

9747

I N A S S E M B L Y

April 5, 2016

Introduced by M. of A. GOTTFRIED -- read once and referred to the
Committee on Health

AN ACT to amend the public health law, in relation to medical marihuana
dispensing sites

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

1 Section 1. Subdivision 9 of section 3365 of the public health law, as
2 added by chapter 90 of the laws of 2014, is amended to read as follows:

3 9. (A) The commissioner shall register no more than five registered
4 organizations that manufacture medical marihuana with no more than
5 [four] EIGHT dispensing sites wholly owned and operated by such registered
6 organization. The commissioner shall ensure that [such] registered
7 organizations and dispensing sites are geographically distributed across
8 the state. The [commission] COMMISSIONER may register additional registered
9 organizations.

10 (B) THE COMMISSIONER SHALL, BY JANUARY FIRST, TWO THOUSAND SEVENTEEN,
11 REGISTER AT LEAST FIVE ADDITIONAL REGISTERED ORGANIZATIONS THAT MANUFACTURE
12 MEDICAL MARIHUANA, EACH OF WHICH MAY OPERATE NO MORE THAN EIGHT
13 DISPENSING SITES. IN DETERMINING WHICH APPLICANTS TO SELECT UNDER THIS
14 PARAGRAPH: (I) THE COMMISSIONER SHALL SEEK TO PROVIDE DISPENSARIES IN
15 UNDERSERVED AREAS; AND (II) WHERE AN APPLICANT WAS AN APPLICANT IN THE
16 COMMISSIONER'S INITIAL SELECTION PROCESS UNDER PARAGRAPH (A) OF THIS
17 SUBDIVISION, THE COMMISSIONER SHALL CONSIDER THE INFORMATION PROVIDED BY
18 THE APPLICANT IN THAT INITIAL PROCESS, TO THE EXTENT IT IS CURRENTLY
19 APPLICABLE, AND GIVE APPROPRIATE WEIGHT TO THE COMMISSIONER'S EVALUATION
20 OF THE APPLICANT IN THAT INITIAL PROCESS.

21 S 2. Subdivision 13 of section 3364 of the public health law, as added
22 by chapter 90 of the laws of 2014, is amended to read as follows:

23 13. EACH REGISTERED ORGANIZATION SHALL BE PERMITTED TO DIRECTLY
24 CONTACT PHYSICIANS LICENSED BY NEW YORK STATE AND PRACTICING WITHIN THE
25 STATE FOR THE PURPOSES OF EDUCATION AND PROVIDING INFORMATION ABOUT THIS
26 TITLE. ANY SUCH EDUCATION AND PROVISION OF INFORMATION SHALL NOT SATISFY
27 THE REQUIREMENTS SET OUT IN PARAGRAPH (III) OF SUBDIVISION TWELVE OF
28 SECTION THIRTY-THREE HUNDRED SIXTY OF THIS TITLE. The commissioner is

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

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1 authorized to make rules and regulations restricting the advertising and
2 marketing of medical marihuana, which shall be consistent with the
3 federal regulations governing prescription drug advertising and market-
4 ing.

5 S 3. This act shall take effect immediately; provided however that the
6 amendments to sections 3365 and 3364 of the public health law made by
7 this act shall not affect the expiration and repeal of such sections and
8 shall expire and be deemed repealed therewith.