



# *Medical Marijuana Use by Parents and Children*

*Presented By Kevin Everhart*



► Kevin Everhart joined American Court & Drug Testing Services, now Averhealth, in September 2008. In August 2009, Mr. Everhart assisted in the opening of the Columbus Ohio office, and is currently the Area Manager for Central and Southern Ohio. Mr. Everhart is a Certified Breath Alcohol Instrument Instructor and a Certified Instructor for Federal DOT Urine Collections. Mr. Everhart has testified as an Expert Witness in numerous Child Protective Services, Probation and Drug Court cases along with Domestic Relation cases on the interpretation of drug test results.

► Mr. Everhart has over 25 years in Law Enforcement with 22 years in Narcotics/Vice investigations with his last 10 years as the Assistant Task Force Commander for the Major Crimes Unit. As a Narcotics Detective, Mr. Everhart spent years working undercover with 3 years working deep cover infiltrating an Outlaw Motorcycle organization.

► Mr. Everhart has served on the DEA and Homeland Security Task Forces, investigating both federal narcotic crimes and organized crime.

► Mr. Everhart supervised the Clandestine Methamphetamine Laboratory Site Safety Unit for the Southern District of Ohio. He also served numerous years as a Special Response Team (S.R.T.) officer.

► Mr. Everhart carries a vast knowledge in the field of narcotics, drug testing and laboratory results interpretation.





# Ohio Medical Marijuana House

## Bill 523



# Ohio Medical Marijuana went into law September 2016

As of April 2023:

- 778,067 Recommendations
- 355,368 Registered patients
  - 22,342 Patients with Veteran Status
  - 23,405 Patients with Indigent Status
  - 1,346 Patients with a Terminal Diagnosis
- 303,997 Unique patients who purchased medical marijuana
- 36,003 Registered Caregivers



# Ohio Sales Figures (as of 4/22/2023)

- 183,114 lbs. of plant material
- 16,944,430 units of manufactured product
- \$1.4 billion in product sales
- 11,214,462 total receipts
- Plant Sales Average - \$17.17 per 1/10oz
- Plant Sales Average - \$6.07 per gram

# Qualifying Medical Conditions

- AIDS
- Alzheimer's disease
- Amyotrophic lateral sclerosis
- Cancer
- Cachexia
- Chronic traumatic encephalopathy
- Crohn's disease
- Epilepsy or another seizure disorder
- Fibromyalgia
- Glaucoma
- Hepatitis C
- Huntington's Disease
- Inflammatory bowel disease
- Multiple sclerosis
- Pain that is either chronic and severe or intractable
- Parkinson's disease
- Positive status for HIV
- PTSD
- Sickle cell anemia
- Spasticity
- Spinal cord disease or injury
- Tourette syndrome
- Traumatic brain injury
- Terminal illness
- Ulcerative colitis



## Expectable Forms Of Marijuana And Use

**(A) Only the following forms of medical marijuana may be dispensed under this chapter:**

- (1) Oils;**
- (2) Tinctures;**
- (3) Plant material;**
- (4) Edibles;**
- (5) Patches;**
- (6) Any other form approved by the state board of pharmacy under section 3796.061 of the Revised Code.**

**(B) With respect to the methods of using medical marijuana, all of the following apply:**

- (1) The smoking or combustion of medical marijuana is prohibited.**
- (2) The vaporization of medical marijuana is permitted ;**
- (3) The state board of pharmacy may approve additional methods of using medical marijuana, other than smoking or combustion, under section 3796.061 of the Revised Code.

(C) Any form or method that is considered attractive to children, as specified in rules adopted by the board, is prohibited.

(D) With respect to tetrahydrocannabinol content, all of the following apply:

- (1) Plant material shall have a tetrahydrocannabinol content of not more than thirty-five per cent.
- (2) Extracts shall have a tetrahydrocannabinol content of not more than seventy per cent.



Impairment caused by this drug may be delayed. This product may cause impairment and may be habit-forming. Smoking medical marijuana is not permitted in the State of Ohio. There may be health risks associated with consumption of this product. Should not be used by women who are pregnant or breastfeeding. For use only by the person named on the label of the dispensed product. Keep out of reach of children. Marijuana can impair concentration, coordination and judgment. Do not operate a vehicle or machinery under the influence of this drug. This product may be unlawful outside the State of Ohio.

Ohio MMCP Toll-Free Number: 1-833-464-6627  
Ohio Provisions - License #: MMD 07000  
(740) 993-0444



UBGOOD  
20:1 CBD:THC  
Tincture  
+ CBD - THC 114mg -  
CBD 2200.20mg -  
0.11g - \$40.00



Ozone  
GC Cartridge  
+ Sativa - THC 630mg  
0.85g - \$30.00



Ozone  
Red, White & Berry  
HD Gummies - 10  
Pieces  
+ Hybrid - THC 194mg  
0.22g - \$25.00



Ozone  
Face On Fire  
+ Hybrid - THC 23%  
2.83g - \$18.00



&Shine  
Star Killer Cured  
Concentrate  
+ Indica - THC 763mg  
1g - \$37.00



Avexia  
1:1 THC:CBD Avexia  
Lotion  
+ CBD - THC 295mg -  
CBD 304mg  
0.295g - \$49.00









# Patient Requirement To Register With Board Of Pharmacy

A patient seeking to use medical marijuana or a caregiver seeking to assist a patient in the use or administration of medical marijuana shall apply to the state board of pharmacy for registration. The physician who holds a certificate to recommend issued by the state medical board and is treating the patient or the physician's delegate shall submit the application on the patient's or caregiver's behalf in the manner established in rules adopted under section 3796.04 of the Revised Code.

The application shall include all of the following:

- A statement from the physician certifying all of the following:
- That a bona fide physician-patient relationship exists between the physician and patient;
- That the patient has been diagnosed with a qualifying medical condition;
- That the physician or physician delegate has requested from the drug database a report of information related to the patient that covers at least the twelve months immediately preceding the date of the report
- That the physician has informed the patient of the risks and benefits of medical marijuana as it pertains to the patient's qualifying medical condition and medical history.
- In the case of an application submitted on behalf of a patient, the name or names of the one or more caregivers that will assist the patient in the use or administration of medical marijuana;
- In the case of an application submitted on behalf of a caregiver, the name of the patient or patients that the caregiver seeks to assist in the use or administration of medical marijuana.

If the application is complete and meets the requirements established in rules, the board shall register the patient or caregiver and issue to the patient or caregiver an identification card.





The following information is featured on a registrant's card:

- Registrant name
- Registrant date of birth
- Registration role (patient and/or caregiver)
- Registration issued date
- Registration expiration date
- Recommendation expiration date
- Registry ID number



# PHYSICIANS

The prescribing doctor must be approved by the State Board of Ohio, have a doctor-patient relationship, review the patient's past prescriptions, and inform the patient of risks versus benefits in using cannabis to treat their condition.

Physicians will need to see their medical marijuana patients in-person at least once per year. It is imperative that physicians recommending with their CTR follow the medical board's Standard of Care Rule for the medical marijuana control program.

Physicians seeking to recommend medical marijuana in Ohio must have an active Certificate to Recommend (CTR) from the State Medical Board of Ohio.





# A Registered Patient

(A) Notwithstanding any conflicting provision of the Revised Code, a patient registered under this chapter who obtains medical marijuana from a retail dispensary licensed under this chapter may do both of the following:

- (1) Use medical marijuana;
- (2) Possess medical marijuana, subject to division (B) of this section;
- (3) Possess any paraphernalia or accessories specified in rules adopted under section 3796.04 of the Revised Code.

(B) The amount of medical marijuana possessed by a registered patient shall not exceed a ninety-day supply, as specified in rules adopted under section 3796.04 of the Revised Code.

**(C) A registered patient shall not be subject to arrest or criminal prosecution for doing any of the following in accordance with this chapter:**

- (1) Obtaining, using, or possessing medical marijuana;**
- (2) Possessing any paraphernalia or accessories specified in rules adopted under section 3796.04 of the Revised Code.**

(D) This section does not authorize a registered patient to operate a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of medical marijuana.



# Can A Minor Acquire A Medical Marijuana Card?

## YES

However, a certified physician may recommend treatment with medical marijuana only after obtaining the consent of a parent or another person responsible for providing consent to treatment. Minors are also required to have an adult caregiver.

Both the patient (minor) and the patient's caregiver will need an official, unexpired ID to present to the recommending physician before they can enter the individuals into the Patient & Caregiver registry. Valid forms of ID: a state driver's license; a US Passport; an identification card issued by the Ohio Bureau of Motor vehicles. These BMV cards can be issued to minors and adults who do not have a driver's license.

Both the patient (minor child) and the caregiver are required to possess their respective cards.



## Are Other State Medical Marijuana Cards Accepted in Ohio

- (A)(1) The state board of pharmacy shall attempt in good faith to negotiate and enter into a reciprocity agreement with any other state under which a medical marijuana registry identification card or equivalent authorization that is issued by the other state is recognized in this state, if the board determines that both of the following apply:
- (a) The eligibility requirements imposed by the other state for that authorization are substantially comparable to the eligibility requirements for a patient or caregiver registration and identification card issued under this chapter.
  - (b) The other state recognizes a patient or caregiver registration and identification card issued under this chapter.
- (2) The board shall not negotiate any agreement with any other state under which an authorization issued by the other state is recognized in this state other than as provided in division (A)(1) of this section.



# Can You Own Or Carry A Gun As Medical Marijuana Patient?

It is technically illegal to buy medical marijuana if you reside in the state of Ohio and have a concealed-carry permit.

However, that is not a result of Ohio's strict gun and marijuana regulations; it's the federal government's rules.

Cannabis usage, purchasing, and possessing a handgun as a registered medical patient will not be permitted under federal law until marijuana is removed from the Schedule I drug list.





The U.S. Department of Health and Human Services (HHS) made a recommendation to the U.S. Drug Enforcement Administration (DEA) that cannabis be moved from a Schedule I Controlled Substance to a Schedule III Controlled Substance under the federal Controlled Substances Act.

The law defines Schedule I controlled substances as having “no currently accepted medical use and a high potential for abuse.”

The law defines Schedule III controlled substances as having “a moderate to low potential for physical and psychological dependence.”



## **Top Federal Health Agency Says Marijuana Should Be Moved To Schedule III In Historic Recommendation To DEA**



# What Are Employers Right

## **Are employers required to accommodate medical marijuana use?**

Ohio's Medical Marijuana Control Program does not require employers to accommodate employees who use medical marijuana, and employers are free to treat it as they choose.

## **Can employers still make employment decisions based on marijuana use?**

Employers have discretion regarding employees' medical marijuana use and can hire, discharge, move, make tenure decisions, or demote employees based on its use. Employers should avoid making decisions that conflict with company policy if they do decide to accommodate medical marijuana use, however, under the Drug-Free Workplace Act employers are required to maintain a drug-free workplace as a condition of contracting with the federal government.

## **Does the Ohio Medical Marijuana Control Program affect the employer's ability to provide a drug test?**

In general, companies are permitted to maintain a drug-free workplace. Employers may still provide drug tests to employees and make employment decisions based on the results. Employers should conduct drug tests in accordance with standard operating procedure and avoid singling out employees to provide the appearance of disparate treatment. If a business decides to alter its official policy on marijuana prohibition or accommodation, the changes should be made through proper chain-of-command in accordance with standard operating procedures for amending company bylaws.

## **Can employees claim protected medical marijuana use under the Americans with Disabilities Act ("ADA")?**

Medical marijuana, while legal for qualifying individuals in the state of Ohio, is illegal under federal law and is not protected under the ADA. As such, employers are not required to accommodate its use. The employee's underlying medical condition is likely to be covered, however, so employers should make any subsequent employment decisions in accordance with standing company policy.



## **Does the federal Controlled Substances Act (“CSA”) prevent employers from hiring medical marijuana patients?**

While marijuana in all forms is illegal federally, the Controlled Substances Act does not prohibit Ohio employers from hiring qualifying medical marijuana patients.

However, under the Drug-Free Workplace Act, employers who contract with the federal government, or receive grants from the federal government, must establish a drug-free workplace policy and may not accommodate medical marijuana use. Notwithstanding the foregoing, the Drug-Free Workplace does not technically mandate that employers drug test applicants or employees.

## **Can an employee sue or maintain a cause of action against an employer if the employee suffers an adverse employment action because of the employee’s medical marijuana use?**

Ohio law expressly states that an employer is not subject to suit if an employee suffers an adverse employment action based on medical marijuana use, as long as the decision was made based in accordance with company policy. Employers should take care to avoid firing an employee in a manner out-of-step with existing protocol as this may form the basis for retaliation action. As a best practice, HR departments should reiterate existing company policy on medical marijuana use to employees and make them aware of any changes that may follow.

## **What happens if an employer catches an employee using medical marijuana?**

Any action taken by an employer who finds an employee using medical marijuana depends on company policy, and where the encounter takes place. If an employer finds an employee using medical marijuana during off-hours, and company policy accommodates its use, for example, then no action needs to be taken. As a general matter, employers who accommodate employees using medical marijuana should prohibit its use during work hours or on company property (including the parking lot).



### **If an employee is fired for medical marijuana use, what happens to that employee's benefits?**

Employers should avoid firing an employee for medical marijuana if official company policy permits its use or if they have verbally told employees they will accommodate it. However, if an employer prohibits medical marijuana and fires an employee for its use, Ohio law provides the employee will be discharged for "just cause." As such, if an employer does not accommodate medical marijuana and an employee is fired for its use, the employee is generally not eligible for benefits or severance. Also, employees fired for medical marijuana use are likely barred from receiving employment benefits.

### **What if I want to accommodate an employee's medical marijuana use?**

Employers should create strict procedures and guidelines. Employers may choose to have an occupational specialist perform a verification assessment, and they may want to work with the employee's doctor to determine reasonable accommodations. Employers should consider modifying the duties of medical marijuana users in safety-sensitive positions.

### **Will this affect my liability insurance?**

Because insurance policies are contracts, your rights and obligations depend on the language in your policy. In general, insurance companies are unlikely to cover any accidents or damage caused by an employee who was under the influence of a federally controlled substance such as marijuana at the time of an accident.

Employers who accommodate medical marijuana should be sure to review drug-testing policies in light of their insurance policies. Marijuana can stay in an individual's system for an extended period of time, so a drug test can produce a positive result even if the employee has not used medical marijuana for several days. If your procedures mandate drug testing following an accident, then an employee who tests positive may be denied coverage even if they were not under the influence at the time of the accident.



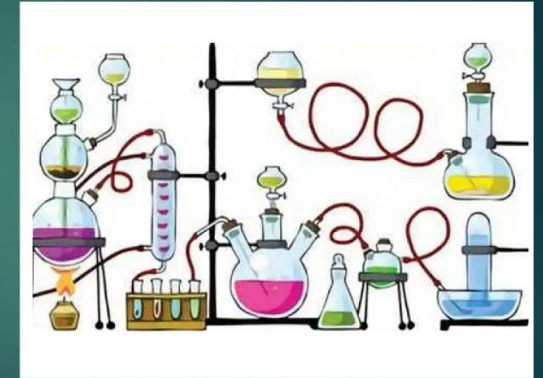
# ***NARCOTICS 101***

***What You Need To Know***

***Presented by Kevin Everhart***



## ***DRUG TESTING RESULT INTERPETATION***



Interested in learning more? Inquire for more information on these additional presentations.

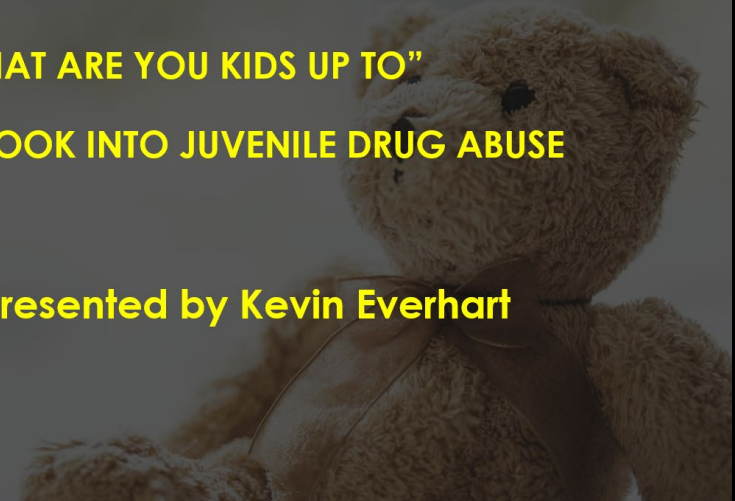
## ***Medical Marijuana Use by Parents and Children***

***Presented By Kevin Everhart***



## ***"WHAT ARE YOU KIDS UP TO" A SERIOUS LOOK INTO JUVENILE DRUG ABUSE***

***Presented by Kevin Everhart***







# Kevin Everhart

Contact Information

(740) 304-9720

[keverhart@averhealth.com](mailto:keverhart@averhealth.com)