

The background features abstract, overlapping green geometric shapes in various shades, creating a modern and dynamic look. The shapes are primarily triangles and polygons, some solid and some semi-transparent, arranged in a way that suggests movement and depth. The colors range from light lime green to dark forest green.

Senate Bill 261

Remediating Ohio's Medical Marijuana Control Program

By **James “Ted” Bibart**

Introduction

- ▶ James “Ted” Bibart - Ohio Licensed Attorney with the law firm of Gordon Bibart, LLC
- ▶ Participated deeply with both Caucuses and both Chambers in the drafting of Ohio HB 523 in 2016
 - ▶ Was asked to testify before the Medical Marijuana Task Force, twice before the House, and once before the Senate in 2016
- ▶ Was appointed by the Ohio Speaker of the House as the original Patient Advocate to Ohio’s Medical Marijuana Advisory Committee
- ▶ Have served as legal counsel for numerous Ohio Level I and Level II cultivators, processors, and dispensaries and consulted in commercial cannabis jurisdictions across the country
- ▶ My wife is a stand-alone medical cannabis processor in Maryland

Testimony Outline

▶ House Bill 523

- ▶ A brave step forward for sensible cannabis policy in Ohio
- ▶ Expedited legislative and policy construction
 - ▶ First Medical Marijuana Task Force meeting held on January 28, 2016
 - ▶ HB 523 passed on May 25, 2016
- ▶ Much of the policy punted to the regulations in the Administrative Code

Testimony Outline

▶ House Bill 523 - Shortcomings

- ▶ Three Separate Regulators
- ▶ Restrictive Qualifying Condition list - failed to fully respect the doctor-patient relationship
- ▶ Lack of access to biomass for Stand-alone processors
- ▶ Too few dispensaries
- ▶ No mandate for a merit-based licensure process
- ▶ Over-bearing limitation on commercial speech
- ▶ Unconstitutional minority inclusion provision

Testimony Outline

▶ House Bill 523 - Shortcomings

- ▶ Failed attempt at medical marijuana patient reciprocity
- ▶ Limited access for employment by those with experience in the traditional commercial cannabis industry
- ▶ Lacked statutory authority for cultivators to source genetics
- ▶ Set too low a limit on cannabinoid levels for medical marijuana extract products

Testimony Outline

▶ Senate Bill 261 - Remediations

- ▶ SB 261 simply fixes what is broken with HB 523
- ▶ Centralizes regulation of the MMCP under the Department of Commerce
 - ▶ Creates the Division of Marijuana Control
 - ▶ Physician participation still regulated by the Ohio State Medical Board
- ▶ Respects the doctor-patient relationship
- ▶ Adds more patient access by authorizing more dispensaries
- ▶ Mandates an impartial merit-based licensure process
- ▶ Sets cultivation area allotments by statute rather than rule

Testimony Outline

▶ Senate Bill 261 - Remediations

- ▶ Ensures access to quality biomass for stand-alone processors
- ▶ Ensures viability of Level II cultivators by increasing their economy of scale
- ▶ Protects Level I market investment by allowing for greater future expansion
- ▶ Increases patient education by eliminating unnecessary restrictions on commercial speech
- ▶ Provides for the proper constitutional mechanisms for Ohio to fulfill its promise of minority inclusion in licensure

Testimony Outline

▶ Senate Bill 261 - Remediations

- ▶ Rectifies the unsuccessful attempt to provide medical marijuana patients access to medicine when traveling to Ohio
- ▶ Officially approves cultivators access to genetics
- ▶ Provides pathways to employment and licensure for those who have served their sentence for past crimes
- ▶ Increases cannabinoid limit for extracted products to ensuring undisturbed cannabinoid profiles and higher quality medicine

Closing

- ▶ SB 261 is not about expanding the MMCP but rather remediating it
- ▶ We cannot continue to institute medical cannabis policy that results in higher quality and less expensive product on the illicit market
- ▶ We need to ensure proper regulation and the health of the program through common sense free market principles
- ▶ Cannabis policy is best instituted by legislative process which is more reflexive - SB 261 is the embodiment of that truth
- ▶ Ohio medical marijuana patients deserve a highly functioning program that respects their relationship with their physician and provides access to the highest quality, tested and tracked medicine at a fair price
- ▶ **Thank you for your time and I am happy to answer any questions.**