

**Kerry Metzger D.D.S.**  
**Chairman of the Empower Tusc Coalition**  
**Senate General Government Committee**  
**March 7, 2023**  
**Testimony on Senate Bill 9**

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Chairman Rulli, Vice-Chair Schuring, Ranking Member DeMora and members of the Senate General Government Committee, thank you for the opportunity to provide opponent testimony on SB 9 which would revise Ohio’s medical marijuana law.

As a matter of introduction and background, my name is Kerry Metzger. I am a retired dentist and I practiced dentistry for 26 years. I had the privilege to serve in the Ohio House of Representatives from 1995 through 2002. I recently retired from Tuscarawas County Board of Commissioners having served for 18 years. I am currently serving as the chairperson of the Tuscarawas County’s Empower Tusc Coalition. Our coalition is youth focused with a vision of “empowering youth to live healthy, drug-free lives.” Our mission is “to prevent youth substance use and misuse and promote mental health wellness by implementing effective prevention strategies”.

Upon reviewing the bill, it reminds me of the difficulties and complexities of the issues that are brought before the General Assembly and its legislators. I know because I once sat in the very same legislative seats that you currently sit in and faced any number of these complex issues. The medical marijuana program is one of those difficult and complex issues. I do not envy the work that this committee must undertake to understand and educate yourselves on these complexities and the unintended consequences that SB 9 will create.

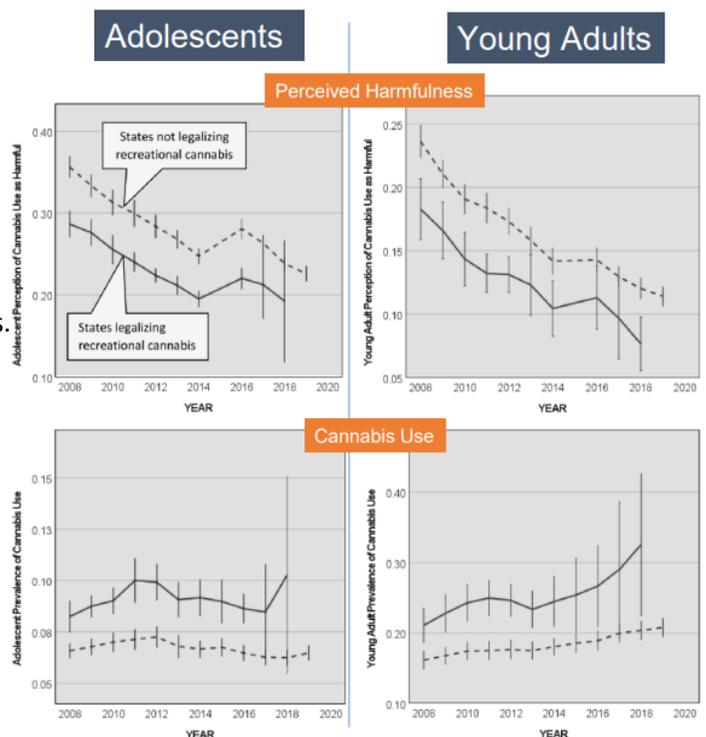
Senator Huffman, in his January 17<sup>th</sup> sponsor testimony on this bill stated “to me **this bill is about business**. In medicine the number one thing is to keep your patients’ best interests in mind. That is what this bill does **from a business aspect**..... it decreases a lot of regulations..... In 2016, we didn’t know what we didn’t know. we made this bill with a lot of safeguards and those safeguards are costing the **business, industry** money.”<sup>1</sup>

While this bill is focused on adult use only and that it is illegal for anyone under 21 to use, you must take into account the unintended consequences that passage of this SB 9, as currently written, will have on Ohio’s youth.<sup>2</sup>

The number one unintended consequence will be a decrease in perception of harm and increases in marijuana use among adolescents and young adults.

<sup>1</sup> <https://www.ohiochannel.org/video/ohio-senate-general-government-committee-1-17-2023?start=8:20&end=10:00>

<sup>2</sup> <https://www.npscoalition.org/post/the-legalization-of-marijuana-comes-at-a-hidden-cost-to-our-young-people>



I refer you to the following chart:

It is from a study by Mennis et. al. 2023 that demonstrates the direct correlation between **a decrease in perception of harm and increases in marijuana use among adolescents and young adults.**<sup>3</sup>

Major concerns I have with the bill, as written, are as follows:

- 1) Unregulated Advertising – This bill allows licensed dispensaries to advertise on social media or otherwise. It removes the safeguard, in current law, that any advertising must receive prior approval. We should not be weakening this safeguard but strengthening it and placing more controls on this advertising! Opening advertising on all social media will harm our youth. Where do they spend most of their time, it's on their devices tuned into Snapchat, Instagram and many others. By allowing unfettered advertising on social media, you will be allowing advertising directly to our youth!<sup>4 5 6 7 8</sup>
- 2) Dosage of Medical Marijuana – SB 9 increases the permissible THC of extracts to 90%. I am opposed to increasing to this level of potency. Studies have shown that higher potency cannabis is associated with faster transitions to problematic use. Most medicinal benefits come from the CBD component of the plant, not the higher levels of THC which produce the psychoactive high. I would refer the committee to an article from NPR.<sup>9</sup> In it, they talk about highly potent marijuana and the concerns about the health risks. It quotes Dr Nora Volkow, a preeminent researcher regarding marijuana and the Director of the National Institute on Drug Use, regarding high THC levels. Unfortunately, this bill goes in the completely opposite direction by increasing permitted THC levels to 90%!<sup>10</sup>
- 3) This bill expands permissible forms of medical marijuana and expands the permitted methods of using marijuana to apply to the additional forms. The bill also allows oral absorption of medical marijuana into the bloodstream, either buccally (between the cheeks and gums) or sublingually (under the tongue). **I would proceed very cautiously inserting this into the bill and I would recommend that the committee have a discussion with the state's dental schools before having it placed in the bill.** This could potentially cause tremendous harm to the medical marijuana patients! The rapid absorption into the blood stream. Nitroglycerin is used to help with certain heart conditions and is applied sublingually because it will be rapidly absorbed into in the

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<sup>3</sup><https://www.sciencedirect.com/science/article/abs/pii/S0306460322003185>

<sup>4</sup> <https://www.researchgate.net/publication/325345410...>

<sup>5</sup> <https://pubmed.ncbi.nlm.nih.gov/29795521>

<sup>6</sup> <https://www.jmir.org/2021/1/e17187>

<sup>7</sup> <https://doi.org/10.1080/10810730.2020.1825568>

<sup>8</sup> [Adolescent exposure to cannabis marketing following recreational cannabis legalization in Canada: A pilot study using ecological momentary assessment - ScienceDirect](#)

<sup>9</sup> [Adolescent exposure to cannabis marketing following recreational cannabis legalization in Canada: A pilot study using ecological momentary assessment - ScienceDirect](#)

<sup>10</sup> [Cannabis \(Marijuana\) Concentrates DrugFacts | National ...](#)  
<https://nida.nih.gov/publications/drugfacts/...>

bloodstream. Can you imagine what potential harm that will be done to a patient who places an oral pouch or oral strips sublingually with 90% THC immediately into the bloodstream??

- 4) Senate Bill 9 is expanding the ability of certified physicians to recommend marijuana for treatment of any conditions that the physician is qualified to treat that the certified considers, in the physicians' sole discretion and medical opinion. It also removes the current law that physicians are required to conduct an examination of the patient before recommending marijuana, either in person or via telemedicine.
- 5) I have a major concern around the transfer of regulations from the Board of Pharmacy to the Department of Commerce and its new Division of Marijuana Control. As Senator Huffman stated in his testimony, "this bill is about business". You are expanding the medical program, without the medical community's oversight whose decisions on this addictive drug are based upon evidence-based science.
- 6) In fact, you also are removing the provision in the Board's processing of petitions by removing the requirement that the Board consult with the experts and review relevant scientific evidence! What are we afraid off! That the scientific evidence may lead to information that demonstrates concerns about marijuana usage! This bill is removing the medical community's ability to assist in regulating the marijuana industry and to make sound decisions based on scientific-based evidence and not what's in the best interests of the addiction-for-profit industry.
- 7) Regarding the composition of the Medical Marijuana Oversight Committee, if, in the end, you decide that you are going to remove the regulation of the program from the Board of Pharmacy to the Dept. of Commerce, I would recommend adding two (2) additional members to the composition of the Oversight Committee. Think of addiction as a three (3) legged stool. Addiction is comprised of prevention, treatment and recovery. On the committee you have placed a member who represents an organization involved in the treatment of alcohol and drug addiction. That represents only one leg of the stool of addiction! **I would recommend that the committee consider making the Oversight Committee a fifteen (15) member Board and I would add the following:**
  - A) **A member who represents an organization in Preventive Services**
  - B) **A member who represents an organization in Recovery Service**
- 8) Finally, it appears that SB 9 is moving away from a medical-driven program to a business-model. If that's the case, then the program's name should be changed. That's why I say we have the opportunity to address this perception of harm to Ohio's youth. It would be a huge game changer! **I would recommend to the committee to take out the word references to "Medical" from the title and change the name to something like "Ohio's Cannabis Program" or "Ohio's Cannabis Adult Use Program" or something similar.** As noted in the chart above, when youth perceive that marijuana is a medicine, the perception of harm will decrease. By this one action, you can protect our youth and help prevention specialists, throughout the state, increase the effectiveness of their education and awareness programming.

In conclusion, I want to state my opposition to SB 9 as currently written. There will be long-term health and safety issues consequences if this bill passes as written. It is my hope that the Senate General Government Committee will take the concerns expressed in opposition testimony to

heart and amend the bill so that we protect Ohio's youth, vulnerable populations and our communities from the scourge of marijuana addiction and abuse.

Thank you for your time and consideration in this matter.