

---

# The Impact of Ohio's Medical Marijuana Legislation

DARRYL A. BRAKE  
EXECUTIVE DIRECTOR, SUMMIT COUNTY COMMUNITY PARTNERSHIP

---

## Timeline

- ▶ September 8, 2016 – House Bill 523 Effective
- ▶ November 1, 2016 – First Medical Marijuana Advisory Committee meeting
- ▶ May 6, 2017 – Cultivator rules adopted
- ▶ September 8, 2017 – All other rules adopted
- ▶ September 8, 2018 – Ohio Medical Marijuana Control Program operational
- ▶ October 8, 2021 – Medical Marijuana Advisory Committee sunsets

## Who is Responsible?

### Department of Commerce

- Cultivators
- Processors
- Testing laboratories

### Pharmacy Board

- Dispensaries
- Patients/Caregivers
- New forms and methods of medical marijuana

### Medical Board

- Certified physicians
- New qualifying conditions

## Ohio Department of Commerce

- ▶ Issue licenses to medical marijuana cultivators, processors and testing laboratories in the State of Ohio, which includes the following:
  - ▶ Number of licenses issued for each business type;
  - ▶ Production control mechanisms; and
  - ▶ Eligibility criteria for licensure.
- ▶ Develop rules necessary for the administration of the program, such as:
  - ▶ Facility security;
  - ▶ Product quality control and assurance;
  - ▶ Packaging and labeling standards;
  - ▶ Product consistency and availability; and
  - ▶ Testing laboratory standards and uniformity of analysis.
- ▶ Establish enforcement and compliance measures with licensure requirements.

---

## Ohio State Board of Pharmacy

### Responsible for rules relating to:

- Registration of patients/caregivers
- Retail dispensaries
- Form and method of medical marijuana, including a 90-day supply

### Authorized to:

- Enforce rules related to patients/caregivers and dispensaries
  - Use Ohio Automated Rx Reporting System for the collection of information related to dispensing medical marijuana to registered patients
  - Disseminate registered patient information to retail dispensaries
- 

## Approved Forms

- Oils
  - Tinctures
  - Plant Material
  - Edibles
  - Patches
-

## Not Approved Forms

- ▶ Forms and methods considered attractive to children
- ▶ Forms that require smoking or combustion

## Allowable THC Content

Form	90-Day Supply
Tier I plant material (up to 23% THC)	8 ounces of plant material; 10 ounces for terminal exception
Tier II plant material (over 23% THC)	5.3 ounces of plant material; 6.6 ounces for terminal exception
Oils for vaporizing	53.1 grams of THC; 65.7 grams for terminal exception
Patches for transdermal administration	26.6 grams of THC; 33.3 grams for terminal exception
Edibles, oils, and tinctures for oral administration	9.9 grams of THC; 11.7 grams for terminal exception

## State Medical Board of Ohio

- Recommending versus Prescribing
  - The Federal government prohibits doctors from being able to prescribe marijuana
- Oversee Certificate to Recommend process for Physicians
  - Online CTR application slated to be in place Spring 2018
  - Completion of 2 hours CME required for CTR applicants
- Procedures when applying for a certificate to recommend medical marijuana
- Conditions that must be met to be eligible for a certificate to recommend
- Schedule and procedures for renewing a certificate to recommend
- Reasons for which a certificate to recommend may be suspended or revoked
- Standards under which a suspension of a certificate to recommend may be lifted
- Minimal standards of care when recommending treatment with medical marijuana

## Qualifying Conditions

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• AIDS</li> <li>• Amyotrophic Lateral Sclerosis</li> <li>• Alzheimer's Disease</li> <li>• Cancer</li> <li>• Chronic Traumatic Encephalopathy</li> <li>• Crohn's Disease</li> <li>• Epilepsy / Seizure Disorder</li> <li>• Fibromyalgia</li> <li>• Glaucoma</li> <li>• Hepatitis C</li> </ul> | <ul style="list-style-type: none"> <li>• Inflammatory Bowel Disease</li> <li>• Multiple Sclerosis</li> <li>• Pain: Chronic/Severe or Intractable</li> <li>• Parkinson's Disease</li> <li>• Positive Status for HIV</li> <li>• Post-traumatic Stress Disorder</li> <li>• Sickle Cell Anemia</li> <li>• Spinal Cord Disease or Injury</li> <li>• Tourette's Syndrome</li> <li>• Traumatic Brain Injury</li> <li>• Ulcerative Colitis</li> </ul> |
|---|---|

---

## Medical Marijuana Card

- ▶ Only persons who have had a physician recommend medical marijuana will receive a card
- ▶ Cards must be presented at all times when purchasing marijuana from a dispensary

---

## Employer Provisions

House Bill 523 does not:

- ▶ Require an employer to permit or accommodate an employee's use, possession, or distribution of medical marijuana;
  - ▶ Prohibit an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action because of that person's use, possession, or distribution of medical marijuana;
  - ▶ Prohibit an employer from establishing and enforcing a drug testing policy, drug-free workplace policy, or zero-tolerance drug policy;
  - ▶ Interfere with any federal restrictions on employment;
  - ▶ Permit a person to commence a cause of action against an employer for refusing to hire, discharging, disciplining, discriminating, retaliating, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment related to medical marijuana;
  - ▶ Affect the authority of the administrator of workers' compensation to grant rebates or discounts on premium rates to employers that participate in a drug-free workplace program.
-

---

## Employers Action Items

- Consult with your attorney or drug free workplace policy consultant
    - To determine how your business is going to treat medical marijuana.
    - Review your handbook policies and update them to specifically address medical marijuana.
    - Educate employees and managers on what to look for to know if someone is impaired at work, whether due to marijuana or other drugs, and have a process for alerting management.
  - Contact insurers, third-party administrators, and your attorney to obtain both information on how they will be treating medical marijuana and any information regarding your policies.
  - Communicate with your employees
- 

---

## Municipality & Township Provisions

- ▶ The legislative authority of a municipal corporation may adopt an ordinance, or a board of township trustees may adopt a resolution, to prohibit, or limit the number of, cultivators, processors, or retail dispensaries licensed under this chapter within the municipal corporation or within the unincorporated territory of the township, respectively.
  - ▶ Municipalities or townships cannot adopt an ordinance or resolution limiting 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.
-

---

## Effect on Workers' Compensation

- Maintains the status quo as far as how marijuana, medical or otherwise, is treated under Ohio workers' compensation law.
- Drug testing policies under the BWC's Drug-Free Safety Program remain valid.
- The rebuttable presumption that an employee is ineligible for workers' compensation benefits if the employee, when under the influence of medical marijuana, causes his/her own workplace injury remains valid.

---

## A note about Federal Law

- Marijuana is still illegal under federal law.
- Sixth Circuit Court of Appeals, covering Ohio, Pennsylvania, Kentucky, Michigan, and Tennessee, has consistently upheld a private employer's ability to enforce workplace policies and take adverse employment actions against individuals with a medical marijuana card.
  - *Casias v. Wal-Mart Stores, Inc.*, 695 F.3d 428 (6th Cir. 2012)

---

## Effect on Portage County

- ▶ One Level II Cultivation License issued (FN Group Holdings, 4000 Lake Rockwell Rd., Ravenna, OH 44266)
- ▶ 202 Physicians in Portage County hold CTR Licenses

---

## Important Reminders

- ▶ Medical Marijuana should be locked away at all times
  - ▶ Do not drive after consuming medical marijuana
  - ▶ Use of medical marijuana in public is illegal
  - ▶ Medical marijuana cannot be smoked in Ohio
  - ▶ Employers do not have to accommodate use.
-

---

## Important Cautions

- ▶ Numerous studies show impacts of marijuana on mental health, including psychosis, anxiety & earlier onset of schizophrenia
- ▶ The youth brain does not fully develop until 25. The impact of medical marijuana on youth brains is not known. Numerous studies indicate loss of motivation, reduced school success, and reduced IQ with persistent marijuana usage.

---

## A Special Thank You

This presentation was put together with help of materials from the

- ▶ Ohio Medical Marijuana Commission
- ▶ Ohio Chamber of Commerce
- ▶ Ohio Association of County Behavioral Health Authorities

---



## Contact Information

**Darryl A. Brake**

*Executive Director*

Summit County Community Partnership

PO Box 14

Akron, OH 44309-0014

Phone: (330) 374-0947

Email: [dbrake@cpsummit.org](mailto:dbrake@cpsummit.org)