

South Carolina: Lawmakers introduce medical marijuana legislation



David M. Kall | Thursday, January 19, 2017

The Palmetto State currently has no laws permitting the use of marijuana, recreationally or medically. However, change may be afoot on the medical front; Sen. Tom Davis used Facebook to drum up support his new medical cannabis initiative, launched on Jan. 10, 2017. Quoting polls showing that 78 percent of South Carolinians support medical marijuana, he asserted that “[t]his year’s legislative push is broad-based, bi-partisan, very focused and well-organized.”

Along with Rep. Peter McCoy, Sen. Davis introduced S 212, the South Carolina Compassionate Care Act. This is Sen. Davis’ second marijuana related measure; the first was his 2014 law that legalized marijuana oil when prescribed by a doctor. In an interview with the Statehouse Report, Sen. Davis noted that his proposal “borrows heavily from states with successful medical marijuana programs, has bipartisan support and [numerous] cosponsors.”

Many components of the act are now familiar because 28 states have legalized medical marijuana. Key among these are the following:

Taxes, fees and regulations: The act requires the Department of Health and Environmental Control to promulgate regulations and create sales tax exemptions.

What constitutes a qualified patient: A person with a debilitating medical condition who possesses a valid registry identification card issued by the department.

What constitutes a debilitating condition: Cancer, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis, Crohn’s disease, ulcerative colitis, agitation of Alzheimer’s disease, post-traumatic stress disorder (PTSD), autism, idiopathic pulmonary fibrosis, Parkinson’s disease, neural-tube defects; or a chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe, debilitating pain; severe nausea; seizures; neurological disorders; or severe and persistent muscle spasms including those characteristic of multiple sclerosis; or any other serious medical condition or its treatment added by the Medical Cannabis Advisory Board.

Creation of an eight member Medical Cannabis Review Board: The board is the body that would consider petitions to add other serious conditions to the list of those that qualify for treatment with medical marijuana. It would consist of one appointment from each of the following, subject to Senate confirmation, each to serve a four year term: the governor, the President Pro Tempore of the Senate, the Senate Minority Leader, the Chairman of the Senate Medical Affairs Committee, the Speaker of the House, the Chairman of the House Committee on Medical, Military, Public and Municipal Affairs, the House Minority Leader, and the Executive Director or designee of the South Carolina Medical Association.

Caps and limits: The maximum allowable amount to be prescribed is two ounces, in the form of concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof and are intended for use or consumption by humans, including, but not limited to, edible cannabis products, beverages,

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topical products, ointments, oils, patches, sprays, suppositories, and tinctures.

Residents of other states: Any person that presents a valid registration card from another state allowing the cardholder to possess medical marijuana, and a physician's statement attesting that the out-of-state resident has a condition deemed to be debilitating by South Carolina, can legally purchase medical marijuana in the state.

Other states that may legalize medical marijuana this year include Tennessee Virginia, and Texas, according to International Business Times. In Texas in 2015, lawmakers were successful in decriminalizing marijuana oil for people with certain epileptic conditions. Despite the momentum, there remains some resistance in the Lone Star State; NBCDFW quoted a retired narcotics agent who does not think medical marijuana "has the legs in Texas to stand."



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