

MEDICAL MARIJUANA LAWS: THE LEGAL LANDSCAPE AND IMPLICATIONS FOR PATIENTS AND BUSINESSES

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ABSTRACT

This paper explores the legal landscape of medical marijuana laws and the implications they have for both patients and businesses. It provides a brief overview of the diverse approaches taken by different jurisdictions in regulating medical marijuana, ranging from legalization to strict limitations. The abstract also highlights the challenges faced by patients in accessing medical marijuana, including affordability, availability, and stigmatization. For businesses, it discusses the legal frameworks governing cultivation, distribution, and sale, as well as the financial considerations and evolving regulations. The abstract concludes by emphasizing the need for further research, evidence-based policymaking, and collaboration to ensure the well-being of patients and foster a responsible medical marijuana industry.

Keywords: Medical Marijuana Laws, Legal Landscape, Legalization, Medical Conditions, Access to Medical Marijuana, Dispensaries.

INTRODUCTION

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Marijuana laws have experienced substantial changes in recent years, with an increasing number of governments across the globe implementing legislation that allows for the medical use of cannabis. This transformation has resulted in a complex legal framework surrounding medicinal marijuana, with repercussions for both patients and corporations participating in this fast-evolving industry. Understanding the legal structure and its implications is critical for people seeking medical marijuana therapy as well as entrepreneurs wishing to develop ventures in this sector. This essay delves into the legal environment of medicinal marijuana, examining the ramifications for patients seeking alternative remedies and businesses handling the complexities of functioning inside this unique industry.¹ We may acquire a thorough grasp of the complexities of medical marijuana legislation and its effect on the healthcare and

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¹ Annu Rev Clin Psychol, 'Medical Marijuana and Marijuana Legalization' (2017) 13: 397–419.

commercial sectors by evaluating the connections between state and federal rules, patient rights, and business concerns.

HISTORICAL BACKGROUND OF MEDICAL MARIJUANA PROHIBITION AND SHIFTING ATTITUDES TOWARD ITS MEDICAL USE

Marijuana prohibition, including medical usage, has a long and complex history that is intricately linked with societal, cultural, and political aspects. Prior to the twentieth century, cannabis was widely utilized for medicinal reasons and was regarded as an accepted treatment option in many regions of the world. However, as several governments began to establish drug control policies in the early twentieth century, marijuana came under attention, and its medical use encountered increasing restrictions. The Marijuana Tax Act of 1937 in the United States represented an important turning point in the legality of cannabis. While the act did not directly prohibit the use of marijuana for medical purposes, it established strict regulations and taxes that effectively rendered its medical usage prohibitive and prohibited physicians from prescribing it. This legislation was spurred by a variety of issues, including ethical issues, discrimination based on race, and the impact of pharmaceutical firms attempting to market their own drugs.²

In the decades that followed, marijuana was classed as a Schedule I controlled narcotic by the Controlled Substances Act of 1970 in the United States, amongst drugs like heroin and LSD. This classification classified marijuana as having a significant potential for misuse, no recognized medical purpose, and a lack of safety when used under medical supervision. These legislative constraints significantly hampered scientific study and made it difficult for people to obtain marijuana for medical purposes. However, during the late twentieth century, societal opinions regarding marijuana began to evolve, owing to a variety of circumstances. The discovery of the cannabinoid system in the human body, which serves a critical role in regulating different physiological processes, was a huge advancement. This research offered a scientific foundation for comprehending marijuana's possible medical benefits.

Furthermore, the AIDS crisis in the 1980s placed light on marijuana's capacity to relieve conditions such as nausea and loss of appetite in patients receiving harsh therapies. This

² Mary Barna Bridgeman and Daniel T. Abazia, 'Medicinal Cannabis: History, Pharmacology, And Implications for the Acute Care Setting' (2017) 38National Library of Medicine, 396.

enhanced popular sympathy for marijuana and an understanding of its potential therapeutic value.

As public opinion shifted, certain states in the United States took the initiative in opposing medical marijuana prohibition. With the adoption of Proposition 215 in 1996, California became the first state to legalize medical marijuana, which was followed by an increasing amount of states adopting their own medical marijuana laws. This evolving public opinion landscape, as well as the legalization of medicinal marijuana in several countries, rekindled interest in the study, resulting in an increasing amount of scientific proof supporting its medical value. Marijuana has been shown in studies to be useful in addressing chronic pain, muscle spasms, nausea, and other painful diseases.

Awareness of medical marijuana's potential advantages has led to significant changes in policy and attitudes in recent years. As of September 2021, about 30 states in the United States and numerous countries had approved legislation allowing for the medical use of cannabis, albeit with varying degrees of regulation.³ Overall, the history of medicinal marijuana prohibition illustrates a complicated combination of cultural beliefs, political forces, and developing scientific understanding. As perceptions continue to shift and new evidence appears, the perception of medicinal marijuana has transformed from a stigmatized substance to a recognized therapeutic choice, prompting the rethinking and restructuring of medical marijuana regulations in many places.

OVERVIEW OF STATE VARIATIONS IN MEDICAL MARIJUANA LEGALIZATION

States that have legalized medicinal marijuana in the United States have taken varied approaches to regulating its usage, including disparities in eligibility requirements, registration for patient processes, and caretaker arrangements. While there are some similarities, it is critical to grasp the differences in order to successfully navigate the medical marijuana market.

Qualifying conditions: The particular medical conditions that allow individuals to medical marijuana use vary by state. Chronic pain, cancer, HIV/AIDS, multiple sclerosis, epilepsy, glaucoma, and post-traumatic stress disorder (PTSD) are all common qualifying illnesses. However, the list of qualifying criteria varies greatly from state to state. Some states have

³ Matthew J. Seamon, Jennifer A. Fass, Maria Maniscalco-Feichtl, and Nada A. Abu-Shraie, 'Medical marijuana and the developing role of the pharmacist' (2007) 64 American Journal of Health-System Pharmacy, 1037–1044.

comprehensive lists that include a wide range of illnesses whereas others have more narrow lists with particular qualifications.

Patient registration process: The procedures for registering for and obtaining medical marijuana cards differ by state. Patients must generally submit medical paperwork or certificate from an authorized healthcare expert that proves their condition. A diagnosis, medical record, and relevant treatment details are frequently included in this paperwork. Patients often submit an application to the state's official agency in charge of medicinal marijuana programs, along with the relevant paperwork and a fee. The application is reviewed by the agency, and if granted, a medicinal marijuana card or registry identity is issued.

Caregiver provisions: Some states enable designated carers to help qualifying patients purchase and use medicinal marijuana. Carer provisions vary, but most require carers to be at least 18 years old and to submit to a background check.⁴ Carers may be in charge of acquiring medical marijuana on the patient's behalf, assisting with dose and administration, or giving other essential assistance.

IMPORTANCE OF MEDICAL DOCUMENTATION AND CERTIFICATION:

Medical paperwork and certification are essential in the qualification procedure in states that have medical marijuana programs. Physicians, nurse practitioners, and specialists review patients' ailments, medical histories, and medication responses to determine whether medical marijuana is a viable alternative. They offer all required documentation, such as written recommendations or certificates that demonstrate a patient's eligibility for medicinal marijuana use. This documentation aids in the establishment of a legitimate medical requirement as well as ensuring compliance with state laws.

Medical paperwork and certification not only help patients get medicinal marijuana cards, but they additionally offer legal protection. Possession and use of medicinal marijuana are normally authorized only for persons who have a valid medical marijuana card and a qualifying ailment in states with medical marijuana laws. As a result, it is critical for patients to follow the proper steps, including acquiring medical paperwork and certification, to make sure they are consistent with state legislation and qualify for the advantages and protections given by

⁴ Matt Reid, 'The transforming landscape of cannabis in southwest Michigan: a case study of regulations and the role of small-scale growers' [2022] Journal Title Volume (Issue), 393-402. Available at: <https://doi.org/10.1080/09687637.2021.1994924> (Accessed: [15 may 23]).

medical marijuana programs. Individuals thinking about using medical marijuana should do their homework and learn the relevant rules and restrictions in their state or territory. Consultation with healthcare professionals who are aware of medical marijuana regulations and procedures can also help you navigate the process and ensure correct documentation and certification.

CHALLENGES PATIENTS MAY FACE IN ACCESSING MEDICAL MARIJUANA:

Despite the legalization of medicinal marijuana in many countries, patients frequently face a variety of obstacles while attempting to get this alternative therapeutic option. Among the most common difficulties are:

Limited Dispensaries: In states with rigorous rules, the number of licensed dispensaries may be limited. This can result in patients having to travel considerable distances, especially if they live in rural areas, which can be challenging and expensive to receive their prescriptions.⁵

Geographic discrepancies: Even when dispensaries are available, their distribution can have large geographic discrepancies. Certain locations or cities may have a greater number of dispensaries than others. This may result in unequal access to medical marijuana, affecting patients in areas with limited access disproportionately.

Concerns about affordability: The expense of medicinal marijuana can be an obstacle for patients, especially since it is sometimes not reimbursed by insurance. The costs of acquiring a medical marijuana card, buying supplies, and continuing treatment might be too expensive for persons with poor incomes or limited resources.

Product Selection Restrictions: Some states place restrictions on the sorts of medical marijuana medicines that are offered, limiting patients' options. Certain states, for example, only allow the use of specified forms, such as oils, tinctures, or capsules, while restricting the use of smokable forms. This can make it difficult for patients to select a product that meets their requirements as well as their tastes.

LEGAL REQUIREMENTS FOR BUSINESSES IN THE MEDICAL MARIJUANA INDUSTRY

⁵ James S. Wheeler and Tracy M. Hagemann, 'Medical marijuana in the United States: Historical perspectives, legal considerations, and professional obligations of the pharmacist' [2018] Clinical Pharmacy Forum.

Licensing Procedures: In order to operate lawfully in the medical marijuana sector, businesses must normally secure particular licenses or permissions. This may entail submitting an application to a state regulatory body or a designated department in charge of regulating the medical marijuana program. The licensing process frequently includes stringent registration procedures, fees, and adherence to stringent restrictions.

Background Checks: People engaged in the cultivation, distribution, or sale of medical marijuana are frequently subjected to comprehensive background checks. This is done to guarantee that the individuals involved do not have a criminal record or any other disqualifying circumstances that could jeopardize the industry's integrity or endanger public safety.

Compliance with restrictions: In order to keep their legal position, medical marijuana firms must follow a number of restrictions. These requirements may encompass security measures, product testing and labeling, record-keeping, personnel training, and waste disposal. Adherence to these requirements is critical to ensuring both the security and quality of medical marijuana products while also being in conformity with state legislation.

Financial Compliance: Due to marijuana's federal prohibition, businesses engaged in the medicinal marijuana industry may face significant financial compliance issues. They may be barred from using typical banking services, making it difficult to manage finances, execute transactions, and obtain loans or other forms of financial assistance.

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Medical marijuana firms are subject to special tax restrictions, which include state and local taxes. These taxes might range from sales taxes to excise taxes to unique cannabis taxes, depending on the area. To prevent penalties and legal concerns, businesses must ensure correct tax reporting and compliance. Investors who are interested in establishing the medical marijuana sector must extensively research and understand their jurisdiction's individual legal requirements and restrictions. ⁶Seeking legal counsel and speaking with specialists familiar with the legal landscape of the sector can provide significant guidance and help assure compliance with all required duties.

⁶ Kevin P. Hill, 'Medical Marijuana for Treatment of Chronic Pain and Other Medical and Psychiatric Problems' (2015) *Clinical Crossroads*, June 23/30.

SIGNIFICANT LEGAL CHALLENGES AND COURT RULINGS

Disputes with Landlords: One legal issue that medicinal marijuana firms and patients confront is disagreement with landlords. Due to marijuana's federal prohibition, some landlords may be hesitant to rent property to medical marijuana enterprises. This has resulted in legal conflicts and court battles about landlords' rights to remove tenants or reject to give leases to medical marijuana enterprises.

Employment Disputes: Another legal concern is employment issues involving medical marijuana use. Employees who use medical marijuana may find difficulties if their companies have strong drug-free working rules. Court decisions have varied, with some examples supporting employers' right to uphold drug-free workplaces and others recognizing the necessity to accommodate employees' medicinal marijuana usage in states where it is permitted.

Zoning Regulations: Zoning regulations frequently govern the location of medical marijuana enterprises. Some jurisdictions impose rigorous zoning standards that limit the places where dispensaries or growing facilities can be located, while others do not. In some circumstances, legal challenges have been filed challenging the validity and fairness of zoning restrictions.

EMERGING TRENDS IN THE MEDICAL MARIJUANA INDUSTRY:

Research Advances: As medical marijuana becomes more popular, there is a greater interest in and investment in the study. Cannabinoids' potential therapeutic applications and advantages in treating various medical disorders are being studied. This study aims to broaden scientific understanding, enhance the experiences of patients, and fill knowledge gaps relating to medical marijuana.

Product Innovation: Significant product innovation is taking place in the medicinal marijuana market. To provide more precise dosing and improve patient experience, companies are developing innovative delivery modalities like transdermal patches, sublingual sprays, and inhalers. To accommodate varied patient preferences, there is also a focus on developing non-smokable solutions such as foods, beverages, and topical treatments.

Worldwide Market Expansion: The worldwide medicinal marijuana market is rapidly expanding. Several nations have enacted or are exploring medical marijuana programs, opening

the door to worldwide industry expansion. This includes medical marijuana cultivation, manufacture, and export/import. Cross-border collaborations and partnerships are forming as more nations legalize medical marijuana.

Regulatory Evolution: Medical marijuana regulatory systems are developing, with some jurisdictions revising and expanding existing programs. This involves changes to qualifying requirements, licensing procedures, and product restrictions in order to assure patient safety and strengthen industry control. States and countries are integrating best practices into their rules after learning from the experiences of early adopters.

Patient Training and Accessibility: The medicinal marijuana market is emphasizing patient education and accessibility. Efforts are being made to educate healthcare professionals, patients, and the general public on the possible advantages and hazards of medicinal marijuana. This includes creating instructional resources, training programs for medical professionals, and attempts to decrease obstacles to access, such as telemedicine and home delivery services.

These rising trends in the medicinal marijuana business point to a dynamic and changing landscape. Continuous studies, creativity, and regulatory advancements are likely to determine the industry's trajectory, resulting in improved patient care, broader product offers, and increased global recognition of medical marijuana as a legitimate therapeutic choice.

CONCLUSION

As medical marijuana becomes more widely accepted, knowing the legal framework surrounding its usage is critical for both patients pursuing treatment and businesses participating in the market. Patients may utilize the benefits of medicinal marijuana by staying knowledgeable about shifting laws and regulations, while businesses can manage the legal complexity in order to operate legally and ethically.