

OHIO MEDICAL MARIJUANA LAW ALERT

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Ohio Medical Marijuana Law to Take Effect in September

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Ohio's new medical marijuana bill (HB 523) becomes effective on September 6, 2016. Passed by the Ohio General Assembly at the end of May and signed by Governor Kasich on June 6, the law makes Ohio the 25th state to pass a medical marijuana bill. The new law will have far-reaching effects on the business community but it is silent on many issues that concern employers.

Below is a summary of the law. We have listed facts for ease of reference; issues not fully addressed by the law are also noted.

When does the law take effect?

September 6, 2016

Who can legally use medical marijuana?

1. Only people with the following medical conditions can legally use medical marijuana:
2. HIV/AIDS
3. ALS – Amyotrophic Lateral Sclerosis
4. Alzheimer's Disease
5. Cancer
6. CTE – Chronic Traumatic Encephalopathy
7. Crohn's Disease
8. Epilepsy or other seizure disorders
9. Fibromyalgia
10. Glaucoma
11. Hepatitis C
12. Inflammatory Bowel Disease
13. Multiple Sclerosis
14. Pain – chronic, and severe or intractable
15. Parkinson's Disease
16. PTSD – Post-Traumatic Stress Disorder
17. Sickle Cell Anemia
18. Spinal Cord Disease or injury
19. Tourette's Syndrome
20. Traumatic Brain Injury
21. Ulcerative Colitis

How and where do patients get medical marijuana?

Patients will need a recommendation from a doctor to receive a medical marijuana prescription. They must have an ongoing relationship with the doctor. The bill does not say where patients will get medical marijuana. Patients will have to receive the marijuana from states with legal dispensaries or will have to obtain it in other manners.

What are the rules and regulations for medical marijuana?

The bill is silent on direct rules and regulations. The bill calls for the formation of a bipartisan Medical Marijuana Advisory Committee within the Board of Pharmacy. The Committee must include two pharmacists, two physicians, a nurse, a researcher, and a member from each of a listed interest group. The committee will issue recommendation related to the Medical Marijuana Control Program.

Additionally, the Department of Commerce, Ohio State Pharmacy Board, and Ohio State Medical Board will need to determine how many licenses to issue and the guidelines for writing a marijuana prescription and filling that prescription.

What are the rules for and the steps to receiving a license?

No rules for or steps to receive a license have been established at this time. The rules, standards, and regulations will be established by the Medical Marijuana Control Program (the Program). The Program will be housed within the department of commerce and the board of pharmacy. The Program will issue four different licenses. First, a party can obtain a cultivator license for growing medical marijuana. Second, a party can obtain a processor license for processing the marijuana plant into a legal consumable form. Third, a party can obtain a laboratory license for testing and research purposes. Finally, a party can obtain a retail dispensary license for distributing the medical marijuana to registered patients and caregivers. The department of commerce will adopt the rules establishing standards and procedures for the Program for cultivators, processors, and laboratories. The board of pharmacy will adopt rules establishing standards and procedures for the retail dispensaries.

The department of commerce must establish the following standards and procedures for the Program's processor and laboratory licenses by September 6, 2017, and for cultivator licenses by May 4, 2017:

1. Application procedures and fees for licenses and registration
2. All of the following:
 - a. Conditions for eligibility for a license
 - b. Criminal offenses that disqualify a party from obtaining a license
 - c. Criminal offenses that do not disqualify a party from obtaining a license if the offense is more than five years old
3. Number of cultivator licenses allowed at any time
4. Establish license renewal schedule, procedures, and fees
5. Specify reasons license suspended, revoked, or renewal withheld
6. Standards to lift license or registration suspension
7. Determine whether a cultivator or processor that existed at a location before a school, church, public library, public playground, or public park became established within 500 feet of the cultivator or processor may remain in operation, shall relocate, or have license revoked
8. All of the following:
 - a. Criminal offenses that disqualify a person from employment with a license holder

- b. Criminal offenses that do not disqualify a person from employment with a license holder if the offense is more than five years old
9. Standards and procedures for testing medical marijuana by a licensed laboratory

The board of pharmacy must establish the following standards and procedures for the Program's retail dispensary licenses by September 6, 2017:

1. Application procedures and fees for licenses and registration
2. All of the following:
 - a. Conditions for eligibility for a license
 - b. Criminal offenses that disqualify a party from obtaining a license
 - c. Criminal offenses that do not disqualify a party from obtaining a license if the offense is more than five years old
3. Number of retail dispensary licenses allowed at any time
4. Establish license renewal schedule, procedures, and fees
5. Specify reasons license suspended, revoked, or renewal withheld
6. Standards to lift license or registration suspension
7. Procedures and requirements for registration of patients and caregivers
8. Training requirements of employees of retail dispensaries
9. Determine whether a retail dispensary that existed at a location before a school, church, public library, public playground, or public park became established within 500 feet of the cultivator or processor may remain in operation, shall relocate, or have license revoked
10. Specify by form and tetrahydrocannabinol content the 90-day supply allowed for possession by a patient
11. Paraphernalia and accessories allowed to administer weed to registered patient
12. Procedures for issuance of patient and caregiver identification cards
13. Forms and methods of medical marijuana use attractive to minor patients
14. All of the following:
 - a. Criminal offenses that disqualify a person from employment with a license holder
 - b. Criminal offenses that do not disqualify a person from employment with a license holder if the offense is more than five years old
15. Establish a program to assist veterans and indigent patients in obtaining medical marijuana

In addition, the law states that no less than 15% of all licenses available must go to Ohio residents who are also a member of one of the following economically disadvantaged group: Blacks/African Americans, American Indians, Hispanics/Latinos, and Asians.

Again, the rules, standards, and procedures for the Program have not been established. This is an overview and list of the rules, standards, and procedures the Program must develop once it is established and functioning; until then, no licenses are available.

Roetzel will continue to provide updates as more information is released but do not hesitate to contact us with further questions or concerns.

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