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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 60  
134<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Brent and Seitz

Erika Kramer, Attorney

### SUMMARY

- Adds autism spectrum disorder as a qualifying medical condition for purposes of the Medical Marijuana Control Program.

### DETAILED ANALYSIS

#### Autism spectrum disorder

The bill adds autism spectrum disorder as a qualifying medical condition for purposes of Ohio's Medical Marijuana Control Program, described below.<sup>1</sup>

#### Medical Marijuana Control Program overview

Ohio's Medical Marijuana Control Program was established in 2016 in H.B. 523 of the 131<sup>st</sup> General Assembly. The first sales of medical marijuana in Ohio occurred in January, 2019. Ohio law gives three state agencies the authority to regulate various aspects of the program. The State Medical Board is responsible for certifying physicians to recommend medical marijuana to patients and adding qualifying medical conditions for which medical marijuana may be recommended. The State Board of Pharmacy regulates medical marijuana retail dispensaries, registers medical marijuana patients and caregivers, and approves new forms of medical marijuana. Finally, the Department of Commerce is responsible for licensing medical marijuana cultivators, processors, and testing laboratories.

#### Qualifying medical conditions

Under Ohio law, only a patient diagnosed with a qualifying medical condition may use, possess, or purchase medical marijuana. The law specifies 21 qualifying conditions:

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<sup>1</sup> R.C. 3796.01(A)(6)(d).

- AIDS
- Alzheimer’s Disease
- Amyotrophic Lateral Sclerosis (Lou Gehrig’s Disease)
- Cancer
- Chronic Traumatic Encephalopathy
- Crohn’s Disease
- Epilepsy or other seizure disorders
- 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
- Traumatic Brain Injury
- Tourette’s Syndrome
- Ulcerative Colitis.<sup>2</sup>

The bill adds autism spectrum disorder to this list.<sup>3</sup>

### **Petitions**

Current law also includes as a qualifying medical condition any other disease or condition added by the Medical Board. Individuals may petition the Board to approve a condition or disease as a qualifying medical condition.<sup>4</sup> In July, 2020, the Board added cachexia,

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<sup>2</sup> R.C. 3796.01(A)(6).

<sup>3</sup> R.C. 3796.01(A)(6)(d).

<sup>4</sup> R.C. 4731.302.

also known as wasting syndrome, through the petition process.<sup>5</sup> The Board establishes yearly submission periods for accepting petitions. The submission period for 2020 was open from November 1, 2020, through December 31, 2020.<sup>6</sup> The Board is currently reviewing those petitions. The submission period for 2021 will be open from November 1, 2021, through December 31, 2021.<sup>7</sup>

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## HISTORY

Action	Date
Introduced	02-03-21

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H0060-I-134/ec

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<sup>5</sup> State Medical Board of Ohio, *Recent News, New Qualifying Condition For OMMCP*, <https://med.ohio.gov/Publications/Recent-News/new-qualifying-condition-for-mmcp>.

<sup>6</sup> O.A.C. 4731-32-05; Ohio Medical Marijuana Control Program, *Petitions*, <https://medicalmarijuana.ohio.gov/petitions>.

<sup>7</sup> Ohio Medical Marijuana Control Program, *Petitions*, <https://medicalmarijuana.ohio.gov/Condition>.