

Substitute HB 523 Outline

1. Creates Medical Marijuana Control Commission under the auspice of the Department of Commerce
 - 9 member commission
 - No more than 4 members of the Commission shall be from 1 political party
 - Commissioners shall not be paid salary but shall receive a per diem
 - Governor shall appoint:
 - 1 physician
 - 1 local law enforcement representative
 - 1 employer representative
 - Senate President shall appoint:
 - 1 labor representative
 - 1 pharmacist
 - 1 patient advocate
 - Speaker of the House shall appoint:
 - 1 representative of a pro-medical marijuana advocacy group
 - 1 representative from alcohol and drug addiction treatment
 - 1 representative from mental health treatment
2. Deadlines/Timeframe
 - All appointments shall be made within 30 days after the effective date of the bill
 - Within 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 within 1 year following the date of the organizational meeting
 - Within 1 year after the rules are adopted, the medical marijuana program shall be fully operational
3. Duties of the Commission
 - The Commission shall license the following:
 - Cultivators of Medical Marijuana
 - Retail Dispensaries of Medical Marijuana
 - Independent Labs required to test all medical marijuana
 - Processors of Medical Marijuana
 - Recommend rules to the department regarding the regulation of licensees
 - The Commission shall consult and cooperate with the Pharmacy Board regarding all rules pertaining to dispensaries
 - The Commission shall consult and cooperate with the Medical Board regarding all rules pertaining to physicians
 - The Department of Commerce shall adopt all rules consistent with the recommendations of the Commission
 - The Commission may revoke or suspend the license of a licensee or fine the licensee for non-compliance

- The Commission may inspect a licensee without prior notice
- The Commission shall establish a toll-free call-in number for patients and health care professions for adverse reactions to medical marijuana
- The Commission shall establish a program to help qualifying patients who are veterans or indigent obtain medical marijuana
- The Commission shall attempt to negotiate reciprocity agreements in good faith with other states which have medical marijuana laws substantively similar to Ohio's. Negotiated reciprocity agreements shall be adopted into rule
- The Commission shall administer patient and caregiver identification cards
- The Commission shall conduct background checks on all applicants as well as the entity's administrator and corporate officers
- The Commission shall establish a record containing number of patients and medical conditions for which medical marijuana is recommended
- 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
- The Commission shall attempt to meet minority business enterprise benchmarks for licensees in a manner similar to how state contracts are awarded

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 initial recommendation for medical marijuana shall not be for a duration of longer than 90 days after which a follow-up visit is required. After the follow-up visit, the physician may recommend medical marijuana to the patient for up to 1 year in 90 day intervals
- After this year is up, the above dot point shall be repeated in order for the patient to continue receiving medical marijuana
- 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 the following information to the Commission:
 - The number of patients to whom he or she recommended medical marijuana
 - The medical conditions for which he or she recommended medical marijuana (this can be done through the dispensary using ICD-10)
 - Why medical marijuana was recommended as opposed to another form of treatment
 - The form or forms of medical marijuana recommended to the patients

- A physician shall also annually report to the Commission on the efficacy of the medical marijuana therapy
 - The reporting requirements in the above two dot points shall also be reported to the Medical Board
 - A physician shall not personally furnish or dispense medical marijuana
 - A physician shall include in their recommendation the amount of THC in the medical marijuana he or she is recommending
 - Commission may remove a physician from the registry of physicians authorized to recommend medical marijuana for non-compliance
 - A physician shall not recommend medical marijuana for himself or herself
 - A physician who recommends medical marijuana shall not have a financial interest in an entity licensed by the Commission
5. Regarding Cultivators of Medical Marijuana
- The department shall determine regulatory requirements by rule consistent with the commission's recommendations taking into account best practices
 - The Commission shall set a quota based on population and ensuring adequate access
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 and the Acceptable Forms of Medical Marijuana
- Processors shall be responsible for packaging marijuana from the cultivator and making it into a form suitable for the dispensary
 - A processor when packaging medical marijuana for the dispensary shall comply with federal child-resistant effectiveness standards
 - Allowable forms to be dispensed to the patient are oils, tinctures, plant material, edibles, and patches
 - Plant material shall have a THC content of between 3% and 35% (Note: the physician will recommend the amount of allowable THC in the recommendation for each patient)
 - Extracts shall have a THC content of no more than 70% (Note: the physician will recommend the amount of allowable THC in the recommendation for each patient)
 - 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 (in consultation and cooperation with the Pharmacy Board)
 - 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 and in order to ensure adequate geographic access to qualifying patients

- 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. Allowable Conditions

- Allowable conditions include: Cancer, Tourette's syndrome, epilepsy or another seizure disorder, Parkinson's disease, traumatic brain injury, glaucoma, Crohn's disease, ulcerative colitis, inflammatory bowel disease, Sickle-cell anemia, spinal cord disease, spinal cord injury, chronic traumatic encephalopathy, amyotrophic lateral sclerosis, multiple sclerosis, PTSD, HIV, AIDS, hepatitis C, and pain that is chronic, severe, or intractable
- Rules may allow for other conditions to be included. Any rule to add an allowable condition must be done in consultation and cooperation with the medical board

10. General Provisions

- Smoking medical marijuana shall be prohibited
- Vaporization or other similar inhalant devices shall be permitted
- Home cultivation shall be prohibited
- 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 1,000 feet of a school, church, public library, public playground, or public park
- The Medical Board shall establish rules regarding continuing medical education requirements for a physician who recommends medical marijuana to patients
- The Medical Board shall adopt rules regarding the minimum standard of care for physicians when recommending medical marijuana to a patient
- Radio and television advertisement of medical marijuana shall be prohibited

- A patient shall not be arrested or prosecuted for obtaining, possessing, or consuming medical marijuana in accordance with this law
- A caregiver shall not be arrested or prosecuted for possessing medical marijuana, obtaining medical marijuana on behalf of a patient they are caring for, or assisting a patient to take medical marijuana
- CPAs, attorneys, and medical professionals shall not be subject to administrative disciplinary action based solely on providing professional services regarding medical marijuana
- Nothing in this law shall be construed to violate any provision of HIPAA
- Unless there is clear and convincing evidence that a child is unsafe, the use, possession, or administration of medical marijuana in accordance with this law shall not be the sole basis for an adverse decision taken against someone in a parenting time order or allocation of parental rights and responsibilities
- Nothing in this law permits the operation of a motor vehicle while under the influence of medical marijuana
- Patients and caregivers may not possess an amount of medical marijuana exceeding a 90 day supply in accordance with the physician recommendation

11. 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

12. Funding and Taxes

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