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LOOKING AHEAD AT OHIO'S MEDICAL MARIJUANA BUSINESS

Ohio may prefer to double down on medical marijuana to delay approving recreational marijuana. If recent events are any indication, a doubling of medical marijuana dispensaries and new legislation indicates that key state government actors prefer to expand and liberalize the Ohio medical marijuana program while continuing to oppose recreational marijuana.



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The latest dispensary license "lottery" overseen by the State of Ohio Board of Pharmacy should lead to the establishment of up to 70 new medical marijuana dispensaries over the next 12 months. The Department of Commerce is similarly allowing cultivators to double the size of their cultivation areas. This means that Ohio will see an increase from the current number of 58 medical marijuana dispensaries to just over 130 and significantly increase production capacity. Additionally, geographic areas which are currently lacking dispensaries should get new dispensaries, providing easier access for patients.

The Ohio legislature is currently considering separate bills that would expand the availability of medical marijuana and legalize adult-use marijuana. However, the medical bills have much better odds of passing. In early March, House Bill 60 passed the House by a vote of 73 to 13 and is now in the Senate for consideration. House Bill 60 legalizes medical marijuana for patients with

autism spectrum disorder.

In December 2021, Senate Bill 261 overwhelmingly passed in the Senate and is in the House for consideration. If enacted in its current form, the bill would authorize doctors to recommend medical marijuana for any condition that the doctor believes would benefit their patients. Conversely, the prospects for the legislature to legalize recreational marijuana remain slim due to strong opposition from key legislators. Hence, the best odds to enact recreational marijuana in Ohio still rests with the ability of proponents to place the issue before voters in November.

Marijuana remains illegal at the federal level, and Congress has not passed any meaningful financial reforms to aid the industry. Nevertheless, 38 states have some form of legal medical marijuana, and 18 states, including Michigan, have fully legalized recreational marijuana.

The marijuana industry, including Ohio, employs more than 428,000 people directly and indirectly. This includes direct jobs such as cultivation and retail sales and indirect jobs like legal, accounting, compliance, security, construction and product suppliers. From a tax revenue perspective, in 2021, 10 states with medical and recreational marijuana reported around 3 billion in tax revenue.

The current trends certainly point to full adult legalization at some point in the future. In the meantime, it is more likely that Ohio will continue to expand the medical program by increasing the number of allowable conditions for which patients can obtain medical marijuana while also increasing medical marijuana production. ■

EDUCATION & EVENTS

■ April 7 – April 8

Real Property Law Institute

Day 1: 6.5 CLE hours (1.0 P.C.); Day 2: 3.0 CLE Hours (0.5 P.C.)

■ Tuesday, April 12 • 12 – 1:30 p.m.

Ohio's New Limited Liability Company Act: An Overview and Practice Pointers

1.5 CLE Hours

■ Thursday, April 14 • 1:30 – 4 p.m.

Hollywood Ethics

2.5 P.C. CLE Hours

All classes listed are offered by the Columbus Bar Association through Zoom. To register, call 614-221-4112 or enroll online at www.cbalaw.org.

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OHIO'S NEW SENATE BILL 215 – "CONSTITUTIONAL CARRY"

On March 14, Governor Mike DeWine signed S.B. 215 into law; it takes effect June 13. S.B. 215, otherwise referred to as "Constitutional Carry" or "Permitless Carry", is exactly that; it allows qualified adults to carry concealed on their person a handgun without a permit. For months, our office has been getting inquiries as to whether the governor would sign the bill, as it has been on the wish list for gun owners for some time. The new law is saturated with policy discussion and debate; however, I wanted to take a moment and ensure the community understands the main points of S.B. 215. This short article will not cover every change in the law; rather, it will address



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the main points in broad strokes.

The Concealed Handgun Licensing, or CHL, laws in Ohio are not going away. In fact, they have been incorporated into S.B. 215. The primary result of the passage of S.B. 215 is the new definition of a "Qualifying Adult", which is defined as someone who is 21 years or older, not prohibited from possessing a firearm and who is otherwise qualified to obtain a CHL under current Ohio law. A Qualifying Adult can carry a concealed handgun (S.B. 215 only allows for handguns) in the same locations as a licensed individual. Moreover, the same legal restrictions and obligations attached to a CHL holder by law also apply to a Qualifying Adult. In the event a Qualifying Adult becomes legally

disabled from firearm possession, the Qualifying Adult's statutory right under S.B. 215 is immediately revoked.

In addition to the creation of the term "Qualifying Adult", S.B. 215 has also amended the Ohio law regarding notification to law enforcement when armed with a concealed handgun. Presently, when a CHL holder is stopped for a law enforcement purpose, they must promptly notify the officer that they are armed. Under S.B. 215, a Qualifying Adult or CHL holder must not knowingly fail to disclose before or upon being asked by a law enforcement officer that they are carrying a concealed handgun.

It begs the question: why would any Ohio citizen obtain a CHL anymore? There are two main reasons an Ohio citizen may still wish to have an Ohio CHL. First, for reciprocity, so that the CHL holder can

legally carry in other states that require a permit. Secondly, all CHLs issued in Ohio on or after March 23, 2015, enable the holder to bypass a traditional NICS background check, as the license is an adequate substitute per the Bureau of Alcohol, Tobacco, Firearms and Explosives. This is more a matter of convenience, as the CHL holder does not have to wait for a firearm dealer to run a background check for every purchase (note that the licensed dealer may still require a purchaser to submit to a background check). And lastly, under federal law a person may only carry into a school zone if they have a license to do so issued by the state where the school zone is located. A Qualifying Adult who has not been issued a CHL would not qualify under federal law. ■



Hollywood ETHICS
2.5 Prof. Conduct CLE Hours

Hollywood lawyers have a lot to teach us about the Rules of Professional Responsibility. Using Hollywood story lines as a starting point, this live webinar dissects the rules and applies them to real-life cases. 2.5 Prof. Conduct hours.

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