

# The Atlanta Journal-Constitution

## [Pharmacy in Augusta dispenses medical marijuana defying warning from DEA](#)

'It's a new frontier,' says pharmacist hoping to set a precedent for other Georgia pharmacies.

By [Helena Oliviero](#), 9/19/24

A pharmacy in Augusta is boldly selling medical marijuana, defying a warning issued nearly a year ago from the federal Drug Enforcement Administration that dispensing medical marijuana violates federal law.

Vic Johnson, pharmacist and owner of the Living Well Pharmacy, believes the ever-evolving legal and political landscape of marijuana laws are on his side.

He points to the Justice Department's pending [proposal to reclassify marijuana](#) from a Schedule I drug to a less dangerous — and less tightly regulated — Schedule III drug. The Georgia General Assembly approved distribution of low THC oil as part of a [state law](#) passed in 2019, but it took years to navigate the government process of creating regulations for safety, inspections, licensing and distribution. Late last year, Gov. Brian Kemp approved [rules](#) that were passed by the Georgia Board of Pharmacy, clearing the way for pharmacy sales to begin.

Since Johnson started dispensing medical cannabis earlier this month, he said he has adhered to the state's requirements for doing so: He only sells to customers who are on the state's medical cannabis registry.

Johnson said he is prepared to take drastic measures to keep selling medical marijuana products if the DEA takes steps to force him to stop.

"It's a new frontier. I really think pharmacies are an ideal outlet for dispensing medical cannabis because if you come to my pharmacy already, we can talk about what medications you already are taking," said Johnson.

"I think there are many cases where patients are taking highly addictive drugs that are for a type of pain and the quality of life that can happen when they come off those medications is just incredible."

Though recreational marijuana use remains illegal in Georgia, the state [allows eligible patients](#) to buy low-THC medical marijuana products with up to 5% of the compound that gives users a high. Street marijuana has a far higher level of THC.

### [From 2023: Medical marijuana is finally here, but many Georgia doctors shy away from it](#)

Medical cannabis products in Georgia are sold in the form of liquid tinctures, topical creams or capsules, but smokable products aren't allowed.

Patients and caregivers who want to buy the product must obtain a Low-THC Oil Registry card from the Department of Public Health following approval from a physician. Under state law, doctors can't prescribe the new drug, but must certify a patient has a condition that qualifies to be treated with medical marijuana. Georgians can access medical marijuana for a wide variety of conditions, including end-stage cancer, Crohn's disease, Parkinson's disease, autism, AIDS, PTSD and intractable pain.



Vic Johnson, pharmacist/  
owner of the Living Well  
Pharmacy in Augusta

Just weeks after roughly a couple dozen independent pharmacies had started selling marijuana, the DEA stepped in, bringing the sales to a screeching halt.

The DEA memorandum sent to Georgia's pharmacies said no pharmacy on its register can lawfully possess, handle or dispense marijuana and related products containing more than 0.3% THC. Georgia's approved THC products are over that limit. They are classified by the DEA as a Schedule I drug, meaning it poses the highest risk of abuse and dependency.

The DEA's prohibition against pharmacies selling the THC products had no effect on the state's licensed dispensaries that continue to offer them to approved patients on the registry.

### [How do you qualify to buy medical marijuana in Georgia, and how does it work?](#)

Around the nation, there are changes in the works that would mark a historic shift away from generations of American drug policy and would recognize the medical use of cannabis. It would not legalize marijuana outright for recreational use, but could free the state's pharmacies to restart their plans for medical marijuana sales.

In May, the Justice Department [proposed to reclassify marijuana](#) from a Schedule I drug to a less dangerous Schedule III drug, which includes drugs such as ketamine and some anabolic steroids. But that switch involves a lengthy process. The DEA set [a Dec. 2 hearing to take comment](#) on the proposal. That means a final decision could come after President Joe Biden leaves office in January.

Johnson said in order to sell the cannabis oil, he is considering no longer keeping his DEA registry, which would mean his pharmacy could not dispense any drugs classified on Schedules II-V of the Controlled Substances Act. That would include drugs routinely prescribed for pain such as oxycodone, morphine, opium, codeine and hydrocodone, along with drugs that pose less risk of abuse such as sleeping pills and cough preparations. He said those drugs only account for about 10% of the drugs his pharmacy dispenses.

### **Promise and problems**

Michael Mumper, executive director of Georgians for Responsible Marijuana Policy, expressed concern over the sale of medical cannabis in pharmacies.

"This development will further cause confusion about marijuana as 'medicine,'" he said in an email. "People who purchase marijuana that is behind the counter, through their local pharmacy, would assume that this medicine is FDA approved, when this is not true."

He said patients may also assume their pharmacist has had extensive training on marijuana drug interactions with other medications they may be taking, recommended dosages based on their specific condition and side effects.

"Allowing local pharmacies to sell marijuana threatens to elevate marijuana to a level of rigorous testing and study that it has not yet earned," he said.

Johnson said he has educated himself and his staff about medical cannabis — as he does when a new class of drugs enters the market. He also said his pharmacy has a partnership with Elevated Health MD, which allows patients to connect directly with physicians for consultation and assistance in seeking approval for a medical cannabis card.

Some see more promise in medical cannabis. Frank Eady, of the Pancreatic Cancer Support Group at Winship Cancer Institute at Emory, and other experts say the availability in Georgia of medical marijuana has allowed some patients in the Peach State to scale back, or completely end, use of opioids for chronic pain.

"It has given people another option other than prescription drugs and surgical procedures," Eady told The Atlanta Journal-Constitution in a recent interview.

The number of Georgians obtaining a state-issued card to buy medical marijuana is rapidly climbing — by about 1,000 every month. As of this month, there are 22,463 active patients in the registry, nearly doubling the number a year ago, according to the Georgia Department of Public Health.

Johnson said there are about 600 residents in Richmond County with a Low-THC Oil Registry card and noted there is no dispensary for medical marijuana in the county.

There's limited evidence that medical marijuana can help with a host of conditions including chronic pain, chemotherapy-induced nausea and post-traumatic stress disorder.

"It's clearly a bold move to be the first to take a step forward like this," said Andrew L. Turnage, executive director of the Georgia Access to Medical Cannabis Commission, which oversees the regulated licensing, in-state cultivation, production, manufacturing and sale of low-THC oil. "From our perspective, we certainly applaud the effort to be continuing to advance access for patients. This is a huge step for patients in that area."

### **So what will happen now with the DEA?**

"I think it's a wait and see but I do think by eliminating their DEA permit from their universe, I think it certainly makes a clear pathway for federal action more difficult and complicated," Turnage.

Johnson echoed Turnage.

"We are in a wait and see," he said.

The DEA didn't immediately respond to a request for comment.

And that may not be the only issue. Because Georgia's THC laws are so new and untested, it's not clear if Johnson could face legal or criminal repercussions for the sale of the products.

Johnson also said he has been facing lower reimbursements for prescription medications, and sees medical marijuana as potential source of revenue. He is selling [Botanical Sciences](#) medical cannabis products. Botanical Sciences is based in Glennville.

But he may not be only one testing the murky waters of medical marijuana laws. The number of licenses for independent pharmacies to dispense low-THC oil have been increasing since the DEA warning was sent to pharmacies and now stands at 40, according to the Georgia Department of Community Health.



[Helena Oliviero](#)