MEDICAL MARIJUANA IN THE STATE OF OHIO

The State of Ohio passed House Bill 523 the "Medical Marijuana Control Program" law in 2016, establishing a multi-year plan to adopt comprehensive regulations regarding the cultivation, processing, dispensing, testing, recommending, and use of medical marijuana in Ohio.

IMPORTANT HIGHLIGHTS OF THE NEW LAW

These are **four categories** of medical marijuana entities:

1 **CULTIVATOR**
grows the medical marijuana plant and must be in a secure, indoor facility.

2 **PROCESSOR**
processes the raw plant into a medical product for patient use. Forms allowed by Ohio law: oils, tinctures, plant material, edibles and patches. The law prohibits any form that is attractive to children.

3 **RETAIL DISPENSARY**
dispenses the product to patients with a legal physician recommendation, similar to a pharmacy.

4 **TESTING LABORATORY**
undertakes scientific and medical research regarding marijuana.

- Prohibits the use of medical marijuana by smoking or combustion.
- Prohibits a cultivator, processor, retail dispensary, or laboratory from being located within 500 feet of a school, church, public library, public playground, or public park.
- Requires qualified physicians to obtain a "certificate to recommend" medical marijuana from the State Medical Board of Ohio in order to recommend medical marijuana to patients.

- Allows certified physicians to issue recommendations for medical marijuana to patients to treat one of the following **qualifying medical conditions:**
  (subject to addition by the State Medical Board)

  - AIDS,
  - amyotrophic lateral sclerosis,
  - Alzheimer's disease,
  - cancer,
  - chronic traumatic encephalopathy,
  - Crohn's disease,
  - epilepsy or another seizure disorder,
  - fibromyalgia,
  - glaucoma,
  - hepatitis C,
  - inflammatory bowel disease,
  - multiple sclerosis,
  - pain that is either chronic and severe or intractable,
  - Parkinson's disease,
  - positive status for HIV,
  - post-traumatic stress disorder,
  - sickle cell anemia,
  - spinal cord disease or injury,
  - Tourette's syndrome,
  - traumatic brain injury,
  - ulcerative colitis.

HOW THE NEW OHIO LAW WILL IMPACT RESIDENTS AND BUSINESSES:

- Medical marijuana will provide **relief to patients suffering from serious illnesses.**
- Employers in Ohio can still maintain zero-tolerance drug policies and unemployment compensation can be denied to individuals terminated for the use of medical marijuana.
- Landlords cannot reject or evict a tenant based solely or primarily on the tenant's status as a marijuana patient, unless required by federal law.
- Medical marijuana transactions must be reported, but patient information is **confidential.**

MEDICAL MARIJUANA IN THE CITY OF AKRON

On September 12, 2016, Mayor Horrigan proposed and Akron City Council passed a moratorium on all medical marijuana operations in the City of Akron until such time as the City could implement a comprehensive and restrictive plan for zoning and licensing of such facilities in the City.

HOW IS THE CITY OF AKRON PROPOSING TO REGULATE MEDICAL MARIJUANA IN AKRON?

1 THE CITY WILL **CONTINUE TO ENFORCE EXISTING CRIMINAL LAWS** PROHIBITING:

- The use or possession of marijuana by individuals who do not possess a valid recommendation to use/possess medical marijuana under the state law.
- Driving while impaired by drugs, including marijuana.
- The illegal sale or purchase (trafficking) of drugs, including marijuana.

2 THE CITY WILL PASS **NEW LOCAL LAWS THAT WILL HEAVILY REGULATE MEDICAL MARIJUANA FACILITIES IN AKRON:**

- **Prohibit** any medical marijuana facility from locating **within 500 feet of a school, church, public park, public playground, or public library.**
- **Prohibit** medical marijuana facilities in any **traditional residential zone.**
- Require all medical marijuana facilities to obtain a **conditional use permit** from Akron City Council before locating in the City. **Council can deny a conditional use to any medical marijuana facility that would negatively impact the safety or economic welfare of the neighborhood or the City.**
- Require all medical marijuana facilities to **cooperate with the Akron Police Department and the City regarding security, inspections, etc.**
- Implement a **comprehensive City licensing** program for all medical marijuana facilities and to collect fees.

For more information, visit: **www.medicalmarijuana.ohio.gov/**

AUTHORITY OF CITIES UNDER THE OHIO MEDICAL MARIJUANA LAW:

- The State of Ohio grants cities broad authority to regulate the location, number, and licensing of medical marijuana entities in their community.
- The City of Akron cannot prohibit the legal use or possession of medical marijuana by registered patients or caregivers in their City.
- The City of Akron cannot prohibit physicians from legally recommending medical marijuana to patients in their City.

WHEN WILL THESE CHANGES TAKE PLACE?

- Under the new Ohio law, medical marijuana must be available for licensed patients by September 2018.
- Over the next year and a half, prospective medical marijuana facilities will compete for a limited number of state operating licenses, and if seeking a location within Akron, will need to comply with zoning and licensing requirements before opening for business.