S T A T E O F N E W Y O R K

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I N A S S E M B L Y

March 10, 2016

Introduced by M. of A. GOTTFRIED, DINOWITZ, PAULIN, HEVESI, LUPARDO, ZEBROWSKI, SKARTADOS, ORTIZ, BRINDISI, COOK, SEPULVEDA -- Multi-Sponsored by -- M. of A. BLAKE, HYNDMAN, SIMON -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to forms of marihuana authorized for medical use

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivisions 1 and 8 of section 3360 of the public health law, as added by chapter 90 of the laws of 2014, are amended to read as follows:

1. "Certified medical use" means the acquisition, possession, use, or, transportation of medical marihuana by a certified patient, or the acquisition, possession, delivery, transportation or administration of medical marihuana by a designated caregiver, for use as part of the treatment of the patient's serious condition, as authorized in a certification under this title including enabling the patient to tolerate treatment for the serious condition. [A certified medical use does not include smoking.]

8. "Medical marihuana" means marihuana as defined in subdivision twenty-one of section thirty-three hundred two of this article, intended for a certified medical use[, as determined by the commissioner in his or her sole discretion. Any form of medical marihuana not approved by the commissioner is expressly prohibited].

S 2. Subdivision 2 of section 3362 of the public health law, as added by chapter 90 of laws of 2014, is amended to read as follows:

2. Notwithstanding subdivision one of this section:

(a) possession of medical marihuana shall not be lawful under this title if it is smoked, consumed, vaporized, or grown in a public place, regardless of the form of medical marihuana stated in the patient's certification.

(b) a person possessing medical marihuana under this title shall possess his or her registry identification card at all times when in immediate possession of medical marihuana.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(C) MEDICAL MARIHUANA MAY NOT BE SMOKED IN ANY PLACE WHERE TOBACCO MAY NOT BE SMOKED UNDER ARTICLE THIRTEEN-E OF THIS CHAPTER, REGARDLESS OF THE FORM OF MEDICAL MARIHUANA STATED IN THE PATIENT'S CERTIFICATION.

S 3. This act shall take effect immediately; provided that the amendments to title 5-A of article 33 of the public health law made by this act shall not affect the repeal of such title and shall be deemed repealed therewith.