



# Ohio Medical Marijuana Law Summary

On June 8, 2016, Gov. John Kasich signed into law H.B. 523, making Ohio the 25th state to adopt a workable medical marijuana law. The House approved the measure on May 10, 2016, and the Senate passed it 15 days later, on May 25. Legislators passed the bill in response to pressure from the state patient community as well as a constitutional voter initiative being proposed by Ohioans for Medical Marijuana, backed by the Marijuana Policy Project. Once the bill passed, the campaign was suspended.

**Timeline and Regulatory Authority:** The medical marijuana law goes into effect on September 8, 2016 and will likely take at least a year to fully implement. Regulatory oversight will be shared among three agencies, which will write rules following the effective date. The Department of Commerce has until March 6, 2017 to adopt rules to oversee cultivators and testing labs. The Board of Pharmacy, which will oversee the patient registry and dispensaries, and the State Medical Board of Ohio, which will oversee physicians, will both have until September 6, 2017 to create and adopt rules.

**Qualifying Medical Conditions:** Ohio includes several qualifying medical conditions in its program — including AIDS, Alzheimer's disease, amyotrophic lateral sclerosis, cancer, chronic traumatic encephalopathy, Crohn's disease, epilepsy or another seizure disorder, fibromyalgia, glaucoma, hepatitis C, inflammatory bowel disease, multiple sclerosis, chronic or intractable pain, Parkinson's disease, positive status for HIV, PTSD, sickle cell anemia, spinal cord disease or injury, Tourette's syndrome, traumatic brain injury, and ulcerative colitis. The state medical board may add other diseases or medical conditions.

**Certifying Physicians:** To qualify for the program, a patient must be diagnosed with a qualifying medical condition and receive a recommendation from a physician approved by the state. An in-person physical examination is required, and the physician must have an expectation of providing ongoing care for the patient. The physician will submit the required paperwork directly to the state on behalf of the patient seeking registration.

**Usage Limitations:** Patients will have access to medical marijuana, including whole plant, extracts, and infused products such as food items. Under the law passed by lawmakers, raw cannabis may not be smoked, but may be vaporized. Patients will be limited to a 90-day supply of medical marijuana in its various forms, with the exact amount to be determined by the Board of Pharmacy.

**Health Insurance:** Government medical assistance programs and private health insurers are not required to reimburse any costs involved with the use of medical cannabis or any costs associated with an employer having to make accommodations for the use of medical cannabis in the workplace.

**Out-of-State Patients:** Ohio may decide to enter into agreements with other medical marijuana states with similar programs, which would allow residents of those states to obtain assistance while in Ohio, and vice versa. The specific requirements have not yet been established, and it is likely the state will not automatically recognize patients from every medical marijuana state.

**Growers:** The Department of Commerce will establish the number of cultivators allowed during the rule-making process based on anticipated demand. The department will also establish requirements

related to seed-to-sale tracking systems, bookkeeping, and surveillance and other security systems.

**Dispensaries:** Similarly, the Board of Pharmacy will establish the number of dispensaries in the state according to population and expected demand, although unlike cultivators, dispensary locations will be based on the distribution of the state population. The board will also adopt tracking, security, and other requirements.

**Legal Protections:** Registered patients and their designated caregivers will be protected from arrest, prosecution, and discrimination in child custody matters. Registration status alone cannot be used as the basis for a DUI investigation, nor can patients be discriminated against when seeking either organ transplants or housing. Employers do not have to accommodate employees' on-site use, but prospective employers cannot refuse to hire due to a person's registry status. Legal protections do not take effect until the patient has been issued a medical cannabis registration card.

**Taxes and Fees:** The regulatory authorities will set application fees for patients and businesses. While prescription drugs are exempted from sales taxes in Ohio, medical marijuana is not available under a prescription, so exemption for prescriptions will not apply. The state sales tax rate is currently 5.75% for retail sales, and depending on additional rates set by local municipalities, the total sales tax can be as high as 8% at the register.