

From: Catherine McNicoll <CatherineMcNicoll@scstatehouse.gov>
To: Kevin L. BryantKevinBryant@scstatehouse.gov
Danny VaratDannyVarat@scstatehouse.gov
Date: 11/1/2017 10:25:40 AM
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,
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From: Kevin L. Bryant
Sent: Wednesday, November 01, 2017 9:55 AM
To: Danny Varat ; Catherine McNicoll
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