

### Summary of proposed Amendment

The Ohio Alternative Treatment Amendment allows practitioners, during the course of a bona fide practitioner-patient relationship, to recommend cannabis to patients as a treatment for a qualifying medical condition. Furthermore, this amendment protects patients and their providers from penalties or disciplinary action for the medical use of cannabis, establishes a registry program for law enforcement to distinguish between the medical and nonmedical use of cannabis, and allows the state of Ohio to redistribute funds generated through the registry program toward the funding of law enforcement, public education, and safety resources within the state.

- This amendment does not allow a person to provide cannabis to a minor, a person to expose a minor to second hand cannabis smoke, or a person to smoke cannabis in any public place.
- This amendment shall not authorize any person to engage in, and does not prevent the imposition of any civil, criminal, or other penalties for possessing cannabis or otherwise engaging in the medical use of cannabis in a school bus, on the grounds of any school, in any correctional facility, or when doing so would constitute professional negligence or malpractice.
- Operating, navigating, or controlling any motor vehicle, aircraft, or motorboat while under the influence of cannabis is not protected under this amendment, except that a patient or a visiting patient shall not be considered under the influence of cannabis solely because of the presence of metabolites or components of cannabis that appear in insufficient concentration to cause impairment.
- Nothing in this amendment shall require a government medical assistance program or a private health insurer to reimburse a person for costs associated with the medical use of cannabis, or require any person or establishment in lawful possession of property to allow a person to smoke or cultivate cannabis on that property.
- Nothing in this amendment will require an employer to allow an employee to work while under the influence of cannabis or administer cannabis at the workplace, except that a patient must demonstrate impaired behavior as a result of cannabis use to be considered under the influence of cannabis.

All cannabis plants cultivated pursuant to this amendment shall be kept in enclosed and locked facilities accessible only by cardholders at locations disclosed to the Ohio Department of Health, herein referred to as "the department." Persons who have been issued a registry card are deemed "cardholders." Cardholders are comprised of the following categories:

(1) "Patient": A person who is at least 18 years of age, has been diagnosed as having a qualifying condition, and possesses a valid patient registry card. Qualifying conditions include cancer, Parkinson's disease, Crohn's disease, HIV or AIDS, posttraumatic stress disorder, sickle cell anemia, glaucoma, and any condition added by the department following the passage of this amendment. Also included as a qualifying condition is a disease, condition, or treatment of a disease or condition that produces cachexia or wasting syndrome, severe nausea, severe pain, or severe and persistent muscle spasms including but not limited to those characteristic of multiple sclerosis. This amendment provides a patient with the right to possess up to 3.5 ounces of usable cannabis, and, unless the patient has specified that a caregiver or a safe access center may possess the patient's cannabis plants through the department's registry process, up to 12 cannabis plants.

(2) "Caregiver": A person who is at least 21 years of age, has agreed to possess no more than five patients' cannabis plants, and possesses a valid caregiver registry card. A caregiver may possess no more than twelve cannabis plants for each patient who has specified that the caregiver may possess the patient's cannabis plants through the department's registry program, unless the caregiver has specified that a safe access center may possess the patient's plants as through the department's registry program. Local zoning boards may enact zoning ordinances limiting the location of a caregiver's existing cultivation site within its jurisdiction if a safe access center designated to acquire usable cannabis from cardholders and provide usable cannabis to cardholders is physically located within five miles of the caregiver's proposed or existing cultivation site.

(3) "Safe Access Center Agent": A person who is at least 21 years of age and works, volunteers, or serves as a board member or a principal owner of a safe access center and possesses a safe access center registry card.

A visiting patient is a person who is not a resident of this state and possesses a valid patient registry card or its equivalent issued by a government not located in this state. A visiting patient may possess no more than 3.5 ounces of usable cannabis.

A person may be simultaneously registered with the department as a patient, caregiver, or safe access center agent.

Entities that have been issued a registry certificate by the department are deemed "safe access centers." A safe access center may possess no more than 8 patients' cannabis plants at a cultivation site disclosed to the department. With the welfare of Ohio's citizens in mind, specific limitations have been placed on the rights afforded to safe access centers and safe access center agents within this amendment.

Limitations on safe access centers: In an effort to avoid the placement of safe access centers in socially unacceptable areas, all safe access centers must obtain written approval from the local zoning board with jurisdiction over the proposed location of the safe access center prior to obtaining a registry certificate, and safe access centers may not be physically located within 1000 feet of the property line of a preexisting school, in a building zoned for residential use, a place of worship, daycare facility, drug or alcohol rehabilitation facility, boys club, girls club, YMCA, YWCA, recreation center, or any similar community center. In an effort to regulate the use of safe access centers, a patient may not obtain more than 3.5 ounces of cannabis from safe access centers in any 21 day period. To ensure compliance with this restriction, all safe access center agents are required to report the amount of cannabis provided to a patient including whether the cannabis was provided directly or through a caregiver, and confirm the amount of cannabis a patient is allowed to obtain through the department's verification system. In an effort to avoid offending

Ohio's citizenry, a safe access center may not display in public view advertisements or signage containing the word "cannabis" or synonyms of the word "cannabis," depictions of the medical use of cannabis, cannabis paraphernalia, or a cannabis plant or leaf. A safe access center shall not knowingly allow cannabis to be ingested or smoked on its property, may not have more than two physical locations in the state of Ohio, may have only one cultivation site which may contain up to 8 patients' cannabis plants, and may not possess more than 9.5 kilograms of usable cannabis.

Limitations on safe access center agents: A safe access center agent may not be simultaneously associated with more than one safe access center in the state of Ohio, and must carry documentation when transporting cannabis or cannabis plants on behalf of the safe access center specifying the amount of cannabis or cannabis plants being transported, the date of transportation, a contact number to verify that the cannabis is being transported on behalf of the safe access center for which the safe access center agent works or volunteers, and a valid safe access center agent registry card.

General protections: A safe access center or a cardholder engaging in the medical use of cannabis as allowed under this article shall not be subject to disciplinary action, arrest, face any penalties, or be denied any right or privilege including but not limited to employment or child custody by any court, financial institution, landlord, licensing board, employer, or any other entity for acquiring usable cannabis or cannabis plants from a cardholder or a safe access center, providing usable cannabis or cannabis plants to a cardholder, safe access center, or any institution for the purpose of federally or state approved testing or clinical trials, possession of cannabis that is incidental to medical use but is not usable cannabis, possession of cannabis paraphernalia, possession of usable cannabis, possession of cannabis plants, or for possession of a registry card or a registry certificate. A safe access center or a cardholder may receive compensation for assisting a patient with the medical use of cannabis, and such compensation shall not constitute the sale of a controlled substance.

Confidentiality: All information received and records kept by any person or entity for the purpose of administering this amendment are confidential and exempt from the Freedom of Information Act, and are not subject to disclosure to any individual or entity without the cardholder's or safe access center's permission, except as necessary for authorized employees of the department or an Ohio law enforcement official to perform official duties pursuant to this amendment, and it shall be a misdemeanor punishable by up to 6 months in jail and a \$5,000 fine for any person to breach the confidentiality of information obtained pursuant to this amendment, except that an employee of the department shall confirm a cardholder's status as a patient, caregiver, or safe access center agent, with his or her permission to a landlord, employer, school, medical professional, court, or Ohio law enforcement official.

The department: The department is required to perform duties necessary to administer this amendment in a timely fashion, including but not limited to creating verification systems accessible to Ohio law

enforcement and safe access centers on a 24 hour basis, accepting or denying applications and renewals in a timely fashion, and establishing regulations governing the manner in which it shall consider petitions from the public to add qualifying medical conditions. The department may contract with a 3<sup>rd</sup> party to process registry cards.

If at any time after the 120 days following the effective date of this amendment the department fails to: govern the manner in which it shall accept applications and renewals for patient registry cards, a written recommendation by a practitioner within the past 12 months shall be deemed a valid patient registry card, or, fails to respond to an application for a patient registry card within 30 days of receipt, the registry card shall be deemed granted, and a copy of the application or renewal along with a written recommendation shall be deemed a valid patient registry card, or, fails to respond to an application or renewal for a registry certificate within 30 days of receipt, a copy of the application along with written approval from the local zoning board will be deemed a valid registry certificate.

The department may suspend or revoke a registry certificate or registry card for serious or multiple acts outside of the limitations, requirements, or rights and protections within this article, or for acts not authorized by this article, and may deny an application or renewal that does not meet the requirements put forth in this amendment such as a satisfactory criminal background check. All department actions are considered final, and subject to judicial review vested in the Franklin County Court of Common Pleas.

For the purpose of this proposed amendment: "Medical use" means the acquisition, possession, administration, cultivation in an enclosed and locked facility, delivery, transportation, transfer, or use of cannabis or cannabis paraphernalia relating to the administration of cannabis to treat or alleviate a patient's qualifying medical condition, "Cannabis Plant" means a living plant of the genus cannabis with a root system at three inches in length, "Usable cannabis" means the dried, cured, and usable flowers of the cannabis plant and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant, or the weight of any non-cannabis ingredients combined with usable cannabis, such as ingredients added to prepare a topical administration, food, or drink, or cannabis in the process of drying and curing.