

Questions remain as Ohio medical marijuana law takes effect

September 8 2016, by Julie Carr Smyth

Ohio has yet to outline how exactly its new medical marijuana law will work even as it takes effect Thursday, leaving a host of unanswered questions by doctors, patients, pharmacists, police and many others.

Rules for producing, prescribing and distributing cannabis to eligible patients are expected to take up to a year to craft.

Ohio is the 25th state to legalize medical marijuana. Its law was fast-tracked by a Republican-controlled Legislature after it appeared all but inevitable voters would do it if lawmakers didn't.

The narrow law has an implementation schedule that's slower than in some other states.

How soon real access comes, remains to be seen. The program isn't required to be fully operational until September 2018.

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UNCERTAINTY ABOUNDS

The law allows people with certain listed ailments—including AIDS, Alzheimer's, cancer, PTSD and pain—to begin using marijuana immediately. But it's unclear where they would legally get it.

Cultivators, processors, dispensaries and testing laboratories have yet to

get their marching orders. And about a dozen mostly small communities have declared moratoriums on dispensaries that could affect access even after the rules are written.

"The law is here—but that doesn't mean that patients are going to be able to get marijuana any time soon," said Aaron Marshall, of Ohioans for Medical Marijuana.

DOCTORS IN LIMBO, WORKPLACES IN FLUX

The state Medical Board has yet to issue guidance to doctors for recommending marijuana to patients.

"Doctors really are in limbo," said Reginald Fields, a spokesman for the Ohio State Medical Association. "There's a little confusion out there, so we're essentially asking physicians to stand by until some of these issues are clarified and we can assure they're acting on the right side of the law."

Meanwhile, it could be a new world at work. Private or public sector employers aren't required to abandon drug testing or zero-tolerance policies, yet employees have new rights under the law to use marijuana in oil, edible, patch and vapor form. Smoking is still prohibited.

NAVIGATING FEDERAL LAW

The clash between Ohio's law and a federal prohibition against the drug further muddies the waters for police and prosecutors, poses complications as patients move through airports and prevents banks from

touching marijuana-related cash.

"Our members are in an untenable position," said James Thurston, of the Ohio Bankers League. "There are businesses that want banking services, but we can't legally provide banking services to those businesses."

He said doing so would violate a laundry list of federal laws, including the Controlled Substances Act, the Bank Secrecy Act, the Patriot Act and RICO, the law against organized crime.

ETHICS WOES FOR LAWYERS

Ohio lawyers, too, are in a holding pattern.

A rule has been proposed at the Ohio Supreme Court that would let attorneys counsel clients seeking to comply with the law without violating their rules of professional conduct.

The suggested amendment, in public comment through Sept. 18, addresses concerns that advising marijuana-related businesses would be unethical because using, growing and selling marijuana is a federal crime.

WHAT'S NEXT

The law creates a Medical Marijuana Advisory Committee to help develop regulations and make recommendations for putting a medical marijuana system in place. It gives 30 days from Thursday for appointees to be named.

Marshall said patients will be eagerly waiting.

"The reality is that, right now, there are Ohioans that are using marijuana for medical purposes. They're just doing it illegally. They're getting it from the black market or from their friends or wherever," he said. "I know there are a lot of moving pieces, but that's going to be how it continues until these rules are put in place."

More information: Ohio Medical Marijuana Control Program:
medicalmarijuana.ohio.gov/

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