



Ohio Legislative Service Commission

Synopsis of Senate Committee Amendments

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Sub. H.B. 523

131st General Assembly
(S. Govt. Oversight & Reform)

This table compares the As Passed by the House version of H.B. 523 to the As Reported by the Senate Government Oversight and Reform Committee version. In general, it addresses only the topics on which the two versions differ substantively and does not include topics on which the two bills are substantively the same. It does not include any amendments that may have been adopted on the Senate floor.

Topic	Previous Version (As Passed by the House)	Sub. Version (As Reported by S. Govt. Oversight & Reform)
Regulating authority	Establishes the Medical Marijuana Control Commission in the Ohio Department of Commerce. Requires that the Commission administer a Medical Marijuana Control Program. <i>(R.C. 3796.02 and 3796.03).</i>	No provision. Instead, requires that the Department of Commerce and State Board of Pharmacy administer a Medical Marijuana Control Program <i>(R.C. 3796.02).</i>
Medical Marijuana Advisory Committee	No provision.	Establishes the Medical Marijuana Advisory Committee and authorizes it to make recommendations to the Department of Commerce, Board of Pharmacy, and State Medical Board concerning the Medical Marijuana Control Program <i>(R.C. 3796.021).</i>

* This synopsis does not address amendments that may have been adopted on the Senate Floor.

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		Abolishes the Advisory Committee five years and thirty days after the bill's effective date (<i>R.C. 3796.021</i>).
Advisory Committee membership	No provision.	<p>Consists of 14 members, including two practicing pharmacists, two practicing physicians, a nurse, a member who engages in academic research, and one member each who represents local law enforcement, employers, labor, persons involved in mental health treatment, persons involved in alcohol or drug addiction treatment, caregivers, patients, and agriculture. Of the pharmacist and physician members, one pharmacist and one physician must support the legal use of medical marijuana and one pharmacist and one physician must be members of their respective licensing boards.¹</p> <p>Requires that the Governor appoint the pharmacist and physician members, the member who engages in academic research, and the members who represent employers, agriculture, and persons involved in alcohol or drug addiction treatment, the Speaker of the House of Representatives appoint the members who represent persons involved in mental health treatment and patients, the Senate President appoint the members who represent local law enforcement and caregivers, the Minority Leader of the House appoint the member who</p>

¹ Under the As Passed by the House version of Sub. H.B. 523, the Medical Marijuana Control Commission consisted of nine members: one physician, one pharmacist, and a member each who represents local law enforcement, employers, labor, alcohol and drug addiction treatment providers, mental health treatment providers, persons who support the legalization of medical marijuana, and patients.

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		<p>represents labor, and the Minority Leader of the Senate appoint the member who is a nurse. Provides that no more than six members may be from the same political party. <i>(R.C. 3796.021).</i></p>
<p>Program duties</p>	<p>Requires that the Commission administer the Medical Marijuana Control Program and provide for the following:</p> <p>(1) The licensure of medical marijuana cultivators, processors, retail dispensaries, and laboratories;</p> <p>(2) The registration of physicians, patients, and caregivers;</p> <p>(3) The regulation of other activities related to medical marijuana <i>(R.C. 3796.03).</i></p> <p>Requires that the Department of Commerce adopt certain rules governing the Program's operation that are consistent with recommendations developed and submitted by the Commission. Also authorizes the Department to adopt any other rules as necessary, consistent with Commission recommendations <i>(R.C. 3796.04).</i></p>	<p>Similar, but instead requires that the Department of Commerce and Board of Pharmacy administer the Program and provides for the following:</p> <p>(1) The licensure of medical marijuana cultivators, processors, and laboratories by the Department of Commerce;</p> <p>(2) The licensure of retail dispensaries and the registration of patients and caregivers by the Board of Pharmacy;</p> <p>(3) The issuance of certificates to recommend to physicians by the Medical Board <i>(R.C. 3796.02 and 4731.30).</i></p> <p>Requires that the Department of Commerce and Board of Pharmacy adopt certain rules governing the Program's operation <i>(R.C. 3796.03, 3796.04, and 3796.05).</i></p>

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	<p>When developing recommendations concerning retail dispensaries, requires that the Commission consult and cooperate with the State Board of Pharmacy (R.C. 3796.03).</p> <p>When developing recommendations concerning physicians and medical conditions, requires that the Commission consult and cooperate with the State Medical Board (R.C. 3796.03).</p>	<p>No provision.</p> <p>No provision.</p>
Rulemaking timeline	Requires that rules establishing standards and procedures for the Program be adopted within one year of the Commission's initial meeting (R.C. 3796.04).	Instead requires that rules be adopted not later than one year after the bill's effective date. In the case of rules regarding the licensure of cultivators, requires that rules be adopted within 240 days of the bill's effective date (R.C. 3796.03).
Program administration and enforcement	Requires that the Commission administer the Program and authorizes it to take any action, in accordance with rules adopted by the Department of Commerce, necessary to implement and enforce the bill's provisions (R.C. 3796.03).	Instead, requires that the Department of Commerce and Board of Pharmacy administer the Program and authorizes the Department and Board to enforce the bill's provisions (R.C. 3796.02, 3796.14, and 3796.15).
Disciplinary actions	<p>Authorizes the Commission to suspend or revoke a license or registration and permits the Commission to impose on a license holder, but not a registrant, a civil penalty in an amount to be determined by the Commission (R.C. 3796.14).</p> <p>No provision.</p>	<p>Same, but also authorizes the Department of Commerce or Board of Pharmacy to suspend without prior hearing or refuse to renew a license or registration it issued. Also permits the Department or Board to refuse to issue a license or registration (R.C. 3796.03, 3796.04, and 3796.14).</p> <p>If the Board determines that there is clear and convincing evidence of a danger of immediate and serious harm to any person, authorizes the Board to place under seal all medical marijuana</p>

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	No provision.	<p>owned by or in the possession, custody, or control of the licensed dispensary or registered patient or caregiver and provides for certain protections during appeal (<i>R.C. 3796.15</i>).</p> <p>Prohibits the Board from suspending a retail dispensary license without prior hearing unless the Board finds clear and convincing evidence that continued distribution of medical marijuana presents a danger of immediate and serious harm (<i>R.C. 3796.14</i>).</p>
Qualifying medical conditions	<p>Specifies all of the following as qualifying medical conditions: AIDS, amyotrophic lateral sclerosis, cancer, chronic traumatic encephalopathy, Crohn’s disease, epilepsy or another seizure disorder, glaucoma, hepatitis C, inflammatory bowel disease, multiple sclerosis, pain that is chronic, severe, <i>or</i> intractable, Parkinson’s disease, positive status for HIV, PTSD, sickle cell anemia, spinal cord disease or injury, Tourette’s syndrome, and traumatic brain injury (<i>R.C. 3796.01</i>).</p> <p>Authorizes the Department of Commerce to specify additional diseases or conditions in rules adopted consistent with Commission recommendations (<i>R.C. 3796.01 and 3796.04</i>).</p>	<p>Similar, but clarifies that pain must be either chronic and severe or intractable and specifies Alzheimer’s disease and fibromyalgia as qualifying medical conditions (<i>R.C. 3796.01</i>).</p> <p>Instead, authorizes an individual to petition the Medical Board to add a disease or condition to the list of qualifying medical conditions and requires that the Medical Board approve or deny the petition (<i>R.C. 4731.302</i>).</p>
Tetrahydrocannabinol content (<i>R.C. 3796.06</i>)	Specifies that plant material have a tetrahydrocannabinol (THC) content between 3% and 35% and extracts have a THC content of not more than 70%.	Instead, specifies that plant material have a THC content of not more than 35% and extracts have a THC content of not more than 70%.

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Permissible forms and methods	Specifies that only the following forms of medical marijuana may be used: oils, tinctures, plant material, edibles, and patches. <i>(R.C. 3796.06)</i>	Same, but also authorizes the Board of Pharmacy to approve, upon petition, additional forms of or methods of using medical marijuana <i>(R.C. 3796.061)</i> .
Forms or methods attractive to children	Prohibits any form or method that is considered attractive to children <i>(R.C. 3796.06)</i> .	Same, but also requires that the Board of Pharmacy specify in rules the forms or methods that are attractive to children <i>(R.C. 3796.04 and 3796.06)</i> .
Smoking prohibited	Expressly prohibits the use of medical marijuana by smoking or combustion, but allows for vaporization <i>(R.C. 3796.06)</i> .	Same.
Paraphernalia and accessories	No provision.	Requires that the Board of Pharmacy specify in rules the paraphernalia and other accessories that may be used in the administration of medical marijuana <i>(R.C. 3796.04)</i> . Authorizes a patient or caregiver to use or possess specified paraphernalia or accessories and provides that a patient or caregiver will not be subject to arrest or criminal prosecution for doing so <i>(R.C. 3796.22 and 3796.23)</i> .
Homegrown prohibited	Requires a cultivator license in order to cultivate medical marijuana. Prohibits a licensed cultivator from cultivating medical marijuana for persona, family, or household use <i>(R.C. 3796.18)</i> .	Same.
Patient and caregiver registration	Authorizes a patient or caregiver to apply for registration with the Commission <i>(R.C. 3796.11)</i> .	Allows for patient or caregiver registration but requires that the application be submitted to the Board of Pharmacy by the patient's physician or a delegate of the physician <i>(R.C. 3796.08)</i> .

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Possession limits	Prohibits a registered patient or caregiver from possessing more than a 90-day supply of medical marijuana as determined by the patient's qualifying physician (<i>R.C. 3796.22 and 3796.23</i>).	Maintains the prohibition but requires that the Board of Pharmacy specify in rule the maximum 90-day supply by form and THC content (<i>R.C. 3796.04, 3796.22, and 3796.23</i>).
Possession or use on federal land	No provision.	Provides that the use, possession, or administration of medical marijuana on federal land is not permitted (<i>R.C. 3796.24</i>).
Patient or caregiver affirmative defense	No provision.	<p>Establishes for a patient who uses or possesses medical marijuana in accordance with a physician recommendation an affirmative defense to certain criminal charges. Also establishes an affirmative defense for a minor patient's parent or guardian who possesses medical marijuana on behalf of the patient.</p> <p>Provides that the affirmative defense applies only to conduct occurring on or after the bill's effective date, but not later than 60 days after the Board of Pharmacy begins accepting applications for patient or caregiver registrations.</p> <p>Specifies that the affirmative defense does not authorize a parent or guardian of a minor patient to use medical marijuana, unless the parent or guardian is also a patient who has been issued a physician recommendation.</p> <p><i>(Section 6).</i></p>

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Tenant protections	No provision.	Prohibits a person's status as a registered patient or caregiver from being used as the sole or primary basis for rejecting the person as a tenant, unless rejection is required by federal law (<i>R.C. 3796.24</i>).
Closed-loop payment processing system	No provision.	Authorizes the Director of Commerce to adopt rules establishing a closed-loop payment processing system under which (1) the state creates accounts to be used only by registered patients and their caregivers at licensed dispensaries as well as by all license holders under the bill and (2) record-keeping and accounting functions identify all parties involved in those transactions (<i>R.C. 3796.031</i>).
Informational database	<p>Requires that the Commission establish an informational database that includes all of the following:</p> <p>(1) The number of patients for whom treatment with medical marijuana was recommended;</p> <p>(2) The types of diseases or conditions for which treatment with medical marijuana was recommended;</p> <p>(3) The reasons that treatment with medical marijuana was recommended rather than other forms of treatment;</p> <p>(4) The forms of or methods of using medical marijuana recommended (<i>R.C. 3796.07</i>).</p>	No provision.

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Physician authority to recommend medical marijuana	Requires that a physician seeking to recommend treatment with medical marijuana apply to the Commission for registration as a qualifying physician (<i>R.C. 3796.10</i>).	Instead, requires that the physician apply to the Medical Board for a certificate to recommend (<i>R.C. 4731.30</i>).
Research physician exemption	No provision.	Provides that a physician who recommends treatment with marijuana or a drug derived from marijuana under a research protocol, clinical trial, investigational new drug application, or expanded access submission approved by an investigational review board or equivalent entity or the federal government is not required to hold a certificate to recommend (<i>R.C. 4731.30</i>).
Bona fide physician-patient relationship	Requires that a bona fide physician-patient relationship be established before a physician may recommend that a patient be treated with medical marijuana (<i>R.C. 3796.10</i>). Provides that a relationship is established if the physician performs a physical examination of the patient (<i>R.C. 3796.10</i>).	Same (<i>R.C. 4731.30</i>). Same, but also requires that the physical examination be performed in person (<i>R.C. 4731.30</i>).
Physicians and OARRS	No provision.	Requires that a physician obtain and review a report of information related to the patient from the Board of Pharmacy's drug database, the Ohio Automated Rx Reporting System (OARRS), before the physician may recommend treatment with medical marijuana (<i>R.C. 4731.30</i>).
Physician immunity	No provision.	Provides that a physician is immune from civil liability and is not subject to professional disciplinary action or criminal prosecution for advising a patient or caregiver about the risks and benefits of medical marijuana, recommending that a patient use medical

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		marijuana, or monitoring a patient's treatment with medical marijuana (R.C. 4731.30).
Physician recommendations	<p>Provides that a recommendation is valid for not more than 90 days. Permits a physician to renew a recommendation for an additional 90 day period after an in-person follow-up visit. After that renewal, allows for three additional renewals of not more than 90 days each. Thereafter, permits the physician to issue another recommendation upon an annual physical examination of the patient (R.C. 3796.10).</p> <p>Requires that a qualifying physician's recommendation state the forms and methods by which a patient may use medical marijuana as well as the amount of THC allowed (R.C. 3796.10).</p> <p>Prohibits a qualifying physician from issuing a recommendation to the physician's self (R.C. 3796.10).</p>	<p>Similar, but does not require an in-person follow-up visit for the first renewal. Instead, permits a physician to renew a recommendation for not more than three additional periods of not more than 90 days each. Thereafter, permits the physician to issue another recommendation only upon a physical examination (R.C. 4731.30).</p> <p>Instead, requires that the recommendation specify any information required in rules that may be adopted by the Medical Board (R.C. 4731.30).</p> <p>Same, but also prohibits a physician from issuing a recommendation to a family member (R.C. 4731.30).</p>
Continuing medical education	Requires that each qualifying physician complete on a biennial basis the number of hours of continuing medical education in medical marijuana specified in rules adopted by the Medical Board (R.C. 3796.10).	Instead, requires that a physician who holds a certificate to recommend complete annually at least two hours of continuing medical education in medical marijuana (R.C. 4731.30).

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Physician reporting	Requires that a qualifying physician submit to the Commission and Medical Board certain reports at intervals of 90 days as well as annually (<i>R.C. 3796.10</i>).	Instead, requires that reports be submitted annually and to the Medical Board only (<i>R.C. 4731.30</i>).
Medical Board discipline	No provision.	<p>Authorizes the Medical Board to suspend, suspend without prior notice, revoke, refuse to issue, or refuse to renew a certificate to recommend (<i>R.C. 4731.22</i>).</p> <p>Also, permits the Medical Board to impose on a physician holding a certificate to recommend, pursuant to an adjudication and an affirmative vote of at least six board members, a civil penalty in an amount not to exceed \$20,000 (<i>R.C. 4731.225 (not in the bill)</i>).</p> <p>Provides that any disciplinary action taken against a certificate to practice also applies to a certificate to recommend (<i>R.C. 4731.229 and 4731.281</i>).</p>
Medical Board rulemaking	No provision.	Requires that the Medical Board adopt rules governing the issuance and renewal of certificates to recommend and authorizes the Board to adopt rules governing the addition of qualifying medical conditions by petition (<i>R.C. 4730.30, 4730.301, and 4730.302</i>).

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Licenses issued by location	Requires that each entity seeking to operate as a cultivator, processor, retail dispensary, or laboratory file an application for licensure (<i>R.C. 3796.14</i>).	Requires that each entity seeking to operate as a cultivator, processor, retail dispensary, or laboratory file an application for licensure for each location from which the entity will operate (<i>R.C. 3796.10</i>).
Conflicts of interest	<p>Prohibits the Commission from registering a physician who has an ownership or investment interest in or compensation arrangement with an entity licensed by the Commission or an applicant for licensure (<i>R.C. 3796.10</i>).</p> <p>Prohibits the Commission from licensing an entity that has an ownership or investment interest in or compensation arrangement with a licensed laboratory or an applicant for a laboratory license (<i>R.C. 3796.12</i>).</p>	<p>Same (<i>R.C. 4731.30</i>).</p> <p>Same, but also prohibits an applicant for licensure from sharing a corporate officer or employee with a licensed laboratory or applicant for a license to conduct laboratory testing (<i>R.C. 3796.09 and 3796.10</i>).</p>
Compliance with state tax laws	<p>No provision.</p> <p>No provision.</p>	<p>Requires that an applicant for licensure be in compliance with applicable state tax law (<i>R.C. 3796.09 and 3796.10</i>).</p> <p>Requires that the Department of Taxation, on the request of the Department of Commerce or Board of Pharmacy, report to the Department or Board whether an applicant is in compliance with applicable state tax law (<i>R.C. 3796.11</i>).</p>
Criminal records checks	<p>Requires as a condition of licensure that each current or prospective administrator, owner, officer, or board member complete a criminal records check (<i>R.C. 3796.13</i>).</p> <p>Prohibits the Commission from granting a license to an applicant if any of those individuals</p>	<p>Similar, but also requires that an individual seeking employment with a license holder complete a criminal records check (<i>R.C. 3796.12 and 3796.13</i>).</p> <p>Same, but also prohibits a license holder from employing a person if the person has been</p>

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	<p>have been convicted of or pleaded guilty to a disqualifying offense specified in rules (R.C. 3796.04 and 3796.12).</p> <p>Requires that the Department provide that certain criminal offenses that an applicant for licensure was convicted of or pleaded guilty to more than five years before the application is filed are not disqualifying offenses (R.C. 3796.03 and 3796.04).</p>	<p>convicted of or pleaded guilty to a disqualifying offense specified in rules (R.C. 3796.03, 3796.04, 3796.12, and 3796.13).</p> <p>Same, and applies to prospective employees in addition to applicants for licensure.</p>
Zoning	<p>Prohibits a licensed cultivator, processor, retail dispensary, or laboratory from being located or relocating within 1,000 feet of a school or church or public library, playground, or park. (R.C. 3796.30)</p>	<p>Instead, prohibits the licensed entity from being located or relocating within 500 feet. (R.C. 3796.30)</p>
Cultivating on public land	<p>No provision.</p>	<p>Prohibits a licensed cultivator from cultivating medical marijuana on any public land, including a state park (R.C. 154.01 (not in the bill) and 3796.18).</p>
Laboratory licenses	<p>No provision.</p>	<p>Until one year after the Department of Commerce begins accepting applications for licenses to conduct laboratory testing of medical marijuana, prohibits the Department from issuing a license unless the applicant is a state institution of higher education and has the resources and facilities necessary to conduct testing in accordance with standards and procedures established in rule (Section 5).</p>

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Laboratory testing and uniformity of product	No provision.	Requires that the Department of Commerce, when adopting rules establishing standards and procedures for laboratory testing, specify the manner in which testing is to be conducted in an effort to ensure uniformity of medical marijuana products (<i>R.C. 3796.05</i>).
Retail dispensary reports to OARRS	<p>Requires that a retail dispensary report the following information to OARRS when dispensing medical marijuana in accordance with the bill's provisions:</p> <ul style="list-style-type: none"> (1) Retail dispensary identification; (2) Patient identification; (3) Recommending physician identification; (4) Date of physician recommendation; (5) If provided to the retail dispensary, the "International Statistical Classification of Diseases and Related Health Problems" classification specified on the physician recommendation; (6) Date marijuana was dispensed; (7) Form, quality, and clinical strength of marijuana dispensed; (8) Quantity of marijuana dispensed; (9) Number of days' supply of marijuana dispensed; 	Similar, but instead requires that the Board of Pharmacy specify in rules it adopts the information to be reported by the retail dispensary (<i>R.C. 4729.771 and 4729.84</i>).

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	(10) Source of payment for the marijuana dispensed (<i>R.C. 3796.20, 4729.75, and 4729.771</i>).	
Retail dispensary access to OARRS	Authorizes the Board of Pharmacy to provide to an approved delegate of a licensed retail dispensary a report of information relating to a patient, if certain conditions are met. (<i>R.C. 4729.80</i>)	Same, but specifies that the report of information pertains only to the patient's use of medical marijuana. (<i>R.C. 4729.80</i>)
Limits on advertising	Prohibits a qualifying physician or licensed cultivator, processor, laboratory, or retail dispensary from advertising any services related to medical marijuana on a television radio broadcast (<i>R.C. 3796.26</i>).	No provision.
Unemployment benefit eligibility	Considers a person who is discharged from employment because of the person's use of medical marijuana to have been discharged for just cause under the Unemployment Compensation Law and thus ineligible for unemployment benefits, which appears to be similar to current law (<i>R.C. 3796.28</i>).	Considers such a person to have been discharged for just cause if the person's use of medical marijuana violated an employer's drug-free workplace policy, zero-tolerance policy, or other formal policy regulating the use of medical marijuana (<i>R.C. 3796.28</i>).
Excise tax	Provides that the General Assembly may enact law levying an excise tax on medical marijuana (<i>Section 4</i>).	No provision.
Current Agricultural Use Value (CAUV)	No provision.	Specifically disqualifies land used to cultivate or process medical marijuana for current agricultural use valuation (CAUV) (<i>R.C. 5713.30</i>).

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Toll-free hotline	Requires the establishment of a toll-free telephone line to respond to inquiries regarding adverse reactions to medical marijuana and to provide information about available services and assistance (<i>R.C. 3796.07</i>).	Same, but also authorizes the Board of Pharmacy to contract with a separate entity to establish and maintain the telephone line (<i>R.C. 3796.17</i>).
Federal rescheduling	Urges the federal government to classify marijuana as a schedule II controlled substance (<i>Section 5</i>).	Instead, urges the federal government to reclassify medical marijuana (<i>Section 4</i>).
Incentives for research	Provides that it is the intent of the General Assembly to establish a program to encourage academic and medical research in Ohio relating to medical marijuana (<i>Section 6</i>).	No provision.
Research exemptions	<p>No provision.</p> <p>No provision.</p> <p>Permits the legislative authority of a municipal corporation or board of township trustees to prohibit or limit the number of cultivators,</p>	<p>Provides that the bill does not restrict research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity (<i>R.C. 3796.24</i>).</p> <p>Provides that the bill does not authorize the Department of Commerce or Board of Pharmacy to oversee or limit research conducted at a state university, academic medical center, or private research and development organization that is related to marijuana and approved by the federal government (<i>R.C. 3796.032</i>).</p> <p>Same, but specifies that the bill does not authorize a municipal corporation or township to limit research related to marijuana conducted at a</p>

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	<p>processors, or retail dispensaries in the municipal corporation or unincorporated territory of the township, respectively.</p> <p>Prohibits a licensed cultivator, processor, retail dispensary, or laboratory from being located or relocating within 1,000 feet of a school, church, or public library, playground, or park.</p>	<p>a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity (<i>R.C.3796.29</i>).</p> <p>Changes the restriction to 500 feet and specifies that it does not apply to research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity (<i>R.C. 3796.30</i>).</p>