Medical Marijuana: A Non-Partisan Approach in Your Community

Bath Township Zoning Commission

03/14/19
Agenda:

• This is a session about how medical marijuana (and associated uses) is defined in the ORC – not our opinion on whether or not it is a good or bad change in the state law
• What is CBD
• Definitions
• Legal Forms
• Steps for Allowing Medical Marijuana in Your Community
• Steps for Prohibiting Medical Marijuana in Your Community
• Hot Topics
Only one is a convicted felon...

Medical Marijuana: A Non-Partisan Approach in Your Community
Only one is a convicted felon...

Medical Marijuana: A Non-Partisan Approach in Your Community
Compliance Regions

Medical Marijuana: A Non-Partisan Approach in Your Community
Northeast Dispensary District

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Ohio Dispensary Locations

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Northeast Ohio Dispensary Locations

Medical Marijuana: A Non-Partisan Approach in Your Community
What Is CBD?

Medical Marijuana: A Non-Partisan Approach in Your Community
CBD vs. THC Compound Comparison

*Medical Marijuana: A Non-Partisan Approach in Your Community*
CBD vs. THC Compound Comparison

Medical Marijuana: A Non-Partisan Approach in Your Community
**CBD**
- Cannabidiol
- Non-Psychoactive
- Sometimes shows on drug tests
- Will not get the user high
- Non-fatal
- Contains no more than 0.3% THC
- No side effects
  - Drug-to-drug interactions between CBD and other medications can cause side effects

**THC**
- Tetrahydrocannabinol
- Psychoactive
- Always shows on drug tests
- Can get the user high
- Non-fatal
- Average marijuana strain = 12.0% THC
- Side effects can include:
  - Increased heart rate
  - Altered senses of sight, smell & hearing
  - Fatigue
  - Hunger
  - Memory loss
  - Slower reaction times
  - Coordination problems
  - Dry mouth

**CBD vs. THC**

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• **Fatty Acid Amide Hydrolase (FAAH) Inhibition:** This leads to higher levels of endocannabinoids such as anandamide. Endocannabinoids exhibit activity at CB1 and CB2 receptors, providing a myriad of health benefits.

• **Antagonizing GPR55 Receptors:** GPR55 receptors are widely distributed in the brain (especially the cerebellum) and help control bone density and blood pressure. Additionally, GPR55 promotes cancer cell proliferation when activated. These facts may explain CBD’s therapeutic role in osteoporosis and high blood pressure.

• **Activating TRPV1 Receptors:** Involved in regulating pain, body temperature, and inflammation. Other substances targeting TRPV1 receptors include anandamide, AM404 (a metabolite of acetaminophen), capsaicin, and various cannabinoids such as CBN, CBG, CBC, THCV, and CBDV.

• **Activating the 5-HT1A Receptor (at high doses):** The 5-HT1a receptor helps regulate anxiety, addiction, appetite, sleep, pain perception, nausea, and vomiting. CBDA (the raw form of CBD) shows an even higher affinity for this receptor than CBD.

• **Activating PPAR-gamma Receptors:** PPAR-gamma receptors are located on the cell’s nuclei and play a role in degrading beta-amyloid plaque, as well as lipid uptake, insulin sensitivity, and dopamine release. This action explains why CBD may benefit diabetes, schizophrenia, and Alzheimer’s.

Medical Receptors of CBD

*Medical Marijuana: A Non-Partisan Approach in Your Community*
Definitions

Medical Marijuana: A Non-Partisan Approach in Your Community
• Ohio law prohibits the use of medical marijuana by smoking or combustion
  • Vaporization (i.e. “vaping”) is allowed
• The following forms of medical marijuana are permitted:
  • Oils
  • Tinctures (i.e. liquid extracts)
  • Plant material (i.e. leaves, stems, buds, and flowers of the marijuana plant – but not smokable)
  • Edibles
  • Patches
  • Lotions (these are really variations of oils or tinctures)

Legal Forms of Medical Marijuana

Medical Marijuana: A Non-Partisan Approach in Your Community
Important ORC Terms To Be Familiar With

• Cultivate
• Cultivator
• Manufacture
• Dispensary
• Dispense
• Processor
• Prohibited Facility

Definitions (per ORC 3796: 1-1-01)

Medical Marijuana: A Non-Partisan Approach in Your Community
Cultivate

• To grow, harvest, package, and transport medical marijuana (pursuant to Chapter 3796. of the Revised Code).

Cultivator (i.e. Grower)

• (as used in Chapter 3796. of the Revised Code) An entity that has been issued a certificate of operation by the department to grow, harvest, package, and transport medical marijuana (as permitted under Chapter 3796. of the Revised Code).

Definitions (per ORC 3796: 1-1-01)

Medical Marijuana: A Non-Partisan Approach in Your Community
Level I Cultivator = 25,000 SF

• A cultivator that is permitted to operate up to twenty-five thousand square footage of space designated as the marijuana cultivation area in the application, unless a request for expansion is approved by the director of the department under rule 3796:2-1-09 of the Administrative Code.

Level II Cultivator = 35,000 SF

• (same as above but increased operation square footage)

Definitions (per ORC 3796: 1-1-01)

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Indoor Medical Marijuana Cultivator

Medical Marijuana: A Non-Partisan Approach in Your Community
Manufacture
• The process of converting harvested plant material into marijuana extract by physical or chemical means for use as an ingredient in a medical marijuana product.

Prohibited Facility
• Any school, church, public library, public playground, or public park, (as defined in section 3796.30 of the Revised Code).

Definitions (per ORC 3796: 1-1-01)

Medical Marijuana: A Non-Partisan Approach in Your Community
Processor
• (as used in Chapter 3796. of the Revised Code), An entity that has been issued a certificate of operation by the department to manufacture medical marijuana products.

Plant – Only Processor
• A cultivator, (as defined in paragraph (A)(9) of this rule), that has received a license from the department for the limited purposes of packaging, selling, and delivering finished plant material directly to a licensed dispensary for sale to a patient or caregiver.

Plant Material
• The leaves, stems, buds, and flowers of the marijuana plant, and does not include seedlings, seeds, clones, stalks, or roots of the plant or the weight of any non-marijuana ingredients combined with marijuana.

Definitions (per ORC 3796: 1-1-01)

Medical Marijuana: A Non-Partisan Approach in Your Community
Dispensary

• (as used in Chapter 3796. of the Revised Code), An entity licensed (pursuant to sections 3796.04 and 3796.10 of the Revised Code and any rules promulgated thereunder) to sell medical marijuana to qualifying patients and caregivers.

Dispense

• The delivery of medical marijuana to a patient or the patient's registered caregiver that is packaged in a suitable container appropriately labeled for subsequent administration to or use by a patient who has an active patient registration with the state of Ohio board of pharmacy, authorizing them to receive medical marijuana.

Definitions (per ORC 3796: 1-1-01)

Medical Marijuana: A Non-Partisan Approach in Your Community
Dispensary Procedures When-Closed

• During times when a dispensary is closed, it shall be securely locked and equipped with an alarm system approved by the state board of pharmacy. Such alarm shall be activated and operated separately from any other alarm system at the dispensary and shall be able to immediately detect entrance to the dispensary at times when it is closed.

• During times when a dispensary is closed, it shall have an operating surveillance system (in accordance with rule 3796:6-3-16 of the Administrative Code).
  • The surveillance system shall either collect and store video surveillance on a twenty-four-hour basis; or
  • It shall live-stream on a twenty-four-hour basis and be capable of activation when the motion is detected and when the dispensary's security system detects an intrusion. All motion detection delay systems shall carry a filter time of no less than six seconds.

Definitions (per ORC 3796: 1-1-01)

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How To Prepare Your Community

Medical Marijuana: A Non-Partisan Approach in Your Community
Township Legislative Authority

• The bill authorizes the legislative authority of a municipal corporation to adopt an ordinance, and a board of township trustees to adopt a resolution, to prohibit, or limit the number of, licensed retail dispensaries of medical marijuana within the municipal corporation or within the unincorporated territory of the township.

• Townships have the authority to regulate the locations off all medical marijuana-related facilities (as discussed in the definitions)
  • Also applies in unincorporated areas of the township!

ORC Basics

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Cultivators
• Selected cultivators were supposed to be announced by the State of Ohio by November 2017. The State has awarded 26 licenses to Level I and Level II cultivators.
• They are still evaluating additional license applications.
• This process was delayed by lawsuits contesting the process.

Processors
• The first processors were announced August 3rd, 2018. The State is continuing to evaluate applications and will award additional licenses.
• All processors are awaiting product.

Ohio Medical Marijuana Timeline Update
Medical Marijuana: A Non-Partisan Approach in Your Community
Dispensaries
• All dispensaries were supposed to be operational by September 8, 2018. The State has awarded 56 dispensary licenses. The State is still evaluating applications and will award additional licenses.
• NOTE – Dispensaries received very limited product in January and February 2019.

Testing Labs
• Three licenses have been awarded to testing laboratories as of October 29, 2018.

Patient Registry
• The Ohio Department of Health’s patient registry portal has not been opened yet.
• The State has not determined the date the portal will be opened.

Ohio Medical Marijuana Timeline Update

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Bath Township Zoning Commission

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To Choose to Do Nothing is Still a Decision....
Where To Start In Your Community

• If you are considering addressing this in your community (whether for or against), issue a resolution declaring a moratorium on medical marijuana for six (6) months
  • This means you really need to work on addressing this issue, not just bury your head in the sand!

Where To Start

Medical Marijuana: A Non-Partisan Approach in Your Community
If You Want to Allow Medical Marijuana

• Do Nothing
• Issue a resolution declaring a moratorium on medical marijuana for six (6) months
• Revise your Zoning Code to Ensure that the Uses are Occurring Where and How You Want Them To Occur:
  • Commercial
  • Industrial
  • Agricultural
  • PUD
  • Mixed Use
  • Recreational/Open Space
  • (Residential probably does not need to be addressed)

Allowing Medical Marijuana

Medical Marijuana: A Non-Partisan Approach in Your Community
If You Want to Prohibit Medical Marijuana

• Issue a resolution declaring a moratorium on medical marijuana for six (6) months
• Pass a resolution banning / prohibiting any type of medical marijuana facilities in your Township
  • This is accomplished via your zoning code
  • Need to address all four (4) types of medical marijuana facilities within your zoning code

• Know that dispensaries are considered pharmacies!

Prohibiting Medical Marijuana

Medical Marijuana: A Non-Partisan Approach in Your Community
Other

- Federal Law vs. Ohio Law
- Reintroduced CARERS ACT (H.R. 127)
- Design Standards
- Right To Farm

Hot Topics

Medical Marijuana: A Non-Partisan Approach in Your Community
Federal Law vs. Ohio Law

- Medical Marijuana still Illegal Federally
- Jeff Sessions recently rescinded the Cole Memo
  - The 2013 Cole memo, which followed a 2009 medical-only policy, directed prosecutors to focus on certain violations, such as selling marijuana to minors or trafficking marijuana across state lines, and leave alone state law-abiding businesses and individuals.
- Sessions' new memo leaves enforcement to each state district attorney
- Ohio is still moving forward because it is still protected by a federal budget amendment preventing the Department of Justice from spending money on enforcement in those state

Hot Topics

Medical Marijuana: A Non-Partisan Approach in Your Community
116th Congress H.R. 127

• Compassionate Access, Research Expansion and Respect States (CARERS)

• Among other things, the bill does the following:
  • Eliminates regulatory controls and administrative, civil, and criminal penalties under the Controlled Substances Act for producing, possessing, distributing, dispensing, administering, testing, recommending, or delivering medical marijuana in compliance with state law
  • Establishes a new, separate registration process to facilitate medical marijuana research
  • Authorizes health care providers employed by the Department of Veterans Affairs to make recommendations to veterans regarding participation in state marijuana programs

CARERS Act

Medical Marijuana: A Non-Partisan Approach in Your Community
116th Congress H.R. 127 (cont’d)

- Compassionate Access, Research Expansion and Respect States (CARERS)
  - Authorizes health care providers employed by the Department of Veterans Affairs to make recommendations to veterans regarding participation in state marijuana programs
  - Excludes cannabidiol (CBD) from the federal definition of “marijuana”

- Bipartisan Bill - Reps. Steve Cohen (D-TN) and Don Young (R-AK)

CARERS Act (cont’d)

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Design Standards
....matter!

How To Prepare Your Community

Medical Marijuana: A Non-Partisan Approach in Your Community
Design Standards/Design Guidelines
Can include, but not limited to:

• Site Planning (screening, stormwater management, site amenities, internal walkways)
• Architecture (facades, materials, awnings/canopies, roofing)
• Landscape (planting materials, parking lot landscaping, maintenance requirements)
• Lighting (pedestrian vs. vehicular scale, light pollution, building vs. landscape lighting)
• Signage (external vs. internally lit signs, freestanding vs. building mounted)
• Please remember: You CANNOT regulate signage content

How To Prepare Your Community

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Medical Marijuana: A Non-Partisan Approach in Your Community

Resource for information – Ohio Medical Marijuana Control Program
https://www.medicalmarijuana.ohio.gov/

Questions?
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