

LSC 131 2415-3 Medical Marijuana Bill Outline

To permit cultivating, processing, recommending, testing, dispensing, possessing, and consuming medical marijuana in accordance with the bill's provisions

1. Creates Medical Marijuana Control Commission under the auspice of ODH
 - 9 member commission
 - Commissioners shall be paid equal to the salary received by commissioners on the Liquor Control Commission
 - The Chairman shall be one of the Governor's appointees
 - The appointees will represent a member of the following groups:
 - 1 physician appointed by the Governor
 - 1 law enforcement representative appointed by the Governor
 - 1 employer representative appointed by the Governor
 - 1 labor representative recommended by the Senate President and appointed by the Governor
 - 1 pharmacist recommended by the Senate President and appointed by the Governor
 - 1 representative of the general public recommended by the Senate President and appointed by the Governor
 - 1 representative of a pro-medical marijuana advocacy group recommended by the Speaker and appointed by the Governor
 - 1 representative from alcohol and drug addiction treatment recommended by the Speaker and appointed by the Governor
 - 1 representative from mental health treatment recommended by the Speaker and appointed by the Governor
2. Deadlines/Timeframe
 - All appointments shall be made within 30 days after the effective date of the bill
 - 30 days after the final appointment has been made, there shall be an organizational meeting of the commission
 - Rules necessary for carrying out their duties must be adopted by 1 year following the date of the organizational meeting
 - 1 year after the rules are adopted, the medical marijuana program shall be fully operational
3. Duties of the commission-Responsible for regulating and licensing all of the following:
 - Cultivators of Medical Marijuana
 - Retail Dispensaries of Medical Marijuana
 - Independent Labs required to test all medical marijuana
 - Processors of Medical Marijuana
 - Physicians wishing to be authorized by the Commission to make recommendations to a patient to receive medical marijuana
4. Regarding Physicians who Make Medical Marijuana Recommendations

- Must be a physician licensed and regulated by the State Medical Board
 - There must be a legitimate patient physician relationship between the physician and the patient as described in the bill
 - The physician must keep track of the patients to whom he or she recommends medical marijuana, the conditions for which he or she recommended medical marijuana, why medical marijuana was recommended as opposed to other treatment, and in what form they recommended medical marijuana
 - Every 90 days, the physician shall report to the commission the information in the above dot point but only report the number of patients who were recommended marijuana—not their identities
 - A physician shall also annually report to the Commission on the efficacy of the medical marijuana therapy
 - A physician shall not recommend medical marijuana to a patient for a period of time exceeding 90 days. The physician may issue another recommendation after a follow-up visit when the 90 day period ends
 - A physician shall not personally furnish or dispense medical marijuana
5. Regarding Cultivators of Medical Marijuana
- The Commission shall determine regulatory requirements by rule taking into account best practices
 - The Commission shall set a quota based on population and ensuring adequate access for patients throughout Ohio
6. Regarding Independent Labs
- Labs shall have no business affiliation with any other licensee of the Commission
 - Labs shall test for potency, homogeneity, and contamination in accordance with the rules set by the Commission
7. Regarding Processors
- Processors shall be responsible for packaging marijuana from the cultivator and making it into a form suitable for the dispensary
 - Allowable forms of marijuana may include edibles, patches, plant material, and oils in accordance with rules adopted by the Commission
 - All medical marijuana shall be in tamper-resistant packaging and be clearly labeled
 - All medical marijuana shall include the THC and CBD content of the medical marijuana
 - No medical marijuana shall be in a form that is considered to be attractive to children
8. Regarding Dispensaries
- The Commission shall establish rules governing dispensaries using best practices
 - The Commission shall establish rules governing what methods of consuming medical marijuana shall be allowed
 - Dispensaries shall dispense medical marijuana to patients in accordance with the recommendation from the physician
 - The Commission shall set a quota for dispensaries based on population
 - The Commission shall establish what training shall be required for employees of the dispensary

- Dispensaries shall report to OARRS medical marijuana dispensed in a manner similar to how prescription drugs are reported to OARRS currently
- A dispensary may query OARRS regarding a patient seeking to obtain medical marijuana. If requested, OARRS shall issue a report to the dispensary

9. General Provisions

- Home cultivation shall be prohibited
- The Commission shall conduct background checks on all applicants as well as the entity's administrator and corporate officers
- The Commission shall establish rule framework for requirements for all applicants except physicians
- The Commission shall establish a record containing number of patients and medical conditions for which medical marijuana is recommended
- Similar to the three-tier system in regulating liquor, there shall be no overlap in the different regulatory structures under the Commission. Cultivators, processors, and dispensaries must be separate
- The Commission shall adopt rules regarding in what forms medical marijuana may be used, but if they allow medical marijuana to be smoke, smoking marijuana in a public place shall be prohibited
- The Commission shall implement a real time tracking system to track medical marijuana in every phase of the process. The tracking system shall record when the cultivator received the seeds, the source from which the cultivator acquired the seeds, and every step of the process continuing until the medical marijuana is obtained by the patient at the dispensary. The Commission may contract with a vendor to accomplish this
- There shall be an uncodified section that states that the General Assembly and the Administration shall advocate Congress and the DEA to reschedule Marijuana from a Schedule I to a Schedule II in order to increase access to legitimate medical research on medicinal marijuana
- There shall be an uncodified section that states that the General Assembly shall create an incentive program for institutions of higher education and medical institutions within the state to perform academic and medical research on medical marijuana
- A financial institution that provides banking services to any entity licensed by the Commission shall be exempt from any criminal law as it relates to the provisions of this bill
- Minors participating in medical marijuana must have consent from a parent or guardian
- Townships and municipal corporations shall retain the ability through their legislative governing body to prohibit, zone, or limit the number of dispensaries within their jurisdiction
- Medical marijuana establishments (dispensaries, processors, independent testing facilities, and cultivators) shall be prohibited from being situated within 500 feet of a school, church, public library, public playground, or public park

10. Regarding Employers

- Clarifies that employers are not required to accommodate an employee's use of medical marijuana
- Allows an employer to refuse to hire, discharge, or take adverse employment action against a person because of that person's use of medical marijuana
- Disqualifies from eligibility for unemployment compensation benefits an individual who is discharged from employment because of that person's use of medical marijuana
- Clarifies that this bill does not affect the authority of the BWC to grant rebates or discounts on premium rates that participate in a drug free workplace program

11. Funding and Taxes

- Grants permission to the commission to set the licensing fees for the entities they license
- States that the General Assembly will assess a point of sale tax on the medical marijuana dispensed to patients at the dispensaries