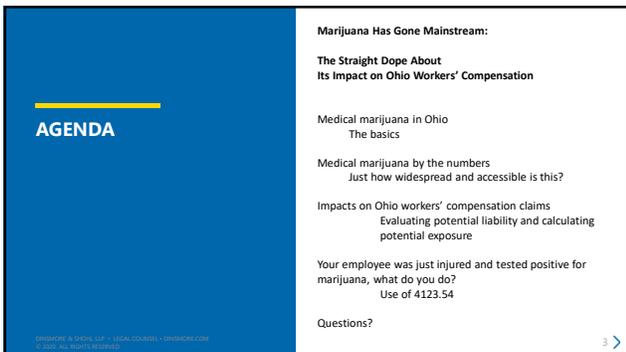




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Medical marijuana in Ohio



The basics

The legalization of marijuana for medical purposes formally began in 2016

Medical marijuana became legal as of September 8, 2018

Regulation of the licensure of cultivators, processors, and laboratories is overseen by the Ohio Department of Commerce

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The basics, continued

Licensure of retail dispensaries, registration of patients and their caregivers is managed by the Ohio Board of Pharmacy

The Pharmacy Board also regulates requirements for physicians to apply for and maintain certificates to recommend marijuana ("CTR")

Finally, the Pharmacy Board is also responsible for maintaining and amending the list of conditions for which medical marijuana may be prescribed ("recommended" is the term used in the medical marijuana context)

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The basics, concluded

36 states and the District of Columbia now authorize some use of medical marijuana

Interesting note: Virginia legalized medical marijuana as of July 1, 2020 and as of July 1, 2021, they will move to legalized recreational marijuana

Ohio joined the states authorizing some use when the first sales occurred in January 2019

The Federation of State Medical Boards, comprising over 70 medical boards, has adopted guidelines for medical marijuana that include:

- Physician-patient relationship
- An in person evaluation and history
- Informed and shared decision making
- A treatment agreement to review other treatment options, risks and benefits
- Requiring qualifying conditions

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Medical marijuana by the numbers

- Cultivators** There are currently **34** licensed Level I and II provisional licenses
- Dispensaries** There are currently **58** licensed dispensaries
The Ohio Board of Pharmacy recently announced up to an additional **73** dispensary licenses that will be awarded through application and a lottery during summer 2021
- Patients** There are currently **197,816** individuals registered as patients, up from **12,700** at the end of 2018
OARRS reports **158,397** unique patients who purchased medical marijuana
- Physicians** There are currently **675** providers registered to provide certificates of recommendation, up from **370** at the end of 2018

7

Marijuana – a cash crop in a growing market

Since it was made legal in Ohio, sales figures reveal the following as of March 20, 2021

	as of 3/20/2021	as of 3/23/2020	past year
Plant material sold	40,475 pounds	10,651 pounds	29,824 pounds
Units of manufactured product	3,115,754 units	582,495 units	2,533,259 units
Product sales	\$344 million	\$89 million	\$255 million
Plant sales average	\$30.46 per 1/10 oz.		
Manufactured unit average	\$42.69 per unit		



8

Impacts of medical marijuana on Ohio workers' compensation claims

Not much. Employer's rights are outlined in Ohio Revised Code 3796.28
Nothing in the law requires an employer to accommodate an employee's legal use of medical marijuana.

Sections 3796.21, Rights of employer;
Ohio Revised Code Title 37 Health, Safety, Morals
Chapter 3796 Medical Marijuana Control Program
Effective:
September 6, 2016
Latest amendments:
House Bill 323 / 131st General Assembly

- (A) Nothing in this chapter does any of the following:
- (1) Require an employer to permit or accommodate an employee's use, possession, or distribution of medical marijuana;
 - (2) Prohibit an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's use, possession, or distribution of medical marijuana;
 - (3) Prohibit an employer from establishing and enforcing a drug testing policy, drug-free workplace policy, or zero-tolerance drug policy;
 - (4) Impose any additional restrictions on employment, including the regulations adopted by the United States department of transportation in Title 49 of the Code of Federal Regulations, as amended;
 - (5) Permit a person to commence a cause of action against an employer for refusing to hire, discharging, disciplining, discriminating, retaliating, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment related to medical marijuana;
 - (6) Affect the authority of the administrator of workers' compensation to grant rebates or discounts on premium rates to employers that participate in a drug-free workplace program established in accordance with rules adopted by the administrator under Chapter 4123 of the Revised Code.
- (B) A person who is discharged from employment because of that person's use of medical marijuana shall be considered to have been discharged for just cause for purposes of division (B) of section 4123.20 of the Revised Code if the person's use of medical marijuana was in violation of an employer's drug-free workplace policy, zero-tolerance policy, or other formal program of policy regarding the use of medical marijuana.

9

Qualifying conditions

Ohio Revised Code § 3796.01(A)(6)

In Ohio, qualifying conditions are the following:

- AIDS
- Atrophic 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
- Chronic and severe or intractable pain
- 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

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10

Conditions that are relevant in the workers' comp world

Of the conditions that are qualifying, these could be most relevant in WC claims:

- Pain that is either chronic and severe or intractable
- Post traumatic stress disorder
- Spinal cord disease or injury
- Traumatic brain injury

It is worth noting conditions that have been pursued and previously rejected by the Pharmacy Board:

- Anxiety
- Depression
- Insomnia
- Opioid use disorder



11

For now, BWC has successfully blocked medical marijuana from entering the system in Ohio

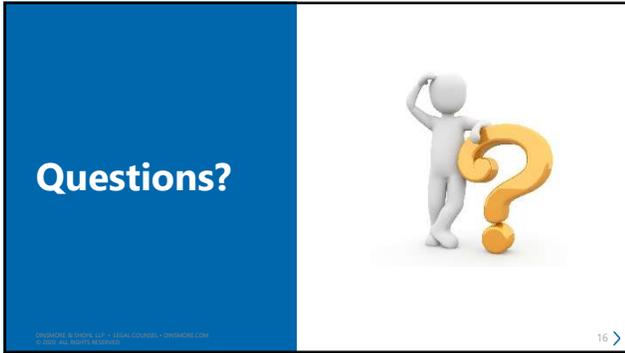


BWC only covers drugs that are approved by the US FDA. Marijuana is not currently approved and remains a schedule I illegal drug under federal law

BWC only requires reimbursement of drugs on its pharmaceutical formulary. Marijuana cannot be included on the formulary at this time and so is not eligible for reimbursement

BWC prescriptions must be dispensed by a registered pharmacist from an enrolled provider. Licensed marijuana dispensaries are not enrolled providers with BWC

12



16



17
