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S 3360. DEFINITIONS. AS USED IN THIS TITLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS, UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE:

1. "CERTIFIED MEDICAL USE" MEANS THE ACQUISITION, POSSESSION, USE, DELIVERY, TRANSFER, TRANSPORTATION, OR ADMINISTRATION OF MEDICAL MARIHUANA BY A CERTIFIED PATIENT OR DESIGNATED CAREGIVER FOR USE AS PART OF THE TREATMENT OF THE PATIENT'S SERIOUS CONDITION SPECIFIED IN A CERTIFICATION UNDER SECTION THIRTY-THREE HUNDRED SIXTY-ONE OF THIS TITLE, INCLUDING ENABLING THE PATIENT TO TOLERATE TREATMENT FOR THE SERIOUS CONDITION.

2. "CARING FOR" MEANS TREATING OR COUNSELING A PATIENT, IN THE COURSE OF WHICH THE PRACTITIONER HAS COMPLETED A FULL ASSESSMENT OF THE PATIENT'S MEDICAL HISTORY AND CURRENT MEDICAL CONDITION.

3. "CERTIFIED PATIENT" MEANS A PATIENT WHO IS CERTIFIED UNDER SECTION THIRTY-THREE HUNDRED SIXTY-ONE OF THIS TITLE.

4. "CERTIFICATION" MEANS A CERTIFICATION, MADE UNDER SECTION THIRTY-THREE HUNDRED SIXTY-ONE OF THIS TITLE.

5. "DESIGNATED CAREGIVER" MEANS THE INDIVIDUAL DESIGNATED BY A CERTIFIED PATIENT IN A REGISTRY APPLICATION.

6. "HARDSHIP REGISTRATION" MEANS A HARDSHIP REGISTRATION ISSUED UNDER SECTION THIRTY-THREE HUNDRED SIXTY-THREE OF THIS TITLE.

7. "PUBLIC PLACE" MEANS A PUBLIC PLACE AS DEFINED IN SECTION 240.00 OF THE PENAL LAW, A MOTOR VEHICLE AS DEFINED IN SECTION ONE HUNDRED TWENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW, AN AIRCRAFT AS DEFINED IN SECTION TWO HUNDRED FORTY OF THE GENERAL BUSINESS LAW OR A VESSEL AS DEFINED IN SECTION TWO OF THE NAVIGATION LAW.

8. "SERIOUS CONDITION" MEANS A SEVERE DEBILITATING OR LIFE-THREATENING CONDITION, OR A CONDITION ASSOCIATED WITH OR A COMPLICATION OF SUCH A CONDITION OR ITS TREATMENT (INCLUDING BUT NOT LIMITED TO INABILITY TO TOLERATE FOOD, NAUSEA, VOMITING, DYSPHORIA OR PAIN).

9. "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.

10. "REGISTERED ORGANIZATION" MEANS A REGISTERED ORGANIZATION UNDER SECTIONS THIRTY-THREE HUNDRED SIXTY-FOUR AND THIRTY-THREE HUNDRED SIXTY-FIVE OF THIS TITLE.

11. "REGISTRY APPLICATION" MEANS AN APPLICATION PROPERLY COMPLETED AND FILED WITH THE DEPARTMENT BY A CERTIFIED PATIENT UNDER SECTION THIRTY-THREE HUNDRED SIXTY-THREE OF THIS TITLE.

12. "REGISTRY IDENTIFICATION CARD" MEANS A DOCUMENT THAT IDENTIFIES A CERTIFIED PATIENT OR DESIGNATED CAREGIVER, AS PROVIDED UNDER SECTION THIRTY-THREE HUNDRED SIXTY-THREE OF THIS TITLE.

13. "PRACTITIONER" MEANS A PRACTITIONER WHO IS A PHYSICIAN, PHYSICIAN ASSISTANT, OR NURSE PRACTITIONER, ACTING WITHIN THE PRACTITIONER'S LAWFUL SCOPE OF PRACTICE.

1 S 3361. CERTIFICATION OF PATIENTS. 1. A PATIENT CERTIFICATION MAY ONLY  
2 BE ISSUED IF A PRACTITIONER WHO IS CARING FOR THE PATIENT FOR A SERIOUS  
3 CONDITION CERTIFIES THAT: (A) THE PATIENT HAS A SERIOUS CONDITION, WHICH  
4 SHALL BE SPECIFIED IN THE PATIENT'S HEALTH CARE RECORD; (B) THE PATIENT  
5 IS UNDER THE PRACTITIONER'S CARE FOR THE SERIOUS CONDITION; AND (C) IN  
6 THE PRACTITIONER'S PROFESSIONAL OPINION, THE PATIENT IS LIKELY TO  
7 RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE PRIMARY OR ADJUNCTIVE  
8 TREATMENT WITH MEDICAL USE OF MARIHUANA FOR THE SERIOUS CONDITION.

9 2. THE CERTIFICATION SHALL BE IN WRITING AND INCLUDE (A) THE NAME,  
10 DATE OF BIRTH AND ADDRESS OF THE PATIENT; (B) A STATEMENT THAT THE  
11 PATIENT HAS A SERIOUS CONDITION; THE PATIENT IS UNDER THE PRACTITIONER'S  
12 CARE FOR THE SERIOUS CONDITION AND, IN THE PRACTITIONER'S PROFESSIONAL  
13 OPINION, THE PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE  
14 BENEFIT FROM THE PRIMARY OR ADJUNCTIVE TREATMENT WITH MEDICAL USE OF  
15 MARIHUANA FOR THE SERIOUS CONDITION; (C) THE DATE; AND (D) THE NAME,  
16 ADDRESS, FEDERAL REGISTRATION NUMBER, TELEPHONE NUMBER, AND THE HAND-  
17 WRITTEN SIGNATURE OF THE CERTIFYING PRACTITIONER. THE COMMISSIONER MAY  
18 REQUIRE BY REGULATION THAT THE CERTIFICATION SHALL BE ON A FORM PROVIDED  
19 BY THE DEPARTMENT IF THE COMMISSIONER DETERMINES THAT THE DEPARTMENT IS  
20 MAKING CERTIFICATION FORMS ADEQUATELY AVAILABLE.

21 3. THE PRACTITIONER SHALL GIVE THE CERTIFICATION TO THE CERTIFIED  
22 PATIENT, AND PLACE A COPY IN THE PATIENT'S HEALTH CARE RECORD.

23 4. NO PRACTITIONER SHALL ISSUE A CERTIFICATION UNDER THIS SECTION FOR  
24 HIMSELF OR HERSELF.

25 5. A REGISTRY IDENTIFICATION CARD BASED ON A CERTIFICATION SHALL  
26 EXPIRE ONE YEAR AFTER THE DATE THE CERTIFICATION IS SIGNED BY THE PRAC-  
27 TITIONER; EXCEPT THAT WHERE A CERTIFIED PATIENT HAS A REGISTRY IDENTIFI-  
28 CATION CARD BASED ON A CURRENT VALID CERTIFICATION, A NEW REGISTRY IDEN-  
29 TIFICATION CARD BASED ON A NEW CERTIFICATION SHALL EXPIRE ONE YEAR AFTER  
30 THE EXPIRATION OF THE REGISTRY IDENTIFICATION CARD BASED ON THE CURRENT  
31 VALID CERTIFICATION. HOWEVER, IF THE PRACTITIONER STATES IN THE CERTIF-  
32 ICATION THAT HE OR SHE BELIEVES THE PATIENT WOULD BENEFIT FROM MEDICAL  
33 MARIHUANA ONLY UNTIL A SPECIFIED EARLIER DATE, THEN THE REGISTRY IDEN-  
34 TIFICATION CARD SHALL EXPIRE ON THAT DATE.

35 S 3362. LAWFUL MEDICAL USE. 1. THE POSSESSION, ACQUISITION, USE,  
36 DELIVERY, TRANSFER, TRANSPORTATION, OR ADMINISTRATION OF MEDICAL MARI-  
37 HUANA BY A CERTIFIED PATIENT OR DESIGNATED CAREGIVER POSSESSING A VALID  
38 REGISTRY IDENTIFICATION CARD, FOR CERTIFIED MEDICAL USE, SHALL BE LAWFUL  
39 UNDER THIS TITLE; PROVIDED THAT:

40 (A) THE MARIHUANA THAT MAY BE POSSESSED BY A CERTIFIED PATIENT DOES  
41 NOT EXCEED A TOTAL AGGREGATE WEIGHT OF TWO AND ONE-HALF OUNCES OF MARI-  
42 HUANA, IN ADDITION TO ANY AMOUNT LAWFULLY POSSESSED UNDER SUBDIVISION  
43 TWO OF THIS SECTION; AND

44 (B) THE MARIHUANA THAT MAY BE POSSESSED BY A DESIGNATED CAREGIVER DOES  
45 NOT EXCEED THE QUANTITIES REFERRED TO IN PARAGRAPH (A) OF THIS SUBDIVI-  
46 SION FOR EACH CERTIFIED PATIENT FOR WHOM THE CAREGIVER POSSESSES A VALID  
47 REGISTRY IDENTIFICATION CARD, UP TO FIVE CERTIFIED PATIENTS.

48 2. (A) THIS SUBDIVISION APPLIES WHERE THE CERTIFIED PATIENT (I) LIVES  
49 MORE THAN TWENTY MILES FROM A REGISTERED ORGANIZATION THAT IS ABLE TO  
50 PROVIDE MEDICAL MARIHUANA TO THE CERTIFIED PATIENT OR (II) IS ISSUED A  
51 HARDSHIP REGISTRATION.

52 (B) IT SHALL BE LAWFUL FOR A CERTIFIED PATIENT OR DESIGNATED CAREGIVER  
53 POSSESSING A VALID REGISTRY IDENTIFICATION CARD TO MANUFACTURE AND  
54 POSSESS MEDICAL MARIHUANA FOR USE BY THE CERTIFIED PATIENT UNDER THIS  
55 SUBDIVISION. THE MARIHUANA MANUFACTURED BY A CERTIFIED PATIENT AT ANY  
56 TIME SHALL NOT EXCEED A TOTAL AGGREGATE OF TWELVE PLANTS. IT SHALL BE

1 LAWFUL FOR A CERTIFIED PATIENT TO POSSESS THE MARIHUANA PRODUCED BY AND  
2 HARVESTED FROM THE PLANTS POSSESSED BY THE CERTIFIED PATIENT OR THE  
3 PATIENT'S DESIGNATED CAREGIVER UNDER THIS SUBDIVISION. A DESIGNATED  
4 CAREGIVER MAY MANUFACTURE AND POSSESS THE QUANTITIES REFERRED TO IN THIS  
5 SUBDIVISION FOR EACH CERTIFIED PATIENT UNDER THIS SUBDIVISION FOR WHOM  
6 THE CAREGIVER POSSESSES A VALID REGISTRY IDENTIFICATION CARD OR HARDSHIP  
7 REGISTRATION, AS THE CASE MAY BE, UP TO THREE CERTIFIED PATIENTS.

8 3. NOTWITHSTANDING SUBDIVISION ONE OR TWO OF THIS SECTION: (A)  
9 POSSESSION OR MANUFACTURE OF MARIHUANA SHALL NOT BE LAWFUL UNDER THIS  
10 TITLE IF IT IS CONSUMED, GROWN OR DISPLAYED IN A PUBLIC PLACE; (B)  
11 MEDICAL MARIHUANA MAY NOT BE SMOKED IN ANY PLACE WHERE TOBACCO MAY NOT  
12 BE SMOKED UNDER ARTICLE THIRTEEN-E OF THIS CHAPTER; (C) EXCEPT THAT IN A  
13 HEALTH CARE FACILITY, MEDICAL MARIHUANA MAY BE SMOKED BY A PATIENT OF  
14 THE FACILITY, SUBJECT TO OTHER PROVISIONS OF THIS TITLE, IN AN AREA, AND  
15 UNDER CIRCUMSTANCES, PERMITTED BY THE FACILITY, PROVIDED THAT THE  
16 PATIENT DOES NOT SMOKE IN THE PRESENCE OF PATIENTS WHO ARE NOT CERTIFIED  
17 UNDER THIS TITLE.

18 4. IT SHALL BE LAWFUL UNDER THIS ARTICLE TO GIVE OR DISPOSE OF MARI-  
19 HUANA, OBTAINED UNDER THIS TITLE, FOR CERTIFIED MEDICAL USE, BETWEEN  
20 CERTIFIED PATIENTS AND OTHER CERTIFIED PATIENTS, AND BETWEEN A DESIG-  
21 NATED CAREGIVER AND THE DESIGNATED CAREGIVER'S CERTIFIED PATIENT WHERE  
22 NOTHING OF VALUE IS TRANSFERRED IN RETURN, OR TO OFFER TO DO THE SAME.  
23 THIS PROHIBITION ON TRANSFERRING OR OFFERING TO TRANSFER A THING OF  
24 VALUE SHALL NOT (A) APPLY TO SALE OF MEDICAL MARIHUANA TO OR BY A REGIS-  
25 TERED ORGANIZATION UNDER THIS ARTICLE; NOR (B) PREVENT A DESIGNATED  
26 CAREGIVER FROM BEING REIMBURSED FOR REASONABLE COSTS OR ACTIVITIES  
27 RELATING TO CARING FOR A CERTIFIED PATIENT, INCLUDING, BUT NOT LIMITED  
28 TO, REIMBURSEMENT FOR LEGITIMATE EXPENSES RELATING TO THE MANUFACTURE OF  
29 MEDICAL MARIHUANA OR THE PURCHASE OF MEDICAL MARIHUANA FROM A REGISTERED  
30 ORGANIZATION UNDER SECTION THIRTY-THREE HUNDRED SIXTY-SIX OF THIS TITLE.

31 S 3363. REGISTRY IDENTIFICATION CARDS AND HARDSHIP REGISTRATIONS. 1.  
32 THE DEPARTMENT SHALL ISSUE REGISTRY IDENTIFICATION CARDS AND HARDSHIP  
33 REGISTRATIONS FOR CERTIFIED PATIENTS AND DESIGNATED CAREGIVERS. A REGIS-  
34 TRY IDENTIFICATION CARD AND HARDSHIP REGISTRATION SHALL EXPIRE AS  
35 PROVIDED IN SECTION THIRTY-THREE HUNDRED SIXTY-ONE OF THIS TITLE OR AS  
36 OTHERWISE PROVIDED IN THIS SECTION. THE DEPARTMENT SHALL BEGIN ISSUING  
37 REGISTRY IDENTIFICATION CARDS AND HARDSHIP REGISTRATIONS NO LATER THAN  
38 ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION. THE DEPARTMENT MAY  
39 SPECIFY A FORM FOR A REGISTRY OR HARDSHIP APPLICATION, IN WHICH CASE THE  
40 DEPARTMENT SHALL PROVIDE THE FORM ON REQUEST, REPRODUCTIONS OF THE FORM  
41 MAY BE USED, AND THE FORM SHALL BE AVAILABLE FOR DOWNLOADING FROM THE  
42 DEPARTMENT'S WEBSITE.

43 2. TO OBTAIN OR RENEW A REGISTRY IDENTIFICATION CARD, A CERTIFIED  
44 PATIENT SHALL FILE A REGISTRY APPLICATION WITH THE DEPARTMENT. THE  
45 REGISTRY APPLICATION OR RENEWAL APPLICATION SHALL INCLUDE:

46 (A) THE ORIGINAL PATIENT'S CERTIFICATION (A NEW WRITTEN CERTIFICATION  
47 SHALL BE PROVIDED WITH A RENEWAL APPLICATION);

48 (B) (I) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE PATIENT; (II) THE  
49 DATE OF THE CERTIFICATION; (III) IF THE PATIENT HAS A REGISTRY IDENTIFI-  
50 CATION CARD BASED ON A CURRENT VALID CERTIFICATION, THE REGISTRY IDEN-  
51 TIFICATION NUMBER AND EXPIRATION DATE OF THAT REGISTRY IDENTIFICATION  
52 CARD; (IV) THE SPECIFIED DATE UNTIL WHICH THE PATIENT WOULD BENEFIT FROM  
53 MEDICAL MARIHUANA, IF THE CERTIFICATION STATES SUCH A DATE; (V) THE  
54 NAME, ADDRESS, FEDERAL REGISTRATION NUMBER, AND TELEPHONE NUMBER OF THE  
55 CERTIFYING PRACTITIONER; AND (VI) OTHER INDIVIDUAL IDENTIFYING INFORMA-  
56 TION REQUIRED BY THE DEPARTMENT;

(C) IF THE PATIENT DESIGNATES A DESIGNATED CAREGIVER, THE NAME, ADDRESS, AND DATE OF BIRTH OF THE DESIGNATED CAREGIVER, AND OTHER INDIVIDUAL IDENTIFYING INFORMATION REQUIRED BY THE DEPARTMENT; A CERTIFIED PATIENT MAY DESIGNATE UP TO TWO DESIGNATED CAREGIVERS;

(D) A STATEMENT THAT A FALSE STATEMENT MADE IN THE APPLICATION IS PUNISHABLE UNDER SECTION 210.45 OF THE PENAL LAW;

(E) THE DATE OF THE APPLICATION AND THE SIGNATURE OF THE CERTIFIED PATIENT; AND

(F) A REASONABLE APPLICATION FEE, AS DETERMINED BY THE DEPARTMENT; PROVIDED, THAT THE DEPARTMENT MAY WAIVE OR REDUCE THE FEE IN CASES OF FINANCIAL HARDSHIP.

3. WHERE A CERTIFIED PATIENT IS UNDER THE AGE OF EIGHTEEN:

(A) THE APPLICATION FOR A REGISTRY IDENTIFICATION CARD SHALL BE MADE BY AN APPROPRIATE PERSON OVER TWENTY-ONE YEARS OF AGE. THE APPLICATION SHALL STATE FACTS DEMONSTRATING THAT THE PERSON IS APPROPRIATE.

(B) THE DESIGNATED CAREGIVER SHALL BE (I) A PARENT OR LEGAL GUARDIAN OF THE CERTIFIED PATIENT, (II) A PERSON DESIGNATED BY A PARENT OR LEGAL GUARDIAN, OR (III) AN APPROPRIATE PERSON APPROVED BY THE DEPARTMENT UPON A SUFFICIENT SHOWING THAT NO PARENT OR LEGAL GUARDIAN IS APPROPRIATE OR AVAILABLE.

4. NO PERSON MAY BE A DESIGNATED CAREGIVER IF THE PERSON IS UNDER TWENTY-ONE YEARS OF AGE UNLESS A SUFFICIENT SHOWING IS MADE TO THE DEPARTMENT THAT THE PERSON SHOULD BE PERMITTED TO SERVE AS A DESIGNATED CAREGIVER.

5. NO PERSON MAY BE A DESIGNATED CAREGIVER FOR MORE THAN FIVE CERTIFIED PATIENTS AT ONE TIME. A DESIGNATED CAREGIVER SHALL CARRY A SEPARATE REGISTRY IDENTIFICATION CARD FOR EACH CERTIFIED PATIENT FOR WHOM HE OR SHE IS A DESIGNATED CAREGIVER. EACH REGISTRY IDENTIFICATION CARD SHALL CONTAIN THE SAME REGISTRY IDENTIFICATION NUMBER SPECIFIED IN THIS SECTION.

6. THE DEPARTMENT SHALL ISSUE SEPARATE REGISTRY IDENTIFICATION CARDS FOR THE CERTIFIED PATIENT AND THE DESIGNATED CAREGIVER (IF ONE IS DESIGNATED IN THE REGISTRY APPLICATION) WITHIN THIRTY DAYS OF RECEIVING A COMPLETE APPLICATION UNDER THIS SECTION, UNLESS IT DETERMINES THAT THE APPLICATION IS INCOMPLETE OR FACIALLY INACCURATE, IN WHICH CASE IT SHALL PROMPTLY NOTIFY THE APPLICANT.

7. IF THE DEPARTMENT DOES NOT APPROVE THE DESIGNATION OF AN INDIVIDUAL AS A DESIGNATED CAREGIVER, THAT SHALL NOT AFFECT THE APPROVAL OF THE APPLICATION AS TO THE CERTIFIED PATIENT.

8. A REGISTRY IDENTIFICATION CARD SHALL CONTAIN:

(A) THE NAME OF THE CERTIFIED PATIENT AND THE DESIGNATED CAREGIVER (IF ONE IS DESIGNATED IN THE REGISTRY APPLICATION);

(B) THE DATE OF ISSUANCE AND EXPIRATION DATE OF THE REGISTRY IDENTIFICATION CARD;

(C) A REGISTRY IDENTIFICATION NUMBER FOR THE CERTIFIED PATIENT AND A REGISTRY IDENTIFICATION NUMBER FOR THE DESIGNATED CAREGIVER (IF ONE IS DESIGNATED IN THE REGISTRY APPLICATION); AND

(D) A PHOTOGRAPH OF THE INDIVIDUAL TO WHOM THE REGISTRY IDENTIFICATION CARD IS BEING ISSUED, WHICH SHALL BE OBTAINED BY THE DEPARTMENT IN A MANNER SPECIFIED BY THE COMMISSIONER IN REGULATIONS; PROVIDED, HOWEVER, THAT IF THE DEPARTMENT REQUIRED CERTIFIED PATIENTS TO SUBMIT PHOTOGRAPHS FOR THIS PURPOSE, THERE SHALL BE A REASONABLE ACCOMMODATION OF CERTIFIED PATIENTS WHO ARE CONFINED TO THEIR HOMES DUE TO THEIR MEDICAL CONDITIONS AND MAY THEREFORE HAVE DIFFICULTY PROCURING PHOTOGRAPHS.

9. THE DEPARTMENT SHALL ISSUE HARDSHIP REGISTRATIONS TO CERTIFIED PATIENTS AND THEIR DESIGNATED CAREGIVERS IN CIRCUMSTANCES WHERE IT

1 PRESENTS A SIGNIFICANT HARDSHIP FOR THE CERTIFIED PATIENT TO OBTAIN  
2 MARIHUANA FROM A REGISTERED ORGANIZATION, INCLUDING, BUT NOT LIMITED TO,  
3 FINANCIAL HARDSHIP, PHYSICAL DISABILITY, OR INABILITY TO OBTAIN REASON-  
4 ABLE TRANSPORTATION. A HARDSHIP REGISTRATION SHALL ALLOW THE CERTIFIED  
5 PATIENT OR DESIGNATED CAREGIVER TO MANUFACTURE MARIHUANA PURSUANT TO THE  
6 LIMITATIONS SET FORTH IN SECTION THIRTY-THREE HUNDRED SIXTY-TWO OF THIS  
7 TITLE. THE PROCEDURE FOR OBTAINING AND RENEWING A HARDSHIP REGISTRATION  
8 SHALL BE THE SAME AS FOR A REGISTRY IDENTIFICATION CARD, PROVIDED THAT  
9 THE APPLICATION SHALL STATE FACTS ESTABLISHING THE SIGNIFICANT HARDSHIP  
10 UNDER THIS SUBDIVISION.

11 10. A CERTIFIED PATIENT OR DESIGNATED CAREGIVER WHO HAS BEEN ISSUED A  
12 REGISTRY IDENTIFICATION OR HARDSHIP REGISTRATION CARD SHALL NOTIFY THE  
13 DEPARTMENT OF ANY CHANGE IN HIS OR HER NAME OR ADDRESS OR, WITH RESPECT  
14 TO THE PATIENT, OR IF HE OR SHE CEASES TO HAVE THE SERIOUS CONDITION  
15 NOTED ON THE CERTIFICATION, OR, IN THE CASE OF A HARDSHIP REGISTRATION,  
16 THEN CEASES TO BE A SIGNIFICANT HARDSHIP, WITHIN TEN DAYS OF SUCH  
17 CHANGE.

18 11. IF A CERTIFIED PATIENT OR DESIGNATED CAREGIVER LOSES HIS OR HER  
19 REGISTRY IDENTIFICATION CARD OR HARDSHIP REGISTRATION, HE OR SHE SHALL  
20 NOTIFY THE DEPARTMENT AND SUBMIT A TEN DOLLAR FEE WITHIN TEN DAYS OF  
21 LOSING THE CARD OR HARDSHIP REGISTRATION TO MAINTAIN THE REGISTRATION.  
22 THE DEPARTMENT MAY ESTABLISH HIGHER FEES FOR ISSUING A NEW REGISTRY  
23 IDENTIFICATION OR HARDSHIP REGISTRATION CARD FOR SECOND AND SUBSEQUENT  
24 REPLACEMENTS FOR A LOST CARD OR HARDSHIP REGISTRATION, PROVIDED, THAT  
25 THE DEPARTMENT MAY WAIVE OR REDUCE THE FEE IN CASES OF FINANCIAL HARD-  
26 SHIP. WITHIN FIVE DAYS AFTER SUCH NOTIFICATION AND PAYMENT, THE DEPART-  
27 MENT SHALL ISSUE A NEW REGISTRY IDENTIFICATION CARD OR HARDSHIP REGIS-  
28 TRATION, WHICH MAY CONTAIN A NEW REGISTRY IDENTIFICATION NUMBER, TO THE  
29 CERTIFIED PATIENT OR DESIGNATED CAREGIVER, AS THE CASE MAY BE.

30 12. THE DEPARTMENT SHALL MAINTAIN A CONFIDENTIAL LIST OF THE PERSONS  
31 TO WHOM IT HAS ISSUED REGISTRY IDENTIFICATION CARDS AND HARDSHIP REGIS-  
32 TRATIONS. INDIVIDUAL IDENTIFYING INFORMATION OBTAINED BY THE DEPARTMENT  
33 UNDER THIS TITLE SHALL BE CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER  
34 ARTICLE SIX OF THE PUBLIC OFFICERS LAW. NOTWITHSTANDING THIS SUBDIVI-  
35 SION, THE DEPARTMENT MAY NOTIFY ANY APPROPRIATE LAW ENFORCEMENT AGENCY  
36 OF INFORMATION RELATING TO ANY VIOLATION OR SUSPECTED VIOLATION OF THIS  
37 TITLE.

38 13. THE DEPARTMENT SHALL VERIFY TO LAW ENFORCEMENT PERSONNEL IN AN  
39 APPROPRIATE CASE WHETHER A REGISTRY IDENTIFICATION CARD OR HARDSHIP  
40 REGISTRATION IS VALID.

41 14. IF A CERTIFIED PATIENT OR DESIGNATED CAREGIVER WILLFULLY VIOLATES  
42 ANY PROVISION OF THIS TITLE AS DETERMINED BY THE DEPARTMENT, HIS OR HER  
43 REGISTRY IDENTIFICATION CARD MAY BE REVOKED. THIS IS IN ADDITION TO ANY  
44 OTHER PENALTY THAT MAY APPLY.

45 15. (A) REGISTRY IMPLEMENTATION DATE. AS USED IN THIS SUBDIVISION, THE  
46 "REGISTRY IMPLEMENTATION DATE" IS THE DATE DETERMINED BY THE COMMISSION-  
47 ER WHEN THE DEPARTMENT IS READY TO RECEIVE AND EXPEDITIOUSLY ACT ON  
48 APPLICATIONS FOR REGISTRY IDENTIFICATION CARDS UNDER THIS SECTION.

49 (B) ON AND AFTER THE REGISTRY IMPLEMENTATION DATE, UPON RECEIPT OF AN  
50 APPLICATION FOR A REGISTRY IDENTIFICATION CARD, THE DEPARTMENT SHALL  
51 SEND TO THE APPLICANT A LETTER ACKNOWLEDGING SUCH RECEIPT. WHILE THE  
52 APPLICATION FOR A REGISTRY IDENTIFICATION CARD IS PENDING, A COPY OF THE  
53 REGISTRY APPLICATION, TOGETHER WITH A COPY OF THE CERTIFICATION AND A  
54 COPY OF THE LETTER OF RECEIPT FROM THE DEPARTMENT, SHALL SERVE AS AND  
55 HAVE THE SAME EFFECT AS A REGISTRY IDENTIFICATION CARD FOR THE CERTIFIED  
56 PATIENT AND DESIGNATED CAREGIVER IF ANY, PROVIDED THAT A CERTIFICATION

1 AND APPLICATION SHALL NOT SERVE AS A VALID REGISTRY IDENTIFICATION CARD  
2 AFTER THE INITIAL THIRTY DAY PERIOD UNDER SUBDIVISION SIX OF THIS  
3 SECTION. THIS PARAGRAPH SHALL EXPIRE AND HAVE NO EFFECT ONE YEAR AFTER  
4 THE REGISTRY IMPLEMENTATION DATE.

5 16. IF THE DEPARTMENT FAILS TO BEGIN ISSUING REGISTRY IDENTIFICATION  
6 CARDS OR HARDSHIP REGISTRATIONS NO LATER THAN ONE YEAR AFTER THE EFFEC-  
7 TIVE DATE OF THIS SECTION, A PATIENT'S CERTIFICATION SHALL SERVE AS THE  
8 REGISTRY IDENTIFICATION CARD AND HARDSHIP REGISTRATION FOR BOTH THE  
9 PATIENT AND THE PATIENT'S DESIGNATED CAREGIVER.

10 S 3364. REGISTERED ORGANIZATIONS. 1. A REGISTERED ORGANIZATION SHALL  
11 BE:

12 (A) A PHARMACY;

13 (B) A FACILITY LICENSED UNDER ARTICLE TWENTY-EIGHT OF THIS CHAPTER;

14 (C) A NOT-FOR-PROFIT CORPORATION ORGANIZED FOR THE PURPOSE OF ACQUIR-  
15 ING, POSSESSING, MANUFACTURING, SELLING, DELIVERING, TRANSPORTING OR  
16 DISTRIBUTING MARIHUANA FOR CERTIFIED MEDICAL USE; OR

17 (D) A REGISTERED PRODUCER, WHICH SHALL BE A PERSON OR ENTITY, WITH  
18 APPROPRIATE EXPERTISE IN AGRICULTURE, REGISTERED FOR THE PURPOSE OF  
19 ACQUIRING OR MANUFACTURING MARIHUANA AND SELLING, DELIVERING, TRANSPORT-  
20 ING, OR DISTRIBUTING IT TO ANOTHER REGISTERED ORGANIZATION; A CERTIFIED  
21 PRODUCER SHALL NOT SELL, DELIVER OR DISTRIBUTE MARIHUANA TO A CERTIFIED  
22 PATIENT OR DESIGNATED CAREGIVER FOR THAT PERSON'S USE.

23 2. THE ACQUIRING, POSSESSION, MANUFACTURE, SALE, DELIVERY, TRANSPORT-  
24 ING OR DISTRIBUTING OF MARIHUANA BY A REGISTERED ORGANIZATION UNDER THIS  
25 TITLE IN ACCORDANCE WITH ITS REGISTRATION UNDER SECTION THIRTY-THREE  
26 HUNDRED SIXTY-FIVE OF THIS TITLE OR A RENEWAL THEREOF SHALL BE LAWFUL  
27 UNDER THIS TITLE.

28 3. A REGISTERED ORGANIZATION (OTHER THAN A REGISTERED PRODUCER) MAY  
29 LAWFULLY, IN GOOD FAITH, SELL, DELIVER OR DISTRIBUTE MEDICAL MARIHUANA  
30 TO A CERTIFIED PATIENT OR DESIGNATED CAREGIVER UPON PRESENTATION TO THE  
31 REGISTERED ORGANIZATION OF A VALID REGISTRY IDENTIFICATION CARD FOR THAT  
32 CERTIFIED PATIENT OR DESIGNATED CAREGIVER. WHEN PRESENTED WITH THE  
33 REGISTRY IDENTIFICATION CARD, THE REGISTERED ORGANIZATION SHALL PROVIDE  
34 TO THE CERTIFIED PATIENT OR DESIGNATED CAREGIVER A RECEIPT, WHICH SHALL  
35 STATE: THE NAME, ADDRESS, AND REGISTRY IDENTIFICATION NUMBER OF THE  
36 REGISTERED ORGANIZATION; THE REGISTRY IDENTIFICATION NUMBER OF THE  
37 CERTIFIED PATIENT AND THE DESIGNATED CAREGIVER (IF ANY); AND THE QUANTI-  
38 TY OF MARIHUANA SOLD. THE REGISTERED ORGANIZATION SHALL RETAIN A COPY OF  
39 THE REGISTRY IDENTIFICATION CARD AND THE RECEIPT FOR ONE YEAR.

40 4. NO REGISTERED ORGANIZATION MAY SELL, DELIVER OR DISTRIBUTE TO ANY  
41 CERTIFIED PATIENT OR DESIGNATED CAREGIVER A QUANTITY OF MEDICAL MARIHUA-  
42 NA LARGER THAN THAT INDIVIDUAL WOULD BE ALLOWED TO POSSESS UNDER THIS  
43 TITLE.

44 5. WHEN A REGISTERED ORGANIZATION SELLS, DELIVERS OR DISTRIBUTES  
45 MEDICAL MARIHUANA TO A CERTIFIED PATIENT OR DESIGNATED CAREGIVER, IT  
46 SHALL PROVIDE TO THAT INDIVIDUAL A SAFETY INSERT, WHICH WILL BE DEVEL-  
47 OPED AND APPROVED BY THE COMMISSIONER AND INCLUDE, BUT NOT BE LIMITED  
48 TO, INFORMATION ON: (A) METHODS FOR ADMINISTERING MEDICAL MARIHUANA, (B)  
49 ANY POTENTIAL DANGERS STEMMING FROM THE USE OF MEDICAL MARIHUANA, AND  
50 (C) HOW TO RECOGNIZE WHAT MAY BE PROBLEMATIC USAGE OF MEDICAL MARIHUANA  
51 AND OBTAIN APPROPRIATE SERVICES OR TREATMENT FOR PROBLEMATIC USAGE.

52 S 3365. REGISTERING OF REGISTERED ORGANIZATIONS. 1. APPLICATION FOR  
53 INITIAL REGISTRATION. (A) AN APPLICANT FOR REGISTRATION AS A REGISTERED  
54 ORGANIZATION UNDER SECTION THIRTY-THREE HUNDRED SIXTY-FOUR OF THIS TITLE  
55 SHALL FURNISH TO THE DEPARTMENT A DESCRIPTION OF THE ACTIVITIES IN WHICH

1 IT INTENDS TO ENGAGE AS A REGISTERED ORGANIZATION AND ANY INFORMATION  
2 THE DEPARTMENT SHALL REASONABLY REQUIRE AND EVIDENCE THAT THE APPLICANT:

3 (I) AND ITS MANAGING OFFICERS ARE OF GOOD MORAL CHARACTER;

4 (II) POSSESSES OR HAS THE RIGHT TO USE SUFFICIENT LAND, BUILDINGS AND  
5 EQUIPMENT TO PROPERLY CARRY ON THE ACTIVITY DESCRIBED IN THE APPLICA-  
6 TION;

7 (III) IS ABLE TO MAINTAIN EFFECTIVE CONTROL AGAINST DIVERSION OF THE  
8 MARIHUANA; AND

9 (IV) IS ABLE TO COMPLY WITH ALL APPLICABLE STATE LAWS AND REGULATIONS  
10 RELATING TO THE ACTIVITIES IN WHICH IT INTENDS TO ENGAGE UNDER THE  
11 REGISTRATION.

12 (B) THE APPLICATION SHALL ESTABLISH THE APPLICANT'S STATUS UNDER PARA-  
13 GRAPH (A), (B), (C) OR (D) OF SUBDIVISION ONE OF SECTION THIRTY-THREE  
14 HUNDRED SIXTY-FOUR OF THIS TITLE, OR ITS INTENTION TO QUALIFY UNDER  
15 PARAGRAPH (C) OR (D) OF SUBDIVISION ONE OF SECTION THIRTY-THREE HUNDRED  
16 SIXTY-FOUR OF THIS TITLE.

17 (C) THE APPLICATION SHALL INCLUDE THE NAME, RESIDENCE ADDRESS AND  
18 TITLE OF EACH OF THE OFFICERS AND DIRECTORS AND THE NAME AND RESIDENCE  
19 ADDRESS OF ANY PERSON OR ENTITY THAT IS A MEMBER OF THE APPLICANT. EACH  
20 SUCH PERSON, IF AN INDIVIDUAL, OR LAWFUL REPRESENTATIVE IF A LEGAL ENTI-  
21 TY, SHALL SUBMIT AN AFFIDAVIT WITH THE APPLICATION SETTING FORTH:

22 (I) ANY POSITION OF MANAGEMENT OR OWNERSHIP DURING THE PRECEDING TEN  
23 YEARS OF A TEN PER CENTUM OR GREATER INTEREST IN ANY OTHER BUSINESS,  
24 LOCATED IN OR OUTSIDE THIS STATE, MANUFACTURING OR DISTRIBUTING DRUGS;

25 (II) WHETHER SUCH PERSON OR ANY SUCH BUSINESS HAS BEEN CONVICTED,  
26 FINED, CENSURED OR HAD A REGISTRATION SUSPENDED OR REVOKED IN ANY ADMIN-  
27 ISTRACTIVE OR JUDICIAL PROCEEDING RELATING TO OR ARISING OUT OF THE MANU-  
28 FACTURE, DISTRIBUTION, SALE, OR POSSESSION OF DRUGS; AND

29 (III) SUCH OTHER INFORMATION AS THE COMMISSIONER MAY REASONABLY  
30 REQUIRE.

31 (D) THE APPLICANT SHALL BE UNDER A CONTINUING DUTY TO REPORT TO THE  
32 DEPARTMENT ANY CHANGE IN FACTS OR CIRCUMSTANCES REFLECTED IN THE APPLI-  
33 CATION OR ANY NEWLY DISCOVERED OR OCCURRING FACT OR CIRCUMSTANCE WHICH  
34 IS REQUIRED TO BE INCLUDED IN THE APPLICATION.

35 2. GRANTING OF REGISTRATION. (A) THE COMMISSIONER SHALL GRANT A REGIS-  
36 TRATION OR AMENDMENT TO A REGISTRATION UNDER THIS SECTION IF HE OR SHE  
37 IS SATISFIED THAT:

38 (I) THE APPLICANT WILL BE ABLE TO MAINTAIN EFFECTIVE CONTROL AGAINST  
39 DIVERSION OF MARIHUANA;

40 (II) THE APPLICANT WILL BE ABLE TO COMPLY WITH ALL APPLICABLE STATE  
41 LAWS;

42 (III) THE APPLICANT AND ITS OFFICERS ARE READY, WILLING AND ABLE TO  
43 PROPERLY CARRY ON THE MANUFACTURING OR DISTRIBUTING ACTIVITY FOR WHICH A  
44 REGISTRATION IS SOUGHT;

45 (IV) THE APPLICANT POSSESSES OR HAS THE RIGHT TO USE SUFFICIENT LAND,  
46 BUILDINGS AND EQUIPMENT TO PROPERLY CARRY ON THE ACTIVITY DESCRIBED IN  
47 THE APPLICATION;

48 (V) IT IS IN THE PUBLIC INTEREST THAT SUCH REGISTRATION BE GRANTED; IN  
49 THE CASE OF AN APPLICANT UNDER PARAGRAPH (C) OF SUBDIVISION ONE OF  
50 SECTION THIRTY-THREE HUNDRED SIXTY-FOUR OF THIS TITLE, THE COMMISSIONER  
51 MAY CONSIDER WHETHER THE NUMBER OF REGISTERED ORGANIZATIONS IN AN AREA  
52 WILL BE ADEQUATE OR EXCESSIVE TO REASONABLY SERVE THE AREA; AND

53 (VI) THE APPLICANT AND ITS MANAGING OFFICERS ARE OF GOOD MORAL CHARAC-  
54 TER.

55 (B) IF THE COMMISSIONER IS NOT SATISFIED THAT THE APPLICANT SHOULD BE  
56 ISSUED A REGISTRATION, HE OR SHE SHALL NOTIFY THE APPLICANT IN WRITING

1 OF THOSE FACTORS UPON WHICH FURTHER EVIDENCE IS REQUIRED. WITHIN THIRTY  
2 DAYS OF THE RECEIPT OF SUCH NOTIFICATION, THE APPLICANT MAY SUBMIT ADDI-  
3 TIONAL MATERIAL TO THE COMMISSIONER OR DEMAND A HEARING, OR BOTH.

4 (C) THE FEE FOR A REGISTRATION UNDER THIS SECTION SHALL BE A REASON-  
5 ABLE AMOUNT DETERMINED BY THE DEPARTMENT IN REGULATIONS; PROVIDED HOWEV-  
6 ER, IF THE REGISTRATION IS ISSUED FOR A PERIOD GREATER THAN TWO YEARS  
7 THE FEE SHALL BE INCREASED, PRO RATA, FOR EACH ADDITIONAL MONTH OF  
8 VALIDITY.

9 (D) REGISTRATIONS ISSUED UNDER THIS SECTION SHALL BE EFFECTIVE ONLY  
10 FOR AND SHALL SPECIFY:

11 (I) THE NAME AND ADDRESS OF THE REGISTERED ORGANIZATION; AND

12 (II) WHICH ACTIVITIES OF A REGISTERED ORGANIZATION ARE PERMITTED BY  
13 THE REGISTRATION.

14 (E) UPON APPLICATION OF A REGISTERED ORGANIZATION, A REGISTRATION MAY  
15 BE AMENDED TO ALLOW THE REGISTERED ORGANIZATION TO RELOCATE WITHIN THE  
16 STATE OR TO ADD OR DELETE PERMITTED REGISTERED ORGANIZATION ACTIVITIES.  
17 THE FEE FOR SUCH AMENDMENT SHALL BE TWO HUNDRED FIFTY DOLLARS.

18 3. A REGISTRATION ISSUED UNDER THIS SECTION SHALL BE VALID FOR TWO  
19 YEARS FROM THE DATE OF ISSUE, EXCEPT THAT IN ORDER TO FACILITATE THE  
20 RENEWALS OF SUCH REGISTRATIONS, THE COMMISSIONER MAY UPON THE INITIAL  
21 APPLICATION FOR A REGISTRATION, ISSUE SOME REGISTRATIONS WHICH MAY  
22 REMAIN VALID FOR A PERIOD OF TIME GREATER THAN TWO YEARS BUT NOT EXCEED-  
23 ING AN ADDITIONAL ELEVEN MONTHS.

24 4. APPLICATIONS FOR RENEWAL OF REGISTRATIONS. (A) AN APPLICATION FOR  
25 THE RENEWAL OF ANY REGISTRATION ISSUED UNDER THIS SECTION SHALL BE FILED  
26 WITH THE DEPARTMENT NOT MORE THAN SIX MONTHS NOR LESS THAN FOUR MONTHS  
27 PRIOR TO THE EXPIRATION THEREOF. A LATE-FILED APPLICATION FOR THE  
28 RENEWAL OF A REGISTRATION MAY, IN THE DISCRETION OF THE COMMISSIONER, BE  
29 TREATED AS AN APPLICATION FOR AN INITIAL LICENSE.

30 (B) THE APPLICATION FOR RENEWAL SHALL INCLUDE SUCH INFORMATION  
31 PREPARED IN THE MANNER AND DETAIL AS THE COMMISSIONER MAY REQUIRE,  
32 INCLUDING BUT NOT LIMITED TO:

33 (I) ANY MATERIAL CHANGE IN THE CIRCUMSTANCES OR FACTORS LISTED IN  
34 SUBDIVISION ONE OF THIS SECTION; AND

35 (II) EVERY KNOWN CHARGE OR INVESTIGATION, PENDING OR CONCLUDED DURING  
36 THE PERIOD OF THE REGISTRATION, BY ANY GOVERNMENTAL AGENCY WITH RESPECT  
37 TO:

38 (A) EACH INCIDENT OR ALLEGED INCIDENT INVOLVING THE THEFT, LOSS, OR  
39 POSSIBLE DIVERSION OF MARIHUANA MANUFACTURED OR DISTRIBUTED BY THE  
40 APPLICANT; AND

41 (B) COMPLIANCE BY THE APPLICANT WITH THE LAWS OF THE STATE WITH  
42 RESPECT TO ANY SUBSTANCE LISTED IN SECTION THIRTY-THREE HUNDRED SIX OF  
43 THIS ARTICLE.

44 (C) AN APPLICANT FOR RENEWAL SHALL BE UNDER A CONTINUING DUTY TO  
45 REPORT TO THE DEPARTMENT ANY CHANGE IN FACTS OR CIRCUMSTANCES REFLECTED  
46 IN THE APPLICATION OR ANY NEWLY DISCOVERED OR OCCURRING FACT OR CIRCUM-  
47 STANCE WHICH IS REQUIRED TO BE INCLUDED IN THE APPLICATION.

48 (D) IF THE COMMISSIONER IS NOT SATISFIED THAT THE APPLICANT IS ENTI-  
49 TLED TO A RENEWAL OF THE REGISTRATION, HE OR SHE SHALL WITHIN FORTY-FIVE  
50 DAYS AFTER THE FILING OF THE APPLICATION SERVE UPON THE APPLICANT OR HIS  
51 OR HER ATTORNEY OF RECORD IN PERSON OR BY REGISTERED OR CERTIFIED MAIL  
52 AN ORDER DIRECTING THE APPLICANT TO SHOW CAUSE WHY HIS OR HER APPLICA-  
53 TION FOR RENEWAL SHOULD NOT BE DENIED. THE ORDER SHALL SPECIFY IN DETAIL  
54 THE RESPECTS IN WHICH THE APPLICANT HAS NOT SATISFIED THE COMMISSIONER  
55 THAT THE REGISTRATION SHOULD BE RENEWED.

(E) WITHIN THIRTY DAYS OF SERVICE OF SUCH ORDER, THE APPLICANT MAY SUBMIT ADDITIONAL MATERIAL TO THE COMMISSIONER OR DEMAND A HEARING OR BOTH. IF A HEARING IS DEMANDED THE COMMISSIONER SHALL FIX A DATE FOR HEARING NOT SOONER THAN FIFTEEN DAYS NOR LATER THAN THIRTY DAYS AFTER RECEIPT OF THE DEMAND, UNLESS SUCH TIME LIMITATION IS WAIVED BY THE APPLICANT.

5. GRANTING OF RENEWAL OF REGISTRATIONS. (A) THE COMMISSIONER SHALL RENEW A REGISTRATION UNLESS HE OR SHE DETERMINES AND FINDS THAT THE APPLICANT:

(I) IS UNLIKELY TO MAINTAIN OR BE ABLE TO MAINTAIN EFFECTIVE CONTROL AGAINST DIVERSION; OR

(II) IS UNLIKELY TO COMPLY WITH ALL STATE LAWS APPLICABLE TO THE ACTIVITIES IN WHICH IT MAY ENGAGE UNDER THE REGISTRATION; OR

(III) IS AN APPLICANT UNDER PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION THIRTY-THREE HUNDRED SIXTY-FOUR OF THIS TITLE, IN WHICH CASE THE COMMISSIONER MAY CONSIDER WHETHER THE NUMBER OF REGISTERED ORGANIZATIONS IN AN AREA IS ADEQUATE OR EXCESSIVE TO REASONABLY SERVE THE AREA.

(B) FOR PURPOSES OF THIS SECTION, PROOF THAT A REGISTERED ORGANIZATION, DURING THE PERIOD OF ITS REGISTRATION, HAS FAILED TO MAINTAIN EFFECTIVE CONTROL AGAINST DIVERSION OR HAS KNOWINGLY OR NEGLIGENTLY FAILED TO COMPLY WITH APPLICABLE STATE LAWS RELATING TO THE ACTIVITIES IN WHICH IT ENGAGES UNDER THE REGISTRATION, SHALL CONSTITUTE SUBSTANTIAL EVIDENCE THAT THE APPLICANT WILL BE UNLIKELY TO MAINTAIN EFFECTIVE CONTROL AGAINST DIVERSION OR WILL BE UNLIKELY TO COMPLY WITH THE APPLICABLE STATE STATUTES DURING THE PERIOD OF PROPOSED RENEWAL.

6. THE DEPARTMENT MAY SUSPEND OR TERMINATE THE REGISTRATION OF A REGISTERED ORGANIZATION, ON GROUNDS AND USING PROCEDURES UNDER THIS ARTICLE RELATING TO A LICENSE, TO THE EXTENT CONSISTENT WITH THIS TITLE. CONDUCT IN COMPLIANCE WITH THIS TITLE, BUT WHICH MAY VIOLATE CONFLICTING FEDERAL LAW, SHALL NOT BE GROUNDS TO SUSPEND OR TERMINATE A REGISTRATION.

7. A REGISTERED ORGANIZATION IS ENTITLED TO ALL OF THE RIGHTS, PROTECTIONS, AND PROCEDURES PROVIDED TO A LICENSEE UNDER THIS ARTICLE.

8. THE DEPARTMENT SHALL BEGIN ISSUING REGISTRATIONS FOR REGISTERED ORGANIZATIONS NO LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION.

S 3366. REPORTS BY REGISTERED ORGANIZATIONS. 1. THE COMMISSIONER SHALL, BY REGULATION, REQUIRE EACH REGISTERED ORGANIZATION THAT SELLS, DELIVERS OR DISTRIBUTES MEDICAL MARIHUANA TO A CERTIFIED PATIENT OR DESIGNATED CAREGIVER TO FILE REPORTS OF ALL SUCH SALES, DELIVERIES OR DISTRIBUTIONS BY THE REGISTERED ORGANIZATION DURING A PARTICULAR PERIOD, ON FORMS PROVIDED BY THE DEPARTMENT. REPORTS SHALL BE NOT MORE FREQUENTLY THAN EVERY SIX MONTHS. EACH REPORT SHALL INCLUDE FOR EACH SUCH SALE, DELIVERY OR DISTRIBUTION: THE DATE, THE QUANTITY SOLD, DELIVERED OR DISTRIBUTED; AND THE NAME, ADDRESS AND REGISTRY IDENTIFICATION NUMBER OF THE CERTIFIED PATIENT AND THE DESIGNATED CAREGIVER (IF ANY).

2. THE COMMISSIONER SHALL, BY REGULATION, REQUIRE EACH REGISTERED PRODUCER TO FILE REPORTS OF ALL SALES, DELIVERIES OR DISTRIBUTIONS OF MEDICAL MARIHUANA BY THE REGISTERED PRODUCER DURING A PARTICULAR PERIOD, ON FORMS PROVIDED BY THE DEPARTMENT. REPORTS SHALL BE NOT MORE FREQUENTLY THAN EVERY MONTH. EACH REPORT SHALL INCLUDE FOR EACH SUCH SALE, DELIVERY OR DISTRIBUTION: THE DATE, THE QUANTITY SOLD, DELIVERED OR DISTRIBUTED; AND THE NAME AND ADDRESS OF THE REGISTERED ORGANIZATION TO WHICH THE SALE, DELIVERY OR DISTRIBUTION WAS MADE.

S 3367. EVALUATION; RESEARCH PROGRAMS; REPORT BY DEPARTMENT. 1. THE COMMISSIONER MAY PROVIDE FOR THE ANALYSIS AND EVALUATION OF THE OPERA-

1 TION OF THIS TITLE. THE COMMISSIONER MAY ENTER INTO AGREEMENTS WITH ONE  
2 OR MORE PERSONS, NOT-FOR-PROFIT CORPORATIONS OR OTHER ORGANIZATIONS, FOR  
3 THE PERFORMANCE OF AN EVALUATION OF THE IMPLEMENTATION AND EFFECTIVENESS  
4 OF THIS TITLE.

5 2. THE DEPARTMENT MAY DEVELOP, SEEK ANY NECESSARY FEDERAL APPROVAL  
6 FOR, AND CARRY OUT RESEARCH PROGRAMS RELATING TO MEDICAL USE OF MARIHUA-  
7 NA. PARTICIPATION IN ANY SUCH RESEARCH PROGRAM SHALL BE VOLUNTARY ON  
8 THE PART OF PRACTITIONERS, PATIENTS, AND DESIGNATED CAREGIVERS.

9 3. THE DEPARTMENT SHALL REPORT EVERY TWO YEARS, BEGINNING TWO YEARS  
10 AFTER THE EFFECTIVE DATE OF THIS TITLE, TO THE GOVERNOR AND THE LEGISLA-  
11 TURE ON THE MEDICAL USE OF MARIHUANA UNDER THIS TITLE AND MAKE APPROPRI-  
12 ATE RECOMMENDATIONS.

13 S 3368. REGISTERED ORGANIZATION ASSESSMENTS. 1. EACH REGISTERED ORGAN-  
14 IZATION SHALL BE CHARGED AN ASSESSMENT IN THE AMOUNT OF SEVEN AND  
15 ONE-TENTH PERCENT OF ITS GROSS RECEIPTS RECEIVED FROM ALL MEDICAL MARI-  
16 HUANA SOLD, DELIVERED OR DISTRIBUTED, LESS REFUNDS, ON A CASH BASIS.  
17 THE ASSESSMENT SHALL BE SUBMITTED BY OR ON BEHALF OF THE REGISTERED  
18 ORGANIZATION TO THE COMMISSIONER OR HIS OR HER DESIGNEE ON A SCHEDULE TO  
19 BE DETERMINED BY THE COMMISSIONER.

20 2. THE GROSS RECEIPTS TAX OWED BY A REGISTERED ORGANIZATION UNDER  
21 SECTION TWENTY-EIGHT HUNDRED SEVEN-D OF THIS CHAPTER, ATTRIBUTABLE TO  
22 THE SALE, DELIVERY OR DISTRIBUTION OF MEDICAL MARIHUANA UNDER THIS  
23 TITLE, SHALL BE DEDUCTIBLE BY THE REGISTERED ORGANIZATION FROM ANY GROSS  
24 RECEIPTS ASSESSMENT OWED BY IT UNDER THIS TITLE.

25 3. THE REGISTERED ORGANIZATION SHALL MAINTAIN THE DOCUMENTATION NECES-  
26 SARY TO ESTABLISH WHAT AMOUNT IS OWED PURSUANT TO THIS SECTION AND SUCH  
27 RECORDS SHALL BE SUBJECT TO AUDIT BY THE COMMISSIONER OR HIS OR HER  
28 DESIGNEE.

29 S 3369. RELATION TO OTHER LAWS. 1. THE PROVISIONS OF THIS ARTICLE  
30 SHALL APPLY TO THIS TITLE, EXCEPT THAT WHERE A PROVISION OF THIS TITLE  
31 CONFLICTS WITH ANOTHER PROVISION OF THIS ARTICLE, THIS TITLE SHALL  
32 APPLY.

33 2. NOTHING IN THIS TITLE SHALL BE CONSTRUED TO REQUIRE OR PROHIBIT AN  
34 INSURER OR HEALTH PLAN UNDER THIS CHAPTER OR THE INSURANCE LAW TO  
35 PROVIDE COVERAGE FOR MEDICAL MARIHUANA. NOTHING IN THIS TITLE SHALL BE  
36 CONSTRUED TO REQUIRE COVERAGE FOR MEDICAL MARIHUANA UNDER ARTICLE TWEN-  
37 TY-FIVE OF THIS CHAPTER OR ARTICLE FIVE OF THE SOCIAL SERVICES LAW.

38 3. A PERSON OR ENTITY SHALL NOT BE SUBJECT TO CRIMINAL OR CIVIL  
39 LIABILITY OR PROFESSIONAL DISCIPLINE FOR ACTING REASONABLY AND IN GOOD  
40 FAITH PURSUANT TO THIS TITLE.

41 S 3369-A. PROTECTIONS FOR THE MEDICAL USE OF MARIHUANA. 1. CERTIFIED  
42 PATIENTS, DESIGNATED CAREGIVERS, PRACTITIONERS, REGISTERED ORGANIZATIONS  
43 AND THE EMPLOYEES OF REGISTERED ORGANIZATIONS SHALL NOT BE SUBJECT TO  
44 ARREST, PROSECUTION, OR PENALTY IN ANY MANNER, OR DENIED ANY RIGHT OR  
45 PRIVILEGE, INCLUDING BUT NOT LIMITED TO CIVIL PENALTY OR DISCIPLINARY  
46 ACTION BY A BUSINESS OR OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR  
47 BUREAU, SOLELY FOR THE CERTIFIED MEDICAL USE OR MANUFACTURE OF MARIHUA-  
48 NA, OR FOR ANY OTHER ACTION OR CONDUCT IN ACCORDANCE WITH THIS TITLE.  
49 STATE OR LOCAL LAW ENFORCEMENT AGENCIES SHALL NOT COOPERATE WITH OR  
50 PROVIDE ASSISTANCE TO THE GOVERNMENT OF THE UNITED STATES OR ANY AGENCY  
51 THEREOF IN ENFORCING THE CONTROLLED SUBSTANCES ACT, 21 U.S.C. S 801 ET.  
52 SEQ., SOLELY FOR ACTIONS AND CONDUCT CONSISTENT WITH THIS TITLE, EXCEPT  
53 AS PURSUANT TO A VALID COURT ORDER.

54 2. AFFIRMATIVE DEFENSE. A PATIENT AND A PATIENT'S CAREGIVER WHO HAVE  
55 FAILED TO OBTAIN A REGISTRY IDENTIFICATION CARD MAY ASSERT AN AFFIRMA-  
56 TIVE DEFENSE TO ANY PROSECUTION UNDER STATE LAW FOR ACTIONS AND CONDUCT

1 THAT IS OTHERWISE CONSISTENT WITH THE CERTIFIED MEDICAL USE OF MARIHUANA  
2 AS DEFINED UNDER THIS TITLE.

3 3. INCIDENTAL AMOUNT OF MARIHUANA. ANY INCIDENTAL AMOUNT OF SEEDS,  
4 STALKS, AND UNUSABLE ROOTS SHALL NOT BE INCLUDED IN THE AMOUNTS SPECI-  
5 FIED IN SUBDIVISIONS ONE AND TWO OF SECTION THIRTY-THREE HUNDRED SIXTY-  
6 TWO OF THIS TITLE.

7 4. SCHOOL, EMPLOYER, OR LANDLORD MAY NOT DISCRIMINATE. A SCHOOL,  
8 EMPLOYER, OR LANDLORD MAY NOT REFUSE TO ENROLL OR EMPLOY OR LEASE TO OR  
9 OTHERWISE PENALIZE A PERSON SOLELY FOR THAT PERSON'S STATUS AS A CERTI-  
10 FIED PATIENT OR DESIGNATED CAREGIVER UNLESS FAILING TO DO SO WOULD PUT  
11 THE SCHOOL, EMPLOYER, OR LANDLORD IN VIOLATION OF FEDERAL LAW OR CAUSE  
12 IT TO LOSE A FEDERAL CONTRACT OR FUNDING.

13 5. PERSON MAY NOT BE DENIED MEDICAL CARE, INCLUDING ORGAN TRANSPLANT.  
14 FOR THE PURPOSES OF MEDICAL CARE, INCLUDING ORGAN TRANSPLANTS, A CERTI-  
15 FIED PATIENT'S MEDICAL USE OF MARIHUANA SHALL NOT CONSTITUTE THE USE OF  
16 AN ILLICIT SUBSTANCE AND MAY ONLY BE CONSIDERED WITH RESPECT TO EVIDENCE  
17 BASED CLINICAL CRITERIA.

18 6. PERSON MAY NOT BE DENIED CUSTODY OR VISITATION OF MINOR. A PERSON  
19 SHALL NOT BE DENIED CUSTODY OR VISITATION OF A MINOR FOR ACTING IN  
20 ACCORDANCE WITH THIS TITLE UNLESS THE PERSON'S BEHAVIOR IS SUCH THAT IT  
21 CREATES AN UNREASONABLE DANGER TO THE MINOR THAT CAN BE CLEARLY ARTIC-  
22 ULATED AND SUBSTANTIATED.

23 7. EFFECT OF REGISTRY IDENTIFICATION CARD ISSUED BY ANOTHER JURISDIC-  
24 TION. A REGISTRY IDENTIFICATION CARD, OR ITS EQUIVALENT, THAT IS ISSUED  
25 UNDER THE LAWS OF ANOTHER STATE, DISTRICT, TERRITORY, COMMONWEALTH, OR  
26 POSSESSION OF THE UNITED STATES THAT ALLOWS THE MEDICAL USE OF MARIHUANA  
27 BY A VISITING CERTIFIED PATIENT FROM NEW YORK HAS THE SAME FORCE AND  
28 EFFECT AS A REGISTRY IDENTIFICATION CARD ISSUED BY THE DEPARTMENT, SO  
29 LONG AS THE VISITING PATIENT'S SERIOUS CONDITION WOULD QUALIFY FOR THE  
30 CERTIFIED MEDICAL USE OF MARIHUANA UNDER THIS TITLE.

31 S 3369-B. SEVERABILITY. IF ANY PROVISION OF THIS TITLE OR THE APPLICA-  
32 TION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, SUCH INVA-  
33 LIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS TITLE  
34 WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION,  
35 AND TO THIS END THE PROVISIONS OF THIS TITLE ARE SEVERABLE.

36 S 3. Section 853 of the general business law is amended by adding a  
37 new subdivision 3 to read as follows:

38 3. THIS ARTICLE SHALL NOT APPLY TO ANY SALE, FURNISHING OR POSSESSION  
39 WHICH IS FOR A LAWFUL PURPOSE UNDER TITLE FIVE-A OF ARTICLE THIRTY-THREE  
40 OF THE PUBLIC HEALTH LAW.

41 S 4. This act shall take effect immediately.