

Ohio and Florida among states favoring the legalization of medical marijuana



David M. Kall | Monday, June 20, 2016

Ohio

Authorizing medical marijuana in the Buckeye State, Gov. John Kasich signed [House Bill 523](#) into law on June 8, 2016. The [Marijuana Policy Project](#), an organization with the sole focus of ending marijuana prohibition, applauded the legislation, pleased that “ill patients in Ohio will have access to this important treatment option upon their doctors’ recommendations...”

HB 523 legalizes medical marijuana for the following conditions, but people can petition the medical board to add a new disease or condition:

- AIDS
- Amyotrophic lateral sclerosis
- Alzheimer's disease
- Cancer
- Chronic traumatic encephalopathy
- Crohn's disease
- Epilepsy or another seizure disorder
- Fibromyalgia
- Glaucoma
- Hepatitis C
- Inflammatory bowel disease
- Multiple sclerosis
- Pain that is either chronic and severe or intractable

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- Parkinson's disease
- Positive status for HIV
- Post-traumatic stress disorder
- Sickle cell anemia
- Spinal cord disease or injury
- Tourette's syndrome
- Traumatic brain injury
- Ulcerative colitis

This is not the first attempt at marijuana legalization in Ohio. Last fall, Ohioans rejected [Issue 3](#), a ballot proposal that would have legalized the sale and use of marijuana, and created 10 facilities with exclusive commercial rights to grow marijuana. The issue was complicated by an accompanying measure, [Issue 2](#), which asked voters whether the state constitution should be used to grant monopolies or determines tax rates that are “not available to similarly situations persons.”

The [fiscal note](#) for HB 523 does not contain cost or tax revenue estimates. However, had Issue 3 passed last year, marijuana would have been subject to all the standard business taxes, fees and assessments. In addition, gross revenue at production sites would have been taxed at 15 percent, and at 5 percent at retail – 55 percent of that tax revenue would have gone to the Municipal and Township Government Stabilization Fund, 30 percent to the Strong County Fund, and 15 percent to the Marijuana Control Commission Fund.

Florida

In the Sunshine State, the [Florida Right to Medical Marijuana Initiative](#), known as Amendment 2, is a ballot initiative set for a vote in the Nov. 4, 2016, election. A vote for Amendment 2 would legalize medical marijuana for individuals with debilitating medical conditions as determined by a licensed state physician.

The title on the ballot will read “Use of Marijuana for Debilitating Medical Conditions.” The [ballot summary](#) for the measure provides that it does the following:

“Allows medical use of marijuana for individuals with debilitating medical conditions as determined by a licensed Florida physician. Allows caregivers to assist patients’ medical use of marijuana. The Department of Health shall register and regulate centers that produce and distribute marijuana for medical purposes and shall issue identification cards to patients and caregivers. Applies only to Florida law. Does not immunize violations of federal law or any non-medical use, possession or production of marijuana.”

A debilitating medical condition means cancer, epilepsy, glaucoma, positive status for HIV, AIDS, post-traumatic stress disorder, amyotrophic lateral sclerosis, Crohn's disease, Parkinson's disease, multiple sclerosis, or other debilitating medical conditions of the same kind or class as or comparable to those enumerated, and for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks for a patient.

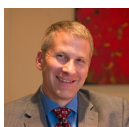
In an October 2015 [summary of initiative financial information](#), Florida’s [Office of Economic & Demographic Research](#) looked at Colorado’s experience and estimated that full implementation could cost \$2.7 million annually. Because medical marijuana is tangible personal property, it would be subject to sales and use tax unless a specific exemption exists. Even so, an exemption is not likely because medical marijuana is not, and probably will not in the future, be classified as a common household remedy entitled to a sales tax exemption.

At the time of the summary’s publication, there were too many unknowns to be able to estimate tax revenues. Nevertheless, assuming Florida’s consumption patterns mimic those in Colorado, annual state and local government sales tax revenues could increase by \$67 million.

In 2014, 57.62 percent of voters favored legalization of medical marijuana under similar terms. However, because the Florida Constitution requires a 60 percent supermajority to pass a constitutional amendment, medical marijuana remained unlawful. The 2016 version is different for its clarification of parental consent requirements and because doctors would not be immune from malpractice claims for negligently prescribing marijuana. It also contains more precise definitions of the kinds of illnesses that would enable treatment with medical marijuana, and limitations on the number of patients a caregiver can treat with medical marijuana.

Other states

The Motley Fool [predicts](#) that Florida’s Amendment 2 is “guaranteed” to pass, not only because of the growing acceptance of marijuana nationwide, but because 65 percent of respondents in a Public Policy Poll are in favor. [Nevada](#) and [Maine](#), both with Nov. 8, 2016, ballot initiatives, are two other states that the Fool puts in that category.



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