

From: Danny Varat
To: Kevin L. Bryant <KevinBryant@scstatehouse.gov>
Catherine McNicoll <CatherineMcNicoll@scstatehouse.gov>
Date: 11/2/2017 9:35:21 AM
Subject: RE: Marijuana

Catherine says the ultimate disposition will depend upon how the state law reads. But, it also is the case that selling medical mj still is a federal crime but hasn't been enforced.

From: Kevin L. Bryant
Sent: Wednesday, November 01, 2017 12:56 PM
To: Catherine McNicoll ; Danny Varat
Subject: Re: Marijuana

Can you check with the board of pharmacy and dhec!

Sent using OWA for iPhone

From: Catherine McNicoll
Sent: Wednesday, November 1, 2017 11:34:25 AM
To: Kevin L. Bryant; Danny Varat
Subject: Re: Marijuana

I'm not 100% sure about that, I think the pharmacy as a business would be protected in that case but the individual pharmacist would be subject to DEA action as aiding in distribution of a schedule I. Some of the ramifications would also depend on state laws regarding Pharmacists.

Best Regards,
Catherine McNicoll
Director of Legal & Legislative Affairs
Lieutenant Governor's Office
CatherineMcNicoll@SCStatehouse.gov
803-734-5292 (phone)

Sent from my iPhone

On Wed, Nov 1, 2017 at 11:27 AM -0400, "Kevin L. Bryant" <KevinBryant@scstatehouse.gov> wrote:

So if a pharmacist owned a dispensary away from pharmacy could she/he dispense?

Sent using OWA for iPhone

From: Danny Varat
Sent: Wednesday, November 1, 2017 10:26:51 AM
To: Catherine McNicoll; Kevin L. Bryant
Subject: Re: Marijuana

This also may clarify

<https://www.pharmacist.com/pharmacists-take-medical-cannabis-dispensing-role-three-states>

From: Catherine McNicoll
Sent: Wednesday, November 1, 2017 10:25 AM
To: Kevin L. Bryant; Danny Varat
Subject: RE: Marijuana

You would lose the DEA license if your pharmacy were to dispense medical marijuana. (I suspect that this is why in many states with legalized medical marijuana it is not dispensed by traditional pharmacies.)

This is a good summary of the issues with the DEA taking action against a Physician or nurse. They can still proceed because they are advising not dispensing and they are in they are operating under a state license and a DEA registration (not license). "A trial court judge granted the injunction and ruled that DEA action against a physician was permissible only if the government had substantial evidence that the physician "aided and abetted the purchase, cultivation, or possession of marijuana" as prohibited by federal law. Five years later, in 2002, the Ninth Circuit Court of Appeals affirmed the injunction, ruling that the First Amendment prohibits the government from punishing physicians "on the basis of the content [the potential usefulness of marijuana] of doctor-patient communications.'" <http://www.nejm.org/doi/full/10.1056/NEJMp1408965#t=article>

Best Regards,
Catherine McNicoll
Director of Legal & Legislative Affairs
Lieutenant Governor's Office
CatherineMcNicoll@SCStatehouse.gov
803-734-5292 (phone)

From: Kevin L. Bryant
Sent: Wednesday, November 01, 2017 9:55 AM
To: Danny Varat <DannyVarat@scstatehouse.gov>; Catherine McNicoll <CatherineMcNicoll@scstatehouse.gov>
Subject: Marijuana

I'm going to the pharmacy school today and I think I know the answer to the question but can you verify this? If medical marijuana is legalized I would think I would lose the pharmacy's DEA license since it's a class I narcotic. How would this apply to doctors and nurses?

Sent using OWA for iPhone