 2026**, as the original bill mandates.

Relators also seek a final writ compelling the same mandamus relief.

March 6, 2026

/s/ Andrew D. McCartney

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Counsel for Relators

Exhibit A

4. Fifty West prides itself on being a family-friendly establishment. When we started manufacturing and selling Sunflower, we were concerned that the product would be negatively received in our family-friendly environments. The opposite happened. The products became very popular, mostly amongst consumers aged 30-60 years old, and primarily female, as these consumers sought an alternative to alcohol. These consumers told us they enjoyed Sunflower products because they were able to drink 1-2 cans, which was enough to allow them to be social without causing the sleep disruption or lack of control they experienced with alcohol.

5. One of our local communities, Terrace Park, Ohio, hosts an annual family movie night around Halloween. In years past, the event would purchase alcohol from Fifty West. Last year, given Sunflower's surge in popularity, half of the products they purchased from us were the Sunflower drinks.

6. The demand for this product has consistently been, and still is to this day, ahead of our original sales curve for all beer-related products.

7. Fifty West has invested more than \$500,000 into the infrastructure to support this burgeoning business. This investment includes three sprinter vans at the cost of approximately \$300,000 which are used exclusively to distribute Sunflower to retailers. We upgraded our facility operation and made significant investments in equipment to support the Sunflower hemp beverage line. Furthermore, approximately \$50,000 of the equipment purchased to manufacture the Sunflower line cannot be used

interchangeably with equipment used to manufacture beer. While Fifty West will attempt to sell some of the manufacturing equipment, it will undoubtedly be sold at a loss.

8. Over the last twelve months, the Sunflower hemp beverage line has generated approximately \$1,397,188 in revenue, compared to about \$2,029,605 from all other Fifty West beverage production combined. As the production numbers for Sunflower began to dwarf that of our beer production over the past year, we have pivoted even more aggressively to supporting this product. Over the last quarter (December 1, 2025, through February 28, 2026), Sunflower's revenue was approximately \$405,460, surpassing the \$367,478 from all other beverage production in that period. This shift demonstrates that Sunflower has become one of the primary drivers supporting our beverage production. If Sunflower is removed from the market, we estimate an immediate loss of between five to fifteen production jobs.

9. I provided significant input to the General Assembly as they drafted Senate Bill 56. I met with Senator Steve Huffman, the sponsor of Senate Bill 56, as well as other Senators and the Governor's legislative team. I also provided a document which the General Assembly relied on to draft the tax provisions for hemp beverages. I worked very closely with the Senators who wrote Senate Bill 56 and lobbied senators for its passage after Chapter 3779 was added which allows manufacturers, distributors, and sellers of hemp beverages to continue selling through December 31, 2026. In my

opinion and based on my knowledge of the legislative process, Senate Bill 56 would not have passed without the inclusion of the hemp beverage carve-out in Chapter 3779.

10. Based on the hemp beverage carve-out, we purchased an approximate six months' supply of production material. This includes a 16-week supply of fruit puree which is intended to be used exclusively to produce the Sunflower hemp beverage line. We wanted to ensure there were no supply chain issues, given the relatively short period of time we'd be able to continue selling. This inventory includes labeled cans, emulsion, and fruit puree for flavoring (sourcing for flavoring can sometimes take up to 16 weeks, alone, to procure). Sunflower has a shelf life of only 120 days.

11. I currently maintain significant inventory of Sunflower and the ingredients needed to make Sunflower. This inventory includes approximately 9,251 cases of finished product, at a per-case cost of \$54.37, with a total finished-goods value of \$502,976.87. I also hold raw materials purchased specifically for this product line, including fruit puree valued at \$160,790.12, purchased on December 5, 2025, and cans valued at \$19,684.31, for total raw-materials costs of \$180,474.43. The combined value of the Sunflower related inventory is approximately \$683,451.30.

12. According to guidance from the Ohio Division of Cannabis Control (DCC) regarding Senate Bill 56, it appears that Fifty West will have to destroy its entire inventory of Sunflower finished product. According to the DCC any hemp-derived product exceeding 0.4 milligrams of total THC per container is classified as "marijuana"

under R.C. 3719.01. This means that any attempt to sell or transfer our remaining Sunflower inventory out of state after March 20, 2026 may constitute drug trafficking in violation of R.C. 2925.03. Furthermore, following Governor DeWine's veto of the hemp beverage carve-out in Chapter 3779, the DCC confirmed there is no grace period on the effective date of this prohibition. Products such as Sunflower cannot be sold at or to licensed dispensaries either. Based on this guidance, Fifty West will have to destroy all its Sunflower inventory, resulting in the loss of \$502,976.87.

13. Fifty West has not yet had to fire any employees, as our hemp beverage consumers have continued to purchase prior inventory. If Governor DeWine's veto remains in place, that will change because Sunflower sales are also critical to operations at our Chillicothe brewery. Without the revenue generated by Sunflower hemp beverage line, it is highly likely we would be forced to shut down our Chillicothe brewery. Such a closure would result in approximately forty additional employees losing their jobs, would leave a large vacant space in the center of downtown Chillicothe, and would eliminate a vibrant business that brings consistent traffic and activity to the area.

14. If the Sunflower brand is allowed to continue operating, Fifty West has multiple pending requests for proposals from communities across the tri-state region to open new Sunflower locations. These include Springboro, Centerville, and Fairfield, Ohio, as well as locations in Northern Kentucky. Each new location represents roughly

a \$7 million investment, along with dozens of new jobs and additional tax revenue for those communities. These planned investments are directly tied to the continued growth of the Sunflower brand. Without that brand, those expansion plans will be delayed.

15. I declare under penalty of perjury under the laws of the State of Ohio that the foregoing is true and correct to the best of my knowledge, information, and belief.



Bobby Slattery

Dated: 3/6/2026

Subscribed and sworn to before me this 6th day of March, 2026.



Theresa Ansberry
Notary Public
State of Ohio
My Commission Expires
March 12, 2028



My Commission Expires: March 12, 2028

Exhibit B

5. Urban Artifact sells these products in its taproom at the Cincinnati, Ohio location, as well as to retailers in Ohio. The two largest Ohio retailers selling Coastal sodas are Buehler's Fresh Foods and Mapco Gas Stations. These products are also distributed to retailers in Indiana, Kentucky, West Virginia, Florida, Tennessee, North Carolina, South Carolina, and Nebraska. Ohio sales constitute roughly 50% of all hemp beverage sales for Urban Artifact.

6. Since fall 2023, Urban Artifact has invested approximately a total of \$225,000 in these hemp beverages:

- a. Product Design Costs: \$100,000
- b. Website Design Costs: \$15,000
- c. Formulation Costs: \$50,000
- d. Inventory: \$100,000

7. The investment was beneficial. Over the last two years, Urban Artifact saw a decline in the sale of its alcohol beverages. Since selling hemp beverages, Urban Artifact has re-engaged with a large number of customers that had previously eliminated alcohol consumption.

8. On average, in 2025, Urban Artifact's monthly sales revenue of hemp beverages was \$250,000. This constituted 40% of Urban Artifact's monthly sales overall. Of the \$250,000, in hemp beverage sales, approximately 70% was from 5 mg sodas or co-packing alone.

9. Prior to Governor DeWine's line-item veto of Section 1 of Senate Bill 56, Urban Artifact anticipated selling in excess of 10,000 cases of hemp beverages in calendar year 2026.

10. Urban Artifact currently has 7,500 cases of THC sodas on hand that were manufactured just prior to the veto. The products have a shelf life of 1 year, and can still be sold if Governor DeWine's veto is removed.

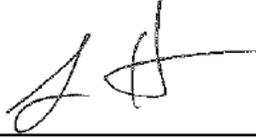
11. If the line-item veto remains, Urban Artifact anticipates having to forfeit 100% of this inventory, resulting in a loss of \$200,000 to \$250,000. Based on recent guidance from the Ohio Cannabis Control Department—as forwarded to and received by me at my work email address (Exhibit A)—any beverage exceeding .4 milligrams of total THC per container will be considered marijuana under R.C. 3719.01. Any effort to sell this product out of state after March 20, 2026, would therefore be considered “drug trafficking” in violation of R.C. 2925.03.

12. Since the veto in December 2025, Urban Artifact has lost a majority of its hemp beverage copacker business, resulting in a loss of \$1,700,000 per year.

13. Since the veto in December 2025, Urban Artifact has laid off 6 employees and 1 contractor, with an additional 2-3 individuals whose terminations are imminent.

14. If Urban Artifact can sell 5 mg hemp beverages through December 31, 2026, this will afford Urban Artifact sufficient time to begin finding other areas of its alcohol product line to reinvest into and potentially grow.

I declare under penalty of perjury under the laws of the State of Ohio that the foregoing is true and correct to the best of my knowledge, information, and belief.



Scotty Hunter

Dated: 3-6-26

Subscribed and sworn to before me this 6th day of March, 2026.



SAMANTHA FAIR
Notary Public, State of Ohio
My Commission Expires
February 02, 2028
COMMISSION: 2023-FE-059394



My Commission Expires: 02-02-2028

Exhibit C

COUNTY OF MULTNOMAH)
) SS
STATE OF OREGON)

AFFIDAVIT OF DYLAN SUMMERS

I, Dylan Summers, after first being duly cautioned and sworn, hereby depose and state as follows:

1. I am over the age of eighteen (18) and I have personal knowledge of the facts set forth in this Affidavit and am competent to testify as to those facts.

2. I am the Vice President of Government Affairs for North Fork Distribution I, Inc. d/b/a Cycling Frog, located in Seattle, Washington.

3. Cycling Frog was founded in 2021 with the sole focus of manufacturing hemp-derived TCH and CBD products, including drinks (hemp beverages). Each of our hemp beverages contain less than three-tenths per fluid ounce of any tetrahydrocannabinol.

4. Customers in Ohio can purchase Cycling Frog hemp beverages either directly from Cycling Frog to be shipped to Ohio, or at local retailers in Ohio.

5. Cycling Frog's largest demographic is 30-50 year-old women, and individuals who are sober-curious, as our hemp beverages allow individuals to engage socially without suffering the adverse effects of alcohol.

6. Over the past 6 years, Cycling Frog has invested approximately \$5,000,000 in its hemp beverage product line through product development, sales team, marketing, management, and inventory.

7. The average monthly sales for hemp beverages are \$150,000-\$200,000. This constitutes 75% of Cycling Frog's monthly overall sales. Cycling Frog's highest sales months are summer (June-August) and the Holidays (November-December). Cycling Frog's Ohio sales constitute approximately 20% of their national sales.

8. Cycling Frog's hemp beverages have a shelf-life of 1 year. Cycling Frog currently has 32,000 cases of finished product that could be sold in Ohio if the veto is lifted.

9. Cycling Frog contracts an outsourced copacker on a monthly basis, with a one-month lead time. The longer the veto remains in place, Cycling Frog's ability to manufacture THC drinks that will meet Ohio's intended labeling and testing policies.

10. If the veto remains in place, Cycling Frog anticipates losing approximately 20% of its business-to-business sales in Ohio. This will cause Cycling Frog to have to terminate approximately 3-4 employees in sales and associated administrative roles.

I declare under penalty of perjury under the laws of the State of Oregon that the foregoing is true and correct to the best of my knowledge, information, and belief.

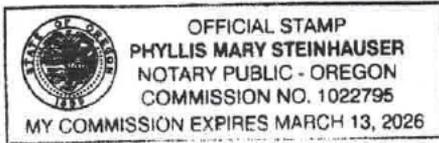
Dylan Summers

Dylan Summers

Dated: March 6th, 2020

Subscribed and sworn to before me this 6th day of March, 2020.

Phyllis Mary Steinhauser



My Commission Expires: March 16, 2020

Exhibit D

**(An unredacted version of this exhibit is being filed under seal
with an accompanying motion to seal.)**

COUNTY OF *New Haven*)
) SS
STATE OF CONNECTICUT)

AFFIDAVIT OF JOSEPH GRABOWSKI

I, Joseph Grabowski, after first being duly cautioned and sworn, hereby depose and state as follows:

1. I am over the age of eighteen (18) and I have personal knowledge of the facts set forth in this Affidavit and am competent to testify as to those facts.

2. I am one of the owners of Sarene Craft Beer, a craft beer distributor with distribution centers in Connecticut, Kentucky, New York, Ohio, and Pennsylvania. Our distribution center in Ohio is located in Columbus, and operates under Sarene Craft Beer Distributors Ohio LLC. A majority of products from this distribution warehouse are sold in Ohio, with some going to Indiana and Kentucky.

3. When Sarene Craft Beer first formed in 2014, our focus was on distributing craft beer, which was a significant portion of the beer market at the time. However, over the past several years, alcohol sales in general have declined. Beer sales in 2023 was at an all-time 25 year low.

4. As the federal definition of hemp allowed for the introduction of hemp beverages in 2018, and as the market for hemp-based products grew, we began replacing some of our beer inventory with hemp-based drinks. In 2025, our average

monthly sales revenue of all hemp beverages was [REDACTED] increasing and peaking at approximately [REDACTED] in July and August. The hemp beverages constituted [REDACTED] of our overall sales in 2025.

5. Prior to S.B. 56, hemp beverages with 5 mg or less of THC constituted approximately 45% of our hemp beverage sales in Ohio. The carveout for hemp beverage sales in S.B. 56 would only permit the sale of beverages with 5 mg or less of THC. Notwithstanding S.B. 56's requirement for products with THC of 5 mg or less, if we are permitted to continue distributing these products at 5 mg or lower, we anticipate still being able to maintain our previous sales amount, if not increase. This expectation is empirically based; another one of the states we operate in, Connecticut, recently enacted a similar law, allowing for sales of hemp beverages but at a lower mg level than what was previously permitted. Prior to the change in law, approximately 95% of our sales were at levels higher than the currently authorized reduced amount. We were concerned that our sales would plummet, but the opposite happened. Our consumer base was receptive to the products with the lower amount, and our sales still increased by 77%.

6. That said, if the veto is lifted, it will be important to know what the labeling and testing policies will be as quickly as possible, as that may impact our current inventory and any possibility to purchase already existing inventory from our manufacturers.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9. We understand many manufacturers, retailers, and distributors across the nation are working with federal congressional leaders on creating safe and effective regulations to permit the sale of hemp beverages. We, too, have been an integral part of

that effort; not just at the federal level, but at the State level, including Ohio, as well. Our goal is to ensure these products are continued to be sold, but in a safe way and marked to individuals 21 and over. In fact, a key demographic for hemp beverages is women aged 30-50 years old.

10. If the veto is determined to be null and void, and we are permitted to distribute hemp beverages containing no more than 5 mg THC over the next nine months, our ability to remain profitable will permit us to not only continue this advocacy for safe and effective reform, but also allow us to maintain our business.

11. Over the last two years, we have invested over \$2,000,000 into expanding our hemp beverage side of the business, through employment of additional personnel, equipment, and incurring additional warehousing expenses. For instance, we had 10 employees in 2023, and 28 employees in December 2025.

12. Since the veto, we have had to lay off 4 sales employees and 4 operational employees. We anticipate having to terminate many more if the veto remains. Hemp beverages constitute a majority of our business; if we are unable to sell or distribute any hemp beverages over the next year, while simultaneously risk losing our Distribution Agreements, we very likely face having to go out of business.

13. One additional concern is that very recent guidance from the Ohio Cannabis Control Department is that if the veto remains in place, then our current inventory in Ohio will have to be destroyed. Not only will it be considered unlawful to

possess the products in the state of Ohio, but it will similarly be considered unlawful to transport the products across state lines for sale in other states. This will result in a concrete loss of [REDACTED] and we will have to create new distribution centers in Indiana and Kentucky costing even more (if we are not already out of business by that time).

I declare under penalty of perjury under the laws of the State of Ohio that the foregoing is true and correct to the best of my knowledge, information, and belief.



Joseph Grabowski

Dated: 3/6/26

Subscribed and sworn to before me this 6th day of March, 2026.



My Commission Expires: 03/31/2026

