

The Blunt Truth About Medical Marijuana in Ohio

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What Does The Bill Do?

Substitute House Bill 523, signed into law June 8, 2016 by Governor John Kasich, authorizes the use of marijuana for medical purposes, defining medical marijuana as marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose and establishes the Medical Marijuana Control Program within the Dept. of Commerce and State Board of Pharmacy.

- This bill reschedules medical marijuana as a schedule II controlled substance for the purpose of this chapter of the O.R.C.

Regulating Authority

Establishes the Medical Marijuana Control Commission within the Dept. of Commerce and a fifteen-member medical marijuana advisory committee within the State Board of Pharmacy.

The Commission is required to consult with the State Board of Pharmacy and the State Medical Board when developing recommendations.

Licensing: Dept. of Commerce

The Dept. of Commerce shall establish the number of cultivator licenses permitted at any one time based upon the population of this state and the number of patients seeking to use medical marijuana.

Licensing: Board of Pharmacy

The State Board of Pharmacy shall adopt rules and standards regarding:

Application fees and procedures for licenses and registrations

Determine the number of retail dispensary licenses based on population of this state, the number of patients seeking to use medical marijuana, the geographical distribution of dispensary sites

Make determinations regarding existing retail dispensary locations when a school, church, public library, public playground, or public park became established **within five hundred feet** of the retail dispensary;

Specify, by form and tetrahydrocannabinol content, a maximum ninety-day supply of medical marijuana that may be possessed;

Permissible Forms & Methods

Only the following forms of medical marijuana may be dispensed:

- (1) Oils;
- (2) Tinctures;
- (3) Plant material;
- (4) Edibles;
- (5) Patches;
- (6) Any other form approved by the state board of pharmacy

Permissible Forms & Methods

With respect to the methods of using medical marijuana, ***all of the following apply:***

The smoking or combustion of medical marijuana is prohibited;

The vaporization of medical marijuana is permitted;

The state board of pharmacy may approve additional methods of using medical marijuana, other than smoking or combustion;

Any form or method that is considered attractive to children is prohibited.

Permissible Forms & Methods

With respect to tetrahydrocannabinol (THC) content, all of the following apply:

Plant material shall have a tetrahydrocannabinol content of not more than **thirty-five per cent.**

Extracts shall have a tetrahydrocannabinol content of not more than **seventy per cent.**

7 Layers of Regulation

Licensed Cultivators – grow and sell to processors

Licensed Processors – deliver or sell processed product to licensed retailers

Licensed Retail Dispensary – label packaging; dispense or sell to registered patient

Licensed Laboratory – test marijuana for potency, homogeneity, and contamination

Registered Patient – must register; may NOT grow own marijuana

Registered Caregiver – assist registered patients; may not serve as own caregiver

Registered Physician – two hours annual training; may not furnish or dispense marijuana; may not write recommendation for family member or for self

Qualifying Medical Conditions

Acquired immune deficiency syndrome;	Pain that is either chronic and severe or intractable;
Alzheimer's disease;	Parkinson's disease;
Amyotrophic lateral sclerosis;	Positive status for HIV;
Cancer;	Post-traumatic stress disorder;
Chronic traumatic encephalopathy;	Sickle cell anemia;
Crohn's disease;	Spinal cord disease or injury;
Epilepsy or another seizure disorder;	Tourette's syndrome;
Fibromyalgia;	Traumatic brain injury;
Glaucoma;	Ulcerative colitis;
Hepatitis C;	Any other disease or condition added by the state medical board
Inflammatory bowel disease;	
Multiple sclerosis;	

Local Governments

Nothing prohibits a township zoning commission, board of trustees, or board of zoning appeals from regulating the location of or prohibiting medical marijuana cultivators, processors or retail dispensaries

May adopt an ordinance or resolution to prohibit or limit the number of cultivators, processors, or retail dispensaries licensed within their locality

No medical marijuana cultivator, processor, retail dispensary, or laboratory that tests medical marijuana shall be located within **five hundred feet** of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park

Employers

Not required to permit or accommodate an employee's use, possession or distribution of medical marijuana

Not prohibited from refusing to hire, discharge or take disciplinary action because of a person's use of medical marijuana

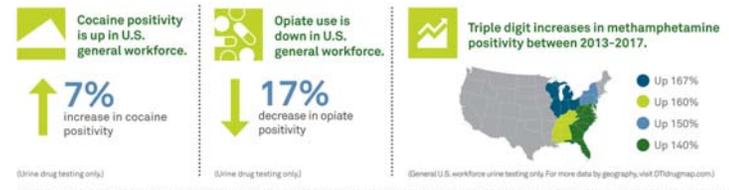
Not prohibited from establishing and enforcing a drug testing policy, drug-free workplace policy, or zero-tolerance drug policy

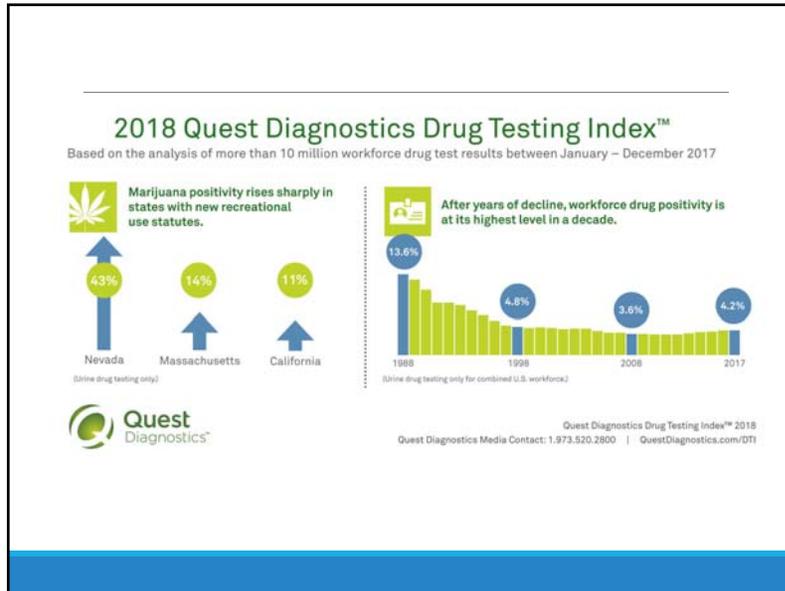
Nothing in the chapter interferes with federal restrictions on employment, including U.S. Dept. or Transportation regulations

Nothing permits a person to sue for refusal to hire, discharge, discipline, discrimination, retaliation, or adverse employment action against a person related to medical marijuana

2018 Quest Diagnostics Drug Testing Index™

Based on the analysis of more than 10 million workforce drug test results between January – December 2017





Research

The Department of Commerce or the State Board of Pharmacy cannot oversee or limit research conducted at a state university, academic medical center, or private research and development organization that is related to marijuana

Cannot restrict research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity

Schedule II classification for the purpose of this chapter of the O.R.C.

This Legislation...

DOES NOT Require a physician to recommend that a patient use medical marijuana to treat a qualifying medical condition

DOES NOT Permit the use, possession, or administration of medical marijuana other than as authorized

DOES NOT Permit the use, possession, or administration of medical marijuana on federal land located in this state

DOES NOT Require any public place to accommodate a registered patient's use of medical marijuana

DOES NOT Prohibit any public place from accommodating a registered patient's use of medical marijuana

Things To Note

Reciprocity agreements with other medical marijuana states

The General Assembly may levy an excise tax on each dispensing transaction

Requires the Commission to fund drug abuse prevention programs

Establishes a toll-free telephone line for inquiries from patients, care-givers and health professionals regarding adverse reactions, services, and assistance

The use, possession, or administration of medical marijuana shall not be the sole or primary basis for an adjudication determining that a child is an abused, neglected, or dependent child; an allocation of parental rights and responsibilities; a parenting time order unless there is clear and convincing evidence that a child is unsafe

Things To Note

The use or possession of medical marijuana shall not be used as a reason for disqualifying a patient from medical care or from including a patient on a transplant waiting list.

A person's status as a registered patient or caregiver is not a sufficient basis for conducting a field sobriety test on the person or for suspending the person's driver's license. To conduct any field sobriety test, a law enforcement must have an independent, factual basis giving reasonable suspicion that the person is operating a vehicle under the influence of marijuana or with a prohibited concentration of marijuana in the person's whole blood, blood serum, plasma, breath, or urine.

Establishes minority benchmarks of not less than 15% of cultivator, processor, retail dispensary or laboratory licenses

What Does This Mean For You?

You have the right to set rules in your own home.

You have the right to register as a patient, purchase and use medicinal marijuana from licensed providers in accordance with the law.

What Does This Mean for Your Community?

You have the right to petition local government or councils to accept or restrict medicinal use of marijuana, and the number and location of marijuana-based business in your community in accordance with the law.

You must follow the laws and ordinances of the local jurisdiction, organizations, and your employer regarding medicinal marijuana.

Marijuana & the Opioid Crisis

Research must be credible, verifiable, replicable

Anecdotal? Coincidence? Timing? Hyperalgesia?

-- *University of Georgia, JAMA Internal Medical, 4/2/18*

- *Does not show correlation or causation*

Fentanyl



A lethal dose of heroin (30 mg) compared to a lethal dose of fentanyl (3 mg).

Carfentanil: a powerful opioid used to sedate elephants



Resources

<https://www.legislature.ohio.gov/legislation/legislation-documents?id=GA131-HB-523>

<http://www.healthy.ohio.gov/vipp/data/rxdata.aspx>

<http://stopmedicineabuse.org/what-does-abuse-look-like>

<http://www.drugabuse.gov/>

<http://www.niaaa.nih.gov/>

<http://www.samhsa.gov/>

<http://www.drugfree.org/>

<https://www.preventionactionalliance.org/>

<http://www.mahoningcountyoh.gov/DepartmentsAgencies/Departments/AlcoholandDrugBoard/>

<http://www.drugfreemahoningcounty.org/>

<https://jamanetwork.com/journals/jamainternalmedicine/article-abstract/2676999>



A link to the legislation text may be found at:

<https://www.legislature.ohio.gov/legislation/legislation-documents?id=GA131-HB-523>

For further information, resources, or to become a coalition member please contact

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