



Hamilton County LAW LIBRARY NEWS

Professional legal information, services, and education

October 2016

The New Ohio Medical Marijuana Law

By: Evelyn Schonberg of Ross, Brittain and Schonberg, CO., LPA.

Effective September 8, 2016, Ohio will become the 25th state to adopt a medical marijuana law. The new law will permit individuals who suffer from covered medical conditions to use and purchase medical marijuana that will be cultivated and processed in Ohio without criminal prosecution. Below is a summary of the new law and its consequences on current drug policies.

What Medical Conditions Are Covered? Individuals suffering from the following medical conditions can apply for patient registry identification cards: AIDS/HIV; Alzheimer's Disease; ALS; Cancer; Crohn's Disease; Epilepsy and other seizure disorders; Fibromyalgia; Glaucoma; Hepatitis C; Inflammatory Bowel Disease; MS; chronic or intractable pain; Parkinson's Disease; PTSD; Sickle Cell Anemia; Spinal Cord Disease or injury; Tourette's Syndrome; Traumatic Brain Injury; and Ulcerative Colitis. Ad-

ditional diseases or conditions can be added by the state medical board.

How Can A Medical Marijuana Card Be Obtained? Individuals suffering from a covered medical condition may apply for patient registry identification cards (Medical Marijuana Card). However, due to the fast-tracking of the law, the state will not begin accepting applications for several months.

Will Medical Marijuana Use Be Legal Prior To The Acceptance of Applications for A Medical Marijuana Card? Yes, but under very limited circumstances. Between September 8, 2016 and ending 60 days after Ohio begins accepting applications, an individual will be able to assert an affirmative defense against criminal prosecution for possessing marijuana and paraphernalia that would be legal under the law. The defense applies only if the individual's physician

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Hamilton County Law Library

Hamilton County
Courthouse
1000 Main Street
Room 601
Cincinnati, OH 45202
T:513.946.5300
F:513.946.5264

Open Monday-Friday 8 - 4

<http://lawlibrary.hamilton-co.org>

Tech Tip: Fastcase - Quick Reference Guide

Provided by Erin Page, Outreach and Reference Attorney, Fastcase



Fastcase Quick Reference Guide

Login

Start your research by logging in through the Hamilton County Law Library.

1. Go to <http://lawlibrary.hamiltoncountyohio.gov/>.
2. In the top right corner, enter your Hamilton County Law Library Username and Password.
3. Click "Login."
4. On the left side in the "Fastcase" box, click on "Go to Database."
5. Start your research. Access is free and unlimited.

Reference support is free at support@fastcase.com or 1-866-773-2782.

Locating a case by party name

Try performing a keyword search using the following format: [Plessy v. Ferguson](#). You can use Quick Caselaw Search or Advanced Caselaw Search.

To pull up [Plessy v. Ferguson](#), 163 U.S. 537 (1896), type [Plessy v. Ferguson](#) into the search box. Tip: This works best when parties have less common names.

Locating a case by citation

Type the volume number, reporter abbreviation, and first page number of the case. You can use Quick Caselaw Search or Advanced Caselaw Search.

To pull up [Plessy v. Ferguson](#), 163 U.S. 537 (1896), type [163 U.S. 537](#) into the search box.

Printing a document

To print the document you are viewing, start by clicking the Print/Save link on the top right-hand side of the screen. When you get to the Print Document screen make your formatting selections (e.g., .pdf, .doc, or .docx) and click [Print/Save](#) again.

The document will begin downloading to your computer. Once the document has downloaded, you can open and print the document using the appropriate software program (e.g., MS Word, Adobe Acrobat, Word Perfect).

Sorting search results

To sort your search results, click on any column heading on the Results page. For example, clicking on [Decision Date](#) will sort your results in chronological order.

Filtering cases by jurisdiction

To filter your cases by jurisdiction, click the down arrow on the [Jurisdiction Filter](#) located at the top left side of the screen, and select the jurisdiction you want from the drop-down menu.

Generating a list of later-citing cases

To generate a list of cases that cite the case you are viewing, click the hyperlinked number under the [Authority Check](#) heading on the top left-hand side of the screen.

 Authority Check
These results: [11](#) Entire database: [25](#)

An Authority Check Report with a list of later-citing cases will open. [Bad Law Bot](#) will bring cases that have been cited with a negative citation signal to your attention.

Browsing statutes

Select [Search Statutes](#) from the Search menu and then select the [Browse](#) tab. Select the code you want to browse by clicking on the plus sign to expand the view. To view a statute, click on the statute title.

Locating a case by keyword

To pull up a document by keyword, use [Advanced Caselaw Search](#) and formulate your search query using one or more of the 8 Boolean operators listed on the Advanced Caselaw Search page under "Show Search Tips."

Tip: Start with a broad search and use Fastcase's sorting and filtering tools to find the document you need. If you are not sure where to start, a natural language search may help point you in the right direction.



Want more information about Fastcase?

Visit us online at www.fastcase.com anytime, or call 1-866-773-2782 from 8 a.m.- 8 p.m. Eastern Time M-F, excluding holidays.

Upcoming CLE

Free to subscribers; \$50 for non-subscribers
Registration is required.

To register, call 513.946.5300, email
reference@cms.hamilton-co.org, or
register via the website

[http://lawlibrary.hamiltoncountyohio.gov/
classes/cle/](http://lawlibrary.hamiltoncountyohio.gov/classes/cle/)

[Lexis CLE: Statutes and Legislative History Research](#)

Speaker: Suzanne Morris

Wednesday, October 26, 2016

Noon-1pm

1.0 hour of general CLE pending in Ohio

New Content on HeinOnline

HeinOnline has added the following journals to its robust collection of law reviews and other legal periodicals. This content is available to all law library users on-site. It is also available off-site to local government users, and to 100% firms of under fifty attorneys, including solo attorneys.

- Irish Business Law Review
- ISIL Year Book of International Humanitarian and Refugee Law
- Journal of Law and Public Administration
- Journal of the Australasian Tax Teachers
- Law & History
- Law: Journal of the Higher School of Economics
- Notre Dame Law Review Online
- Pravni Vjesnik
- Trinity Law Review

Lexis for Solo Attorneys

We have finalized the three-year contract renewal with LexisNexis for Ohio, Kentucky, and Indiana cases and codes and additional content. It's available off-site for a reasonable add-on expense for current library subscribers who are solo attorneys and not current Lexis customers. See [the full description of this service](#) on the library's website.

The cost is dependent on the number of participants so do let your friends in solo practice know that we offer Lexis for solo attorneys. We may be able to lower the price in the next invoicing cycling if we attract more users. Current users will receive invoices shortly. New users will find the application online or may call Vanessa at 513.946.5300 for more information.

The Books You Use on Lexis Digital Library

Library subscribers and local government officials have access to popular Lexis books on Lexis Digital Library, available via login from the Law Library's website. You don't need any special equipment or applications to read these books; you can just open them on your browser. If you prefer, you can download them or use a reader but just reading them online is fine. Many, but not all, of the titles are Ohio-related. Give it a try sometime. Some of the titles included are:

- Ohio Juvenile Law Handbook
- Ohio Criminal Law Handbook
- Ohio Rules of Court Annotated
- Anderson's The Simple Will in Ohio
- Anderson's Domestic Relations Practice Manual

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has certified, in writing, that (1) the patient has been diagnosed with a qualifying medical condition; (2) the physician has gone over the risks and benefits of using medical marijuana; (3) the physician thinks the benefits of the patient using marijuana outweigh its risks and (4) the marijuana in question must be acceptable under the law.

What Is Acceptable Marijuana Under The New Law? Plant material, edibles, patches, oils and tinctures are the only products permitted. It prohibits smoking and other edibles and also prohibits individuals from growing their own marijuana.

Where Can Legal Medical Marijuana Be Obtained? Between September 8, 2016 and 60 days after dispensaries open in Ohio, individuals who have received a physician certification can obtain their medical marijuana from any source, including drug dealers. However, 60 days after dispensaries open in Ohio, patients will be required to obtain their marijuana from such state certified dispensaries.

How Does The New Law Impact An Employer's Zero Tolerance Drug Policy? The new law only decriminalizes use and possession of medical marijuana. It does not require an employer to permit or accommodate the use or possession of medical marijuana in the workplace. Accordingly, if it chooses, an employer can include the use of medical marijuana in its current drug policy and subject such users to all aspects of the policy.

Will A Medical Marijuana User Who Fails A Post-Incident Drug Test Be Allowed To

Obtain Benefits Under Ohio's Workers' Compensation Law? The new law is silent on this issue but in order for a positive drug test to defeat a workers' compensation claim under the Rebuttable Presumption law, the drug must not be prescribed by a physician. Claimants will argue that their physician certificate or medical marijuana certificate equate to a physician's prescription. We will need to await decisions by the Industrial Commission and the courts to see if this argument has merit.

Where the Rebuttable Presumption law is inapplicable, an employer must prove that the drug use was the proximate cause of the injury. This can be accomplished by presenting evidence of an extremely high level of the drug in the employee's system, a physician's opinion that the drug substantially impaired the employee at the time of the accident and evidence from coworkers that the employee acted erratically or exhibited signs of drug use at and around the time of the accident. Once again, we will have to await decisions by the Industrial Commission and the courts to address this issue.

What Should Employers Do Now? Even though the new law will take several months to be fully functional, employers should review the law, determine their position on the use of medical marijuana in the workplace and then notify their employees of the employer's position through the distribution of an updated drug policy.

Employers who decide to prohibit the use and/or being under the influence of medical marijuana must update their drug policies to affirmatively state that employees using medical marijuana with a valid physician cer-

tificate and/or medical marijuana card are not exempt from the policy and will be subject to all provisions of the policy. The definition of illegal drugs should be updated to include medical marijuana. Also be sure to require employees to notify the employer of their use of any prescription drug that affects their ability to work.

Finally, all supervisors should be educated on the fact that if an employee has a Medical Marijuana Card, he or she suffers from one of the certified medical conditions. This means that although the disabilities laws do not cover active drug users, they very well may cover the underlying medical condition. Therefore, employers may need to engage in the interactive process to determine whether a reasonable accommodation exists and/or is required to ensure compliance with the disabilities laws.

Please contact [our office](#) with any questions relating to medical marijuana.

Law Librarian & Director Search

October will be my last month of work as the director of the Hamilton County Law Library because I am moving to New Hampshire for family reasons. It has been my good fortune and great pleasure to serve the users of the Law Library's services and resources since 2007. The value that this library provides to the legal community, local government, and the general public is significant. The Hamilton County Law Library Resources Board has a search underway now for a new library director to join this talented and service-oriented staff. We will keep our subscribers and government users informed of developments. --Mary Jenkins

New Copiers

New photocopiers were installed a few weeks ago. They offer all of the same features as our old copiers and, since they're the same brand, there's not much of a learning curve for staff or library users. Keep in mind that we have [mobile print capability](#). You can send jobs to the copier by email before coming to the library or send a job from your mobile device without having to open it on a library computer. In addition to the familiar functions, both of these machines will print in color when you need that. Just select color in your document's print settings. Do take note of the higher charge: a subscriber or local government employee will pay 8¢ for a black & white copy and 25¢ for a color copy. Later this year, subscribers will be able to add value to a vend card by credit card. We will let you know when that is available. Also, you can save money by previewing a job before printing. Once you select your print job, just press the preview button. If the document isn't the one you meant to send, just delete it. Any staff member will be happy to address questions about the new copiers.

Law Library Board Meeting

The next quarterly meeting of the Hamilton County Law Library Resources Board will be held on Thursday, October 13 at 12:00 noon in the Robert S. Kraft Board Room. Meetings are open to the public. Meetings of past meetings are available on our [website](#).

Subscriber Benefits

All subscribers have access to the following valuable resources and services:

Circulation privileges to borrow from over 40,000 print volumes for up to six weeks at a time

Access to extensive legal information databases from the Law Library, including Lexis Advance, Shepards', Westlaw, IntelliConnect, Lexis Digital Library e-books, HeinOnline, and Loislaw treatises

Wireless network throughout the Law Library

Polycom videoconferencing

Five meeting rooms with speaker phones

Professional reference service by our law librarians, available via e-mail, telephone, and in person

Free document delivery by fax or e-mail of print and electronic materials

CLE seminars throughout the year, on legal research and substantive topics

Subscribers' lounge, magazines, daily newspapers, and coffee

Bi-weekly news alerts by practice area

Discounted rates for photocopying

In addition, solos and attorneys whose firm has a subscription have 24 hour remote access to Fastcase.com case law, Aspen/LOISLaw treatises, HeinOnline (for under 50 attorney firms), EBSCOhost, and IntelliConnect Law, Business, Tax, and Accounting

An add-on plan for Lexis access is available for subscribers in solo practice

You and the Legal System: Ohio Workers' Compensation Basics

Attorney Catharin Taylor is our next speaker in the *You and the Legal System* series for the public. Ms. Taylor will discuss Workers' Compensation on Friday, October 14 at noon in the Law Library. The discussion will cover what constitutes a compensable injury, who can file a claim, how claims are processed, what kinds of benefits are available, and what happens when a claim is denied. The program is free to the public. To register, call 513.946.5300 or register via our website [at http://lawlibrary.hamiltoncountyohio.gov/event-registration/?ee=84](http://lawlibrary.hamiltoncountyohio.gov/event-registration/?ee=84)

Please note that this is not a CLE event; it is intended for the general public. However, attorneys are welcome to attend and may want to pass along the program announcement to clients, staff and community organizations. If you would like more information, please contact [Laura Dixon-Caldwell](#).

You and the Legal System is brought to you as a public service by the Hamilton County Law Library, in conjunction with the Cincinnati Bar Association's Lawyer Referral Service. Save the date for the next event on our *You and the Legal System* series. Thomas Jacobs will discuss Special Education Law on Friday, November 18.

Workers' Compensation Law Resources

Law Library subscribers now have access to a variety of resources on Workers' Compensation. If you have questions, or have a suggestion for a title to add, contact the reference staff at reference@cms.hamilton-co.org or 513.946.5300

Advanced workers' compensation law.
KFO342 .A93 2015

The affordable care act and workers' compensation settlements [in Ohio].
KFO341 .A344 2015

Basic Ohio workers' compensation law 2014
KFO342 .B3 2014

Basic workers' compensation law 2015 : from the beginning to the practical use.
KFO342 .B3 2015

Employment law select issues: significant accommodation and employer obligations
KFO334.5.E55 E47 2014

Kentucky workers' compensation
KFK1542 .H37 2007-

Larson's workers' compensation law
KF3613.4 .L37 2014

LexisNexis ... Ohio annotated workers' compensation law handbook
KFO342.A29 A53

Ohio Industrial Commission and Bureau of Workers' Compensation laws

KFO342.A29 I531

Ohio Industrial Commission and Bureau of Workers' Compensation rules
KFO342.A29 I53

Ohio workers' compensation law
KFO342 .F85 2011-

Ohio workers' compensation law [Baldwin's Ohio handbook series]
2015-16

Workers' compensation journal of Ohio : WCJO
KFO342 .O351

Online Resources: Remote Access* CCH IntelliConnect

Disabilities Management Guide
Employee Benefits Management Explanations
Employment Practices Guide

EBSCO

Consultant and Independent Contractor Agreements
Create Your Own Employee Handbook
Employer's Legal Handbook
Employment Law: The Essential HR Desk Reference
Your Right In the Workplace

Fastcase

Employment Law Answer Book, 8th edition
Understanding the AMA Guides In Workers' Compensation, 5th edition

*Remote access is available to subscribers who are solos or firm attorneys whose entire firm has a subscription to the Law Library.

Upcoming Events:

October 13: Hamilton County Law Library Resources Board Meeting

October 14: You and the Legal System: Workers Compensation

October 26: Lexis CLE: Statutes and Legislative History Research

November 18: You and the Legal System: Special Education Law



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Hamilton County Courthouse
1000 Main Street, Room 601
Cincinnati, OH 45202