Ohio Set to Become the 26th Medical Cannabis State

On May 25, the Ohio Legislature sent a medical cannabis bill that would create a system of retail distribution in the state to Governor John Kasich (R), who has said he will sign it.

HB 523, which passed the state Senate by a vote of 18-15 and the House by a 67-28 vote, will make Ohio the 26th state with a medical cannabis access program and the 42nd state with either a medical cannabis or a more limited cannabidiol (CBD) law. Once Ohio’s law is enacted, 300 million Americans will be living where cannabis or its derivatives can be legally used in medical treatment.

Under Ohio’s new law, qualifying patients will be able to purchase medical cannabis from dispensaries which will be licensed and regulated by the Ohio Department of Commerce. The law lists 22 qualifying conditions, including chronic pain and Post Traumatic Stress Disorder, and new conditions can be added by the state medical board.

“The passing of HB 523 is something to celebrate, as so many patients will now have safe access to medical cannabis,” said Janet Brenerman (pictured at left), a candidate for the Ohio state House who is also a nurse. “It was a very long road to get us here, and I am proud to have played a role in this history-making event. I want to thank Americans for Safe Access for their support and resources to get this done.”

ASA unsuccessfully sought amendments to HB 523, including the removal of language that could make it easier for employers to fire employees who are qualified patients and prevents patients from claiming wrongful termination as a result.

“Overall, we are happy Ohio has passed legislation that will create a system for safe and legal access, but we have serious concerns about the employment provisions,” said Michael Liszewski, ASA Government Affairs Director. “Patients should not have to choose between their medicine and their job, but HB 523 will create these types of scenarios. We look forward to working with the legislature to amend the provision.”

House Votes to Lift Gag on VA Doctors

On May 19, the House of Representatives approved a budget amendment that clears the way for Veterans Health Administration physicians to provide veterans with the recommendations they need to participate in state medical cannabis programs.

Current federal policy prohibits VA doctors from providing such documentation or even discussing medical cannabis with their patients, though physicians are protected by the First Amendment.

The bipartisan Veterans Equal Access Amendment (VEAA) to the FY2017 Military Construction and Veterans Affairs (MilConVA) Appropriations bill passed by a vote of 233-189, with 57 Republicans and 176 Democrats supporting it. A similar bill lost last year by just three votes.

The just-passed VEAA would forbid the VA from using any funds to punish physicians who write recommendations or discuss benefits of medical cannabis therapy with their patients. A 2011 VHA directive allows veterans who are medical cannabis patients to continue to receive medical care through their VA doctors and hospitals but imposes a gag order on all VA physicians.

“I can tell you for certain, with every ounce of my integrity, that without the benefits of medical cannabis, I would not be standing here before you all today,” said former US Army Captain Eric Gudz (pictured at left), who lobbyists members of the House as part of ASA’s effort to pass the amendment.

Many veterans use medical cannabis to treat a host of ailments associated with military service, including chronic pain, PTSD, traumatic brain injury, phantom limb syndrome, cancer, and depression.

If signed by the President, the VEAA will have to be renewed next year. The CARERS Act, currently awaiting a hearing in both houses, would make this provision permanent.

“We are pleased that both the House and Senate have made it clear that the Veterans Administration should not punish doctors for recommending medical cannabis to their veteran patients,” said Michael Liszewski, ASA Government Affairs Director. “We anticipate this amendment will reach the President, and once signed, it will give VA physicians another tool to treat the needs of America’s veterans.”

The amendment was introduced by Rep. Earl Blumenauer (D-OR) and cosponsored by Reps. Farr (D-CA), Gallego (D-AZ), Heck (R-NV), Lee (D-CA), Polis (D-CO), Reed (R-NY), Rohrabacher (R-CA) and Titus (D-CA).

Lab Accreditation Program Announced

A new cannabis-specific laboratory accreditation program will assure patients and regulators that testing facilities are meeting established standards for accurately assessing cannabis products.

The collaborative program between ASA and the American Association for Laboratory Accreditation (A2LA) is based on the international standard for testing and calibration laboratories, known as ISO/IEC 17025, and ASA’s Patient Focused Certification (PFC) requirements.

The new program will be recognized by the International Laboratory Accreditation Cooperation, which for 40 years has promoted universal standards for test and calibration results in support of international trade.

“A2LA is pleased to partner with ASA to offer a cannabis testing laboratory accreditation program to ISO/IEC 17025 that also includes the additional laboratory requirements from ASA’s Patient Focused Certification Program,” said Roger M. Brauninger, Biosafety Program Manager for A2LA. “We believe that, by meeting these combined criteria, laboratories will be able to provide confidence to patients as well as regulators that their test results on these products are consistent, accurate, reliable and legally defensible.”

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Despite ASA opposition, both committees advanced taxation bills that may place an unreasonable burden on patients. The Assembly will consider AB 2243, which would tax licensed medical cannabis distributors at $9.25 per ounce of dried cannabis flowers, $2.75 per ounce of cannabis leaves, and $1.75 per plant cutting. The Senate will consider SB 987, which would impose an additional 15% excise tax on medical cannabis statewide. ASA opposes both bills.

In more than 200 face-to-face meetings, the citizen lobbyists also spoke with lawmakers about ASA’s proposed bill for 2017 to end pervasive discrimination against patients in employment, housing, parental rights, and access to health care.

Before those meetings, participants received a special briefing from Lori Ajax, the state’s recently appointed director of the new Bureau of Medical Marijuana Regulation, and the bureau’s Senior Policy Advisor, An-Chi Tsou.

The fiscal committees’ actions were part of suspense hearings held twice during each annual legislative session to decide whether or not bills that have a financial impact of $150,000 or more will proceed to a vote on the floor. Bills held in committee are dead for the year.

The new ASA/A2LA program will confirm that participating laboratory operations are compliant with state and local regulations and the guidelines issued by the American Herbal Products Association, as well as the scientific standards required by regulatory agencies such as the Environmental Protection Agency, the U.S. Department of Agriculture, and the U.S. Consumer Product Safety Commission.

“We are very excited to see the PFC program join the ISO/IEC 17025 accreditation efforts to help fully establish a robust and reliable cannabis testing foundation,” said Jeffrey Raber, CEO of The Werc Shop, a PFC-certified cannabis testing laboratory. “It is a great testament to ASA’s commitment to quality in their PFC program that they are partnering with a world-renowned accrediting body to set a new standard for cannabis testing labs.”

The first training course for the new laboratory accreditation program will be held at A2LA headquarters in Maryland July 11-15. During the course, participants will receive training on ISO/IEC 17025 compliance and PFC’s national standards for cannabis and cannabis products.

“This joint accreditation program builds on the solid foundation of the PFC certification standards and will provide assurance that all regulatory requirements are being met by the laboratory, and that third-party inspectors, auditor and assessors are receiving proper training,” said Kristin Nevedal, ASA’s PFC Program Director.