

6357--C

R. R. 41

2013-2014 Regular Sessions

I N A S S E M B L Y

March 26, 2013

Introduced by M. of A. GOTTFRIED, LUPARDO, CAHILL, CLARK, CYMBROWITZ, DINOWITZ, HEVESI, LAVINE, PAULIN, PEOPLES-STOKES, ROSENTHAL, TITONE, ARROYO, BRONSON, BROOK-KRASNY, COOK, CRESPO, DenDEKKER, FAHY, JAFFEE, KAVANAGH, LIFTON, O'DONNELL, OTIS, RIVERA, ROBERTS, SKARTADOS, STECK, WEPRIN, ZEBROWSKI, SEPULVEDA, KATZ, MILLER -- Multi-Sponsored by -- M. of A. ABINANTI, AUBRY, BRAUNSTEIN, BRENNAN, BUCHWALD, FARRELL, GALEF, GLICK, HIKIND, JACOBS, KELLNER, MAGEE, MARKEY, McDONALD, MILLMAN, MOSLEY, MOYA, PERRY, PRETLOW, ROBINSON, RODRIGUEZ, SCARBOROUGH, SCHIMMEL, SWEENEY, WALTER, WEISENBERG, WRIGHT -- read once and referred to the Committee on Health -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Ways and Means -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Rules -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the special order of third reading

AN ACT to amend the public health law, the tax law, the general business law and the penal law, in relation to medical use of marihuana

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

1 Section 1. Legislative findings and intent. The legislature finds that
2 thousands of New Yorkers have serious medical conditions that can be
3 improved by medically-approved use of marihuana. The law should not
4 stand between them and treatment necessary for life and health. This
5 legislation follows the well-established public policy that a controlled

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

LBD01604-18-4

1 substance can have a legitimate medical use. Many controlled substances
2 that are legal for medical use (such as morphine and steroids) are ille-
3 gal for any other use. The purposes of article 33 of the public health
4 law include allowing legitimate medical use of controlled substances in
5 health care, including palliative care. This legislation establishes a
6 medical model of care which regulates medical marihuana as a recommended
7 medicine in keeping with recognized medical public health and safety
8 standards. This policy and this legislation do not in any way diminish
9 New York state's strong public policy and laws against illegal drug use,
10 nor should it be deemed in any manner to advocate, authorize, promote,
11 or legally or socially accept the use of marihuana for children or
12 adults, for any non-medical use. This legislation is an appropriate
13 exercise of the state's legislative power to protect the health of its
14 people under article 17 of the state constitution and the tenth amend-
15 ment of the United States constitution. Furthermore, the legislature
16 finds that New York state has a significant and ongoing economic and
17 non-regulatory interest in the financial viability of organizations that
18 sell marihuana for medical use. The legislature finds that the financial
19 viability of such organizations would be greatly diminished and threat-
20 ened by labor-management conflict, such as a strike at a facility that
21 cultivates marihuana, especially because of the need for enhanced secu-
22 rity concerning the products. Replacements during a strike would be
23 difficult to arrange and cause delay far more significant than a strike
24 elsewhere. Accordingly, the legislature finds that the state has a
25 substantial and compelling proprietary interest in this matter, and
26 finds that labor peace is essential for any organization to conduct
27 business relating to the sale of medical marihuana.

28 It is the legislative intent that this act be implemented consistently
29 with these findings and principles, through a reasonable and workable
30 system with appropriate oversight; strong "seed to sale" regulation to
31 prevent diversion, abuse, and other illegal conduct; reasonable access
32 to and appropriate use of medical marihuana by certified patients; eval-
33 uation; and continuing research.

34 S 2. Article 33 of the public health law is amended by adding a new
35 title 5-A to read as follows:

36 TITLE V-A

37 MEDICAL USE OF MARIHUANA

38 SECTION 3360. DEFINITIONS.
39 3361. CERTIFICATION OF PATIENTS.
40 3362. LAWFUL MEDICAL USE.
41 3363. REGISTRY IDENTIFICATION CARDS.
42 3364. REGISTERED ORGANIZATIONS.
43 3365. REGISTERING OF REGISTERED ORGANIZATIONS.
44 3366. EXPEDITED REGISTRATION OF REGISTERED ORGANIZATIONS.
45 3367. REPORTS BY REGISTERED ORGANIZATIONS.
46 3368. EVALUATION; RESEARCH PROGRAMS; REPORT BY DEPARTMENT.
47 3369. RELATION TO OTHER LAWS.
48 3369-A. PROTECTIONS FOR THE MEDICAL USE OF MARIHUANA.
49 3369-B. REGULATIONS.
50 3369-C. SEVERABILITY.

51 S 3360. DEFINITIONS. AS USED IN THIS TITLE, THE FOLLOWING TERMS SHALL
52 HAVE THE FOLLOWING MEANINGS, UNLESS THE CONTEXT CLEARLY REQUIRES OTHER-
53 WISE:

54 1. "CERTIFIED MEDICAL USE" MEANS THE ACQUISITION, POSSESSION, USE,
55 DELIVERY, TRANSFER, TRANSPORTATION, OR ADMINISTRATION OF MEDICAL MARI-
56 HUANA BY A CERTIFIED PATIENT OR DESIGNATED CAREGIVER FOR USE AS PART OF

1 THE TREATMENT OF THE PATIENT'S SERIOUS CONDITION SPECIFIED IN A CERTIF-
2 ICATION UNDER THIS TITLE, INCLUDING ENABLING THE PATIENT TO TOLERATE
3 TREATMENT FOR THE SERIOUS CONDITION.

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

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

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

11 5. "DESIGNATED CAREGIVER" MEANS THE INDIVIDUAL DESIGNATED BY A CERTI-
12 FIED PATIENT IN A REGISTRY APPLICATION.

13 6. "PUBLIC PLACE" MEANS A PUBLIC PLACE AS DEFINED IN SECTION 240.00 OF
14 THE PENAL LAW, A MOTOR VEHICLE AS DEFINED IN SECTION ONE HUNDRED TWEN-
15 TY-FIVE OF THE VEHICLE AND TRAFFIC LAW, AN AIRCRAFT AS DEFINED IN
16 SECTION TWO HUNDRED FORTY OF THE GENERAL BUSINESS LAW OR A VESSEL AS
17 DEFINED IN SECTION TWO OF THE NAVIGATION LAW.

18 7. "SERIOUS CONDITION" MEANS A SEVERE DEBILITATING OR LIFE-THREATENING
19 CONDITION, INCLUDING: CANCER, POSITIVE STATUS FOR HUMAN IMMUNODEFICIENCY
20 VIRUS OR ACQUIRED IMMUNE DEFICIENCY SYNDROME, AMYOTROPHIC LATERAL SCLER-
21 OSIS, ALZHEIMER'S DISEASE, MUSCULAR DYSTROPHY, TRAUMATIC BRAIN INJURY
22 AND POST-CONCUSSION SYNDROME, DYSTONIA, PARKINSON'S DISEASE, MULTIPLE
23 SCLEROSIS, DAMAGE TO THE NERVOUS TISSUE OF THE SPINAL CORD WITH OBJEC-
24 TIVE NEUROLOGICAL INDICATION OF INTRACTABLE SPASTICITY, EPILEPSY, CACHE-
25 XIA, WASTING SYNDROME, CROHN'S DISEASE, POST-TRAUMATIC STRESS DISORDER,
26 NEUROPATHY, RHEUMATOID ARTHRITIS, LUPUS, HUNTINGTON'S DISEASE, AND
27 DIABETES, OR A CONDITION ASSOCIATED WITH OR A COMPLICATION OF SUCH A
28 CONDITION OR ITS TREATMENT, OR ANY OTHER CONDITION THAT IS ADDED BY THE
29 COMMISSIONER AND THE ADVISORY COMMITTEE PURSUANT TO SECTION THIRTY-THREE
30 HUNDRED SIXTY-NINE-B OF THIS TITLE.

31 8. "MEDICAL MARIHUANA" MEANS MARIHUANA AS DEFINED IN SUBDIVISION TWEN-
32 TY-ONE OF SECTION THIRTY-THREE HUNDRED TWO OF THIS ARTICLE INTENDED FOR
33 A CERTIFIED MEDICAL USE, WHICH MAY INCLUDE, BUT IS NOT LIMITED TO, FORMS
34 THAT ARE EXTRACTS, VAPORIZABLE MATERIAL, OR PRODUCTS THAT ARE INFUSED OR
35 COMBINED WITH MARIHUANA, BUT SPECIFICALLY EXCLUDES CONFECTIONS, CARBO-
36 NATED BEVERAGES, AND PRODUCTS THAT ARE MARKETING TOWARDS MINOR CHILDREN.

37 9. "REGISTERED ORGANIZATION" MEANS A REGISTERED ORGANIZATION UNDER
38 SECTIONS THIRTY-THREE HUNDRED SIXTY-FOUR AND THIRTY-THREE HUNDRED
39 SIXTY-FIVE OF THIS TITLE.

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

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

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

49 13. "TERMINALLY ILL" MEANS AN INDIVIDUAL HAS A MEDICAL PROGNOSIS THAT
50 THE INDIVIDUAL'S LIFE EXPECTANCY IS APPROXIMATELY ONE YEAR OR LESS IF
51 THE ILLNESS RUNS ITS NORMAL COURSE.

52 14. "LABOR PEACE AGREEMENT" MEANS AN AGREEMENT BETWEEN AN ENTITY AND A
53 LABOR ORGANIZATION THAT, AT A MINIMUM, PROTECTS THE STATE'S PROPRIETARY
54 INTERESTS BY PROHIBITING LABOR ORGANIZATIONS AND MEMBERS FROM ENGAGING
55 IN PICKETING, WORK STOPPAGES, BOYCOTTS, AND ANY OTHER ECONOMIC INTERFER-
56 ENCE WITH THE REGISTERED ORGANIZATION'S BUSINESS.

1 15. "INDIVIDUAL DOSE" MEANS A SINGLE MEASURE OF RAW MEDICAL MARIHUANA
2 OR NON-INFUSED CONCENTRATES TO BE DETERMINED AND CLEARLY IDENTIFIED BY A
3 PATIENT'S PRACTITIONER FOR THE PATIENT'S SPECIFIC CERTIFIED CONDITION.
4 FOR INGESTIBLE OR SUB-LINGUAL MEDICAL MARIHUANA PRODUCTS, NO INDIVIDUAL
5 DOSE MAY CONTAIN MORE THAN TEN MILLIGRAMS OF TETRAHYDRACANABINOL.

6 16. "SPECIAL CERTIFICATION" MEANS A SPECIAL CERTIFICATION MADE UNDER
7 SUBDIVISION SIX OF SECTION THIRTY-THREE HUNDRED SIXTY-ONE OF THIS TITLE.

8 17. "FORM OF MEDICAL MARIHUANA" MEANS CHARACTERISTICS OF THE MEDICAL
9 MARIHUANA RECOMMENDED OR LIMITED FOR A PARTICULAR CERTIFIED PATIENT,
10 INCLUDING THE METHOD OF CONSUMPTION AND ANY PARTICULAR STRAIN, VARIETY,
11 AND QUANTITY OR PERCENTAGE OF MARIHUANA OR PARTICULAR ACTIVE INGREDIENT.

12 S 3361. CERTIFICATION OF PATIENTS. 1. A PATIENT CERTIFICATION MAY ONLY
13 BE ISSUED IF A PRACTITIONER WHO IS CARING FOR THE PATIENT FOR A SERIOUS
14 CONDITION CERTIFIES THAT: (A) THE PATIENT HAS A SERIOUS CONDITION, WHICH
15 SHALL BE SPECIFIED IN THE PATIENT'S HEALTH CARE RECORD; (B) THE PATIENT
16 IS UNDER THE PRACTITIONER'S CARE FOR THE SERIOUS CONDITION; AND (C) IN
17 THE PRACTITIONER'S PROFESSIONAL OPINION, THE PATIENT IS LIKELY TO
18 RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE PRIMARY OR ADJUNCTIVE
19 TREATMENT WITH MEDICAL USE OF MARIHUANA FOR THE SERIOUS CONDITION.

20 2. THE CERTIFICATION SHALL BE IN WRITING AND INCLUDE (A) THE NAME,
21 DATE OF BIRTH AND ADDRESS OF THE PATIENT; (B) A STATEMENT THAT THE
22 PATIENT HAS A SERIOUS CONDITION; THE PATIENT IS UNDER THE PRACTITIONER'S
23 CARE FOR THE SERIOUS CONDITION AND, IN THE PRACTITIONER'S PROFESSIONAL
24 OPINION, THE PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE
25 BENEFIT FROM THE PRIMARY OR ADJUNCTIVE TREATMENT WITH MEDICAL USE OF
26 MARIHUANA FOR THE SERIOUS CONDITION, AND ANY SPECIFICATION OR LIMITATION
27 OF THE FORM OF MEDICAL MARIHUANA RECOMMENDED; (C) THE DATE; AND (D) THE
28 NAME, ADDRESS, FEDERAL REGISTRATION NUMBER, TELEPHONE NUMBER, AND THE
29 HANDWRITTEN SIGNATURE OF THE CERTIFYING PRACTITIONER. THE COMMISSIONER
30 MAY REQUIRE BY REGULATION THAT THE CERTIFICATION SHALL BE ON A FORM
31 PROVIDED BY THE DEPARTMENT IF THE COMMISSIONER DETERMINES THAT THE
32 DEPARTMENT IS MAKING CERTIFICATION FORMS ADEQUATELY AVAILABLE. THE PRAC-
33 TITIONER MAY STATE IN THE CERTIFICATION THAT, IN THE PRACTITIONER'S
34 PROFESSIONAL OPINION THE PATIENT WOULD BENEFIT FROM MEDICAL MARIHUANA
35 ONLY UNTIL A SPECIFIED DATE. THE PRACTITIONER MAY STATE IN THE CERTIF-
36 ICATION THAT, IN THE PRACTITIONER'S PROFESSIONAL OPINION THE PATIENT IS
37 TERMINALLY ILL AND THAT THE CERTIFICATION SHALL NOT EXPIRE UNTIL THE
38 PATIENT DIES.

39 3. IN MAKING A CERTIFICATION, THE PRACTITIONER SHALL CONSIDER THE FORM
40 OF MEDICAL MARIHUANA THE PATIENT SHOULD CONSUME, INCLUDING THE METHOD OF
41 CONSUMPTION AND ANY PARTICULAR STRAIN, VARIETY, AND QUANTITY OR PERCENT-
42 AGE OF MARIHUANA OR PARTICULAR ACTIVE INGREDIENT, AND APPROPRIATE
43 DOSAGE. THE CERTIFICATION SHALL STATE ANY RECOMMENDATION OR LIMITATION
44 THE PRACTITIONER CHOOSES TO MAKE, IN HIS OR HER PROFESSIONAL OPINION,
45 CONCERNING THE APPROPRIATE FORM OR FORMS OF MEDICAL MARIHUANA AND
46 DOSAGE, FOR THE CERTIFIED PATIENT.

47 4. THE PRACTITIONER SHALL GIVE THE CERTIFICATION TO THE CERTIFIED
48 PATIENT, AND PLACE A COPY IN THE PATIENT'S HEALTH CARE RECORD.

49 5. NO PRACTITIONER SHALL ISSUE A CERTIFICATION UNDER THIS SECTION FOR
50 HIMSELF OR HERSELF.

51 6. A REGISTRY IDENTIFICATION CARD BASED ON A CERTIFICATION SHALL
52 EXPIRE ONE YEAR AFTER THE DATE THE CERTIFICATION IS SIGNED BY THE PRAC-
53 TITIONER; EXCEPT THAT WHERE A CERTIFIED PATIENT HAS A REGISTRY IDENTIFI-
54 CATION CARD BASED ON A CURRENT VALID CERTIFICATION, A NEW REGISTRY IDEN-
55 TIFICATION CARD BASED ON A NEW CERTIFICATION SHALL EXPIRE ONE YEAR AFTER

1 THE EXPIRATION OF THE REGISTRY IDENTIFICATION CARD BASED ON THE CURRENT
2 VALID CERTIFICATION. HOWEVER,

3 (A) IF THE PRACTITIONER STATES IN THE CERTIFICATION THAT, IN THE PRAC-
4 TITIONER'S PROFESSIONAL OPINION, THE PATIENT WOULD BENEFIT FROM MEDICAL
5 MARIHUANA ONLY UNTIL A SPECIFIED EARLIER DATE, THEN THE REGISTRY IDEN-
6 TIFICATION CARD SHALL EXPIRE ON THAT DATE;

7 (B) IF THE PRACTITIONER STATES IN THE CERTIFICATION THAT IN THE PRAC-
8 TITIONER'S PROFESSIONAL OPINION THE PATIENT IS TERMINALLY ILL AND THAT
9 THE CERTIFICATION SHALL NOT EXPIRE UNTIL THE PATIENT DIES, THEN THE
10 REGISTRY IDENTIFICATION CARD SHALL STATE THAT THE PATIENT IS TERMINALLY
11 ILL AND THAT THE REGISTRATION CARD SHALL NOT EXPIRE UNTIL THE PATIENT
12 DIES;

13 (C) IF THE PRACTITIONER RE-ISSUES THE CERTIFICATION TO TERMINATE THE
14 CERTIFICATION ON AN EARLIER DATE, THEN THE REGISTRY IDENTIFICATION CARD
15 SHALL EXPIRE ON THAT DATE AND SHALL BE PROMPTLY RETURNED BY THE CERTI-
16 FIED PATIENT TO THE DEPARTMENT; AND

17 (D) IF THE CERTIFICATION SO PROVIDES, THE REGISTRY IDENTIFICATION CARD
18 SHALL STATE ANY RECOMMENDATION OR LIMITATION BY THE PRACTITIONER AS TO
19 THE FORM OR FORMS OF MEDICAL MARIHUANA OR DOSAGE FOR THE CERTIFIED
20 PATIENT.

21 7. (A) A CERTIFICATION MAY BE A SPECIAL CERTIFICATION IF, IN ADDITION
22 TO THE OTHER REQUIREMENTS FOR A CERTIFICATION, THE PRACTITIONER CERTI-
23 FIES IN THE CERTIFICATION THAT THE PATIENT'S SERIOUS CONDITION IS
24 PROGRESSIVE AND DEGENERATIVE OR THAT DELAY IN THE PATIENT'S CERTIFIED
25 MEDICAL USE OF MARIHUANA POSES A SERIOUS RISK TO THE PATIENT'S LIFE OR
26 HEALTH.

27 (B) THE DEPARTMENT SHALL, WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE
28 OF THIS SUBDIVISION, CREATE THE FORM TO BE USED FOR A SPECIAL CERTIF-
29 ICATION AND SHALL MAKE THAT FORM AVAILABLE TO BE DOWNLOADED FROM THE
30 DEPARTMENT'S WEBSITE.

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

36 (A) THE MARIHUANA THAT MAY BE POSSESSED BY A CERTIFIED PATIENT DOES
37 NOT EXCEED A TOTAL WEIGHT OF TWO AND ONE-HALF OUNCES OF MARIHUANA PER
38 THIRTY DAY PERIOD; AND

39 (B) THE MARIHUANA THAT MAY BE POSSESSED BY A DESIGNATED CAREGIVER DOES
40 NOT EXCEED THE QUANTITIES REFERRED TO IN PARAGRAPH (A) OF THIS SUBDIVI-
41 SION FOR EACH CERTIFIED PATIENT FOR WHOM THE CAREGIVER POSSESSES A VALID
42 REGISTRY IDENTIFICATION CARD, UP TO FIVE CERTIFIED PATIENTS; AND

43 (C) THE FORM OR FORMS OF MEDICAL MARIHUANA THAT MAY BE POSSESSED BY
44 THE CERTIFIED PATIENT OR DESIGNATED CAREGIVER PURSUANT TO A CERTIF-
45 ICATION SHALL BE IN COMPLIANCE WITH ANY RECOMMENDATION OR LIMITATION BY
46 THE PRACTITIONER AS TO THE FORM OR FORMS OF MEDICAL MARIHUANA OR DOSAGE
47 FOR THE CERTIFIED PATIENT IN THE CERTIFICATION.

48 2. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION:

49 (A) POSSESSION OF MARIHUANA SHALL NOT BE LAWFUL UNDER THIS TITLE IF IT
50 IS CONSUMED, GROWN OR DISPLAYED IN A PUBLIC PLACE, REGARDLESS OF THE
51 FORM OF MEDICAL MARIHUANA STATED IN THE PATIENT'S CERTIFICATION;

52 (B) MEDICAL MARIHUANA MAY NOT BE SMOKED IN ANY PLACE WHERE TOBACCO MAY
53 NOT BE SMOKED UNDER ARTICLE THIRTEEN-E OF THIS CHAPTER, REGARDLESS OF
54 THE FORM OF MEDICAL MARIHUANA STATED IN THE PATIENT'S CERTIFICATION; AND

(C) MEDICAL MARIHUANA MAY NOT BE SMOKED BY ANYONE UNDER THE AGE OF TWENTY-ONE. THIS SHALL NOT PRECLUDE THE USE OF ANY VAPORIZED MEDICAL MARIHUANA.

3. IT SHALL BE LAWFUL UNDER THIS ARTICLE TO GIVE OR DISPOSE OF MARIHUANA, OBTAINED UNDER THIS TITLE, FOR CERTIFIED MEDICAL USE, BETWEEN CERTIFIED PATIENTS AND OTHER CERTIFIED PATIENTS, AND BETWEEN A DESIGNATED CAREGIVER AND THE DESIGNATED CAREGIVER'S CERTIFIED PATIENT WHERE NOTHING OF VALUE IS TRANSFERRED IN RETURN, OR TO OFFER TO DO THE SAME. THIS PROHIBITION ON TRANSFERRING OR OFFERING TO TRANSFER A THING OF VALUE SHALL NOT:

(A) APPLY TO SALE OF MEDICAL MARIHUANA TO OR BY A REGISTERED ORGANIZATION UNDER THIS ARTICLE; NOR

(B) PREVENT A DESIGNATED CAREGIVER FROM BEING REIMBURSED FOR REASONABLE COSTS OR ACTIVITIES RELATING TO CARING FOR A CERTIFIED PATIENT, INCLUDING, BUT NOT LIMITED TO, REIMBURSEMENT FOR LEGITIMATE EXPENSES RELATING TO THE PURCHASE OF MEDICAL MARIHUANA FROM A REGISTERED ORGANIZATION UNDER SECTION THIRTY-THREE HUNDRED SIXTY-SEVEN OF THIS TITLE.

S 3363. REGISTRY IDENTIFICATION CARDS. 1. UPON APPROVAL OF THE CERTIFICATION, THE DEPARTMENT SHALL ISSUE REGISTRY IDENTIFICATION CARDS FOR CERTIFIED PATIENTS AND DESIGNATED CAREGIVERS. A REGISTRY IDENTIFICATION CARD SHALL EXPIRE AS PROVIDED IN SECTION THIRTY-THREE HUNDRED SIXTY-ONE OF THIS TITLE OR AS OTHERWISE PROVIDED IN THIS SECTION. THE DEPARTMENT SHALL BEGIN ISSUING REGISTRY IDENTIFICATION CARDS NO LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION. THE DEPARTMENT MAY SPECIFY A FORM FOR A REGISTRY APPLICATION, IN WHICH CASE THE DEPARTMENT SHALL PROVIDE THE FORM ON REQUEST, REPRODUCTIONS OF THE FORM MAY BE USED, AND THE FORM SHALL BE AVAILABLE FOR DOWNLOADING FROM THE DEPARTMENT'S WEBSITE.

2. TO OBTAIN, AMEND OR RENEW A REGISTRY IDENTIFICATION CARD, A CERTIFIED PATIENT OR DESIGNATED CAREGIVER SHALL FILE A REGISTRY APPLICATION WITH THE DEPARTMENT. THE REGISTRY APPLICATION OR RENEWAL APPLICATION SHALL INCLUDE:

(A) IN THE CASE OF A CERTIFIED PATIENT, THE ORIGINAL PATIENT'S CERTIFICATION (A NEW WRITTEN CERTIFICATION SHALL BE PROVIDED WITH A RENEWAL APPLICATION);

(B) IN THE CASE OF A CERTIFIED PATIENT,

(I) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE PATIENT;

(II) THE DATE OF THE CERTIFICATION;

(III) IF THE PATIENT HAS A REGISTRY IDENTIFICATION CARD BASED ON A CURRENT VALID CERTIFICATION, THE REGISTRY IDENTIFICATION NUMBER AND EXPIRATION DATE OF THAT REGISTRY IDENTIFICATION CARD;

(IV) THE SPECIFIED DATE UNTIL WHICH THE PATIENT WOULD BENEFIT FROM MEDICAL MARIHUANA, IF THE CERTIFICATION STATES SUCH A DATE;

(V) THE NAME, ADDRESS, FEDERAL REGISTRATION NUMBER, AND TELEPHONE NUMBER OF THE CERTIFYING PRACTITIONER;

(VI) ANY RECOMMENDATION OR LIMITATION BY THE PRACTITIONER AS TO THE FORM OR FORMS OF MEDICAL MARIHUANA OR DOSAGE FOR THE CERTIFIED PATIENT; AND

(VII) OTHER INDIVIDUAL IDENTIFYING INFORMATION REQUIRED BY THE DEPARTMENT;

(C) IN THE CASE OF A CERTIFIED PATIENT, 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; EXCEPT THAT A CERTIFIED PATIENT MAY DESIGNATE MORE

THAN TWO CAREGIVERS IF THE ADDITIONAL CAREGIVERS ARE MEMBERS OF THE CERTIFIED PATIENT'S IMMEDIATE FAMILY OR PHYSICAL HOUSEHOLD;

(D) IN THE CASE OF A DESIGNATED CAREGIVER,

(I) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE DESIGNATED CAREGIVER;

(II) IF THE DESIGNATED CAREGIVER HAS A REGISTRY IDENTIFICATION CARD, THE REGISTRY IDENTIFICATION NUMBER AND EXPIRATION DATE OF THAT REGISTRY IDENTIFICATION CARD; AND

(III) OTHER INDIVIDUAL IDENTIFYING INFORMATION REQUIRED BY THE DEPARTMENT;

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

(F) THE DATE OF THE APPLICATION AND THE SIGNATURE OF THE CERTIFIED PATIENT OR DESIGNATED CAREGIVER, AS THE CASE MAY BE; AND

(G) 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. IF THE DEPARTMENT HAS NOT ESTABLISHED AND MADE AVAILABLE A FORM FOR A REGISTRY APPLICATION OR RENEWAL APPLICATION AND DETERMINED THE APPLICATION FEE IF ANY, OR ESTABLISHED AND MADE AVAILABLE A FORM FOR A REGISTRY APPLICATION OR RENEWAL APPLICATION AND DETERMINED THE APPLICATION FEE FOR A SPECIAL CERTIFICATION, THEN IN THE CASE OF A SPECIAL CERTIFICATION, A REGISTRY APPLICATION OR RENEWAL APPLICATION THAT OTHERWISE CONFORMS WITH THE REQUIREMENTS OF THIS SECTION SHALL NOT REQUIRE THE USE OF A FORM OR THE PAYMENT OF AN APPLICATION FEE.

4. WHERE AN APPLICANT CHOOSES TO APPLY UNDER THE PROVISIONS OF THIS TITLE RELATING TO A SPECIAL CERTIFICATION, REGULATIONS UNDER THIS SECTION MAY REQUIRE THE APPLICANT TO SUBMIT ADDITIONAL DOCUMENTATION ESTABLISHING THE CLINICAL BASIS FOR THE SPECIAL CERTIFICATION.

5. 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.

6. 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.

7. NO PERSON MAY BE A DESIGNATED CAREGIVER FOR MORE THAN FIVE CERTIFIED PATIENTS AT ONE TIME.

8. THE DEPARTMENT SHALL ISSUE SEPARATE REGISTRY IDENTIFICATION CARDS FOR CERTIFIED PATIENTS AND DESIGNATED CAREGIVERS 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.

9. IF THE APPLICATION OF A CERTIFIED PATIENT DESIGNATES AN INDIVIDUAL AS A DESIGNATED CAREGIVER WHO IS NOT AUTHORIZED TO BE A DESIGNATED CAREGIVER, THAT PORTION OF THE APPLICATION SHALL BE DENIED BY THE DEPARTMENT BUT THAT SHALL NOT AFFECT THE APPROVAL OF THE BALANCE OF THE APPLICATION.

10. A REGISTRY IDENTIFICATION CARD SHALL:

(A) CONTAIN THE NAME OF THE CERTIFIED PATIENT OR THE DESIGNATED CAREGIVER AS THE CASE MAY BE;

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

(C) CONTAIN A REGISTRY IDENTIFICATION NUMBER FOR THE CERTIFIED PATIENT OR DESIGNATED CAREGIVER, AS THE CASE MAY BE AND A REGISTRY IDENTIFICATION NUMBER;

(D) CONTAIN 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 REQUIRES 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;

(E) BE A SECURE DOCUMENT; AND

(F) PLAINLY STATE ANY RECOMMENDATION OR LIMITATION BY THE PRACTITIONER AS TO THE FORM OR FORMS OF MEDICAL MARIHUANA OR DOSAGE FOR THE CERTIFIED PATIENT.

11. A CERTIFIED PATIENT OR DESIGNATED CAREGIVER WHO HAS BEEN ISSUED A REGISTRY IDENTIFICATION CARD SHALL NOTIFY THE DEPARTMENT OF ANY CHANGE IN HIS OR HER NAME OR ADDRESS OR, WITH RESPECT TO THE PATIENT, OR IF HE OR SHE CEASES TO HAVE THE SERIOUS CONDITION NOTED ON THE CERTIFICATION WITHIN TEN DAYS OF SUCH CHANGE.

12. IF A CERTIFIED PATIENT OR DESIGNATED CAREGIVER LOSES HIS OR HER REGISTRY IDENTIFICATION CARD, HE OR SHE SHALL NOTIFY THE DEPARTMENT AND SUBMIT A TEN DOLLAR FEE WITHIN TEN DAYS OF LOSING THE CARD TO MAINTAIN THE REGISTRATION. THE DEPARTMENT MAY ESTABLISH HIGHER FEES FOR ISSUING A NEW REGISTRY IDENTIFICATION CARD FOR SECOND AND SUBSEQUENT REPLACEMENTS FOR A LOST CARD, PROVIDED, THAT THE DEPARTMENT MAY WAIVE OR REDUCE THE FEE IN CASES OF FINANCIAL HARDSHIP. WITHIN FIVE DAYS AFTER SUCH NOTIFICATION AND PAYMENT, THE DEPARTMENT SHALL ISSUE A NEW REGISTRY IDENTIFICATION CARD, WHICH MAY CONTAIN A NEW REGISTRY IDENTIFICATION NUMBER, TO THE CERTIFIED PATIENT OR DESIGNATED CAREGIVER, AS THE CASE MAY BE.

13. THE DEPARTMENT SHALL MAINTAIN A CONFIDENTIAL LIST OF THE PERSONS TO WHOM IT HAS ISSUED REGISTRY IDENTIFICATION CARDS. INDIVIDUAL IDENTIFYING INFORMATION OBTAINED BY THE DEPARTMENT UNDER THIS TITLE SHALL BE CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER ARTICLE SIX OF THE PUBLIC OFFICERS LAW. NOTWITHSTANDING THIS SUBDIVISION, THE DEPARTMENT MAY NOTIFY ANY APPROPRIATE LAW ENFORCEMENT AGENCY OF INFORMATION RELATING TO ANY VIOLATION OR SUSPECTED VIOLATION OF THIS TITLE.

14. THE DEPARTMENT SHALL VERIFY TO LAW ENFORCEMENT PERSONNEL IN AN APPROPRIATE CASE WHETHER A REGISTRY IDENTIFICATION CARD IS VALID.

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

16. (A) AS USED IN THIS SUBDIVISION, THE "REGISTRY IMPLEMENTATION DATE" IS THE DATE DETERMINED BY THE COMMISSIONER WHEN THE DEPARTMENT IS READY TO RECEIVE AND EXPEDITIOUSLY ACT ON APPLICATIONS FOR REGISTRY IDENTIFICATION CARDS UNDER THIS SECTION.

(B) THIS PARAGRAPH SHALL APPLY ON AND AFTER THE REGISTRY IMPLEMENTATION DATE, AND SHALL APPLY BEFORE THE REGISTRY IMPLEMENTATION DATE IN THE CASE OF A SPECIAL CERTIFICATION. UPON RECEIPT OF AN APPLICATION FOR A REGISTRY IDENTIFICATION CARD, THE DEPARTMENT SHALL SEND TO THE APPLICANT A LETTER ACKNOWLEDGING SUCH RECEIPT. WHILE THE APPLICATION FOR A REGISTRY IDENTIFICATION CARD IS PENDING, A COPY OF THE REGISTRY APPLICA-

1 TION, TOGETHER WITH A COPY OF THE CERTIFICATION (IN THE CASE OF A CERTI-
2 FIED PATIENT) AND A COPY OF THE LETTER OF RECEIPT FROM THE DEPARTMENT,
3 SHALL SERVE AS AND HAVE THE SAME EFFECT AS A REGISTRY IDENTIFICATION
4 CARD FOR THE CERTIFIED PATIENT OR DESIGNATED CAREGIVER, PROVIDED THAT A
5 CERTIFICATION AND APPLICATION SHALL NOT SERVE AS A VALID REGISTRY IDEN-
6 TIFICATION CARD AFTER THE INITIAL THIRTY DAY PERIOD UNDER SUBDIVISION
7 EIGHT OF THIS SECTION. THIS PARAGRAPH SHALL EXPIRE AND HAVE NO EFFECT
8 ONE YEAR AFTER THE REGISTRY IMPLEMENTATION DATE.

9 17. IF THE DEPARTMENT FAILS TO BEGIN ISSUING REGISTRY IDENTIFICATION
10 CARDS NO LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION, A
11 PATIENT'S CERTIFICATION SHALL SERVE AS THE REGISTRY IDENTIFICATION CARD
12 FOR BOTH THE PATIENT AND THE PATIENT'S DESIGNATED CAREGIVER.

13 S 3364. REGISTERED ORGANIZATIONS. 1. A REGISTERED ORGANIZATION SHALL
14 BE:

15 (A) A FACILITY LICENSED UNDER ARTICLE TWENTY-EIGHT OF THIS CHAPTER; OR

16 (B) A FOR-PROFIT BUSINESS ENTITY OR NOT-FOR-PROFIT CORPORATION ORGAN-
17 IZED FOR THE PURPOSE OF ACQUIRING, POSSESSING, MANUFACTURING, SELLING,
18 DELIVERING, TRANSPORTING, DISTRIBUTING OR DISPENSING MARIHUANA FOR
19 CERTIFIED MEDICAL USE.

20 2. THE ACQUIRING, POSSESSION, MANUFACTURE, SALE, DELIVERY, TRANSPORT-
21 ING, DISTRIBUTING OR DISPENSING OF MARIHUANA BY A REGISTERED ORGANIZA-
22 TION UNDER THIS TITLE IN ACCORDANCE WITH ITS REGISTRATION UNDER SECTION
23 THIRTY-THREE HUNDRED SIXTY-FIVE OF THIS TITLE OR A RENEWAL THEREOF SHALL
24 BE LAWFUL UNDER THIS TITLE. A REGISTERED ORGANIZATION MAY TRANSFER
25 POSSESSION OF MARIHUANA TO, AND MAY RECOVER POSSESSION OF IT FROM, AN
26 ENTITY LICENSED BY THE DEPARTMENT UNDER SECTION THIRTY-THREE HUNDRED
27 TWENTY-FOUR OF THIS TITLE FOR PURPOSES OF CHEMICAL ANALYSIS.

28 3. (A) A REGISTERED ORGANIZATION MAY LAWFULLY, IN GOOD FAITH, SELL,
29 DELIVER, DISTRIBUTE OR DISPENSE MEDICAL MARIHUANA TO A CERTIFIED PATIENT
30 OR DESIGNATED CAREGIVER UPON PRESENTATION TO THE REGISTERED ORGANIZATION
31 OF A VALID REGISTRY IDENTIFICATION CARD FOR THAT CERTIFIED PATIENT OR
32 DESIGNATED CAREGIVER. WHEN PRESENTED WITH THE REGISTRY IDENTIFICATION
33 CARD, THE REGISTERED ORGANIZATION SHALL PROVIDE TO THE CERTIFIED PATIENT
34 OR DESIGNATED CAREGIVER A RECEIPT, WHICH SHALL STATE: THE NAME, ADDRESS,
35 AND REGISTRY IDENTIFICATION NUMBER OF THE REGISTERED ORGANIZATION; THE
36 NAME AND REGISTRY IDENTIFICATION NUMBER OF THE CERTIFIED PATIENT AND THE
37 DESIGNATED CAREGIVER (IF ANY); THE DATE THE MARIHUANA WAS SOLD; ANY
38 RECOMMENDATION OR LIMITATION BY THE PRACTITIONER AS TO THE FORM OR FORMS
39 OF MEDICAL MARIHUANA OR DOSAGE FOR THE CERTIFIED PATIENT; AND THE FORM
40 AND THE QUANTITY OF MEDICAL MARIHUANA SOLD. THE REGISTERED ORGANIZATION
41 SHALL RETAIN A COPY OF THE REGISTRY IDENTIFICATION CARD AND THE RECEIPT
42 FOR SIX YEARS.

43 (B) THE REGISTERED ORGANIZATION SHALL REPORT TO THE DEPARTMENT, UNDER
44 SECTIONS THIRTY-THREE HUNDRED THIRTY-THREE AND THIRTY-THREE HUNDRED
45 FORTY-THREE-A OF THIS ARTICLE, THE INFORMATION REQUIRED TO BE INCLUDED
46 IN THE RECEIPT UNDER THIS SUBDIVISION.

47 4. (A) NO REGISTERED ORGANIZATION MAY SELL, DELIVER, DISTRIBUTE OR
48 DISPENSE TO ANY CERTIFIED PATIENT OR DESIGNATED CAREGIVER A QUANTITY OF
49 MEDICAL MARIHUANA LARGER THAN THAT INDIVIDUAL WOULD BE ALLOWED TO
50 POSSESS UNDER THIS TITLE.

51 (B) WHEN DISPENSING MEDICAL MARIHUANA TO A CERTIFIED PATIENT OR DESIG-
52 NATED CAREGIVER, THE REGISTERED ORGANIZATION (I) SHALL NOT DISPENSE AN
53 AMOUNT SUCH THAT THE CERTIFIED PATIENT WILL HAVE BEEN DISPENSED MORE
54 THAN TWO AND A HALF OUNCES OF MEDICAL MARIHUANA IN THE PREVIOUS THIRTY
55 DAYS, COUNTING THE AMOUNT BEING DISPENSED, FROM ALL REGISTERED ORGANIZA-
56 TIONS, AND (II) SHALL VERIFY THE FOREGOING BY CONSULTING THE

1 PRESCRIPTION MONITORING PROGRAM REGISTRY UNDER SECTION THIRTY-THREE
2 HUNDRED FORTY-THREE-A OF THIS ARTICLE.

3 (C) MEDICAL MARIHUANA DISPENSED TO A CERTIFIED PATIENT OR DESIGNATED
4 CAREGIVER BY A REGISTERED ORGANIZATION SHALL CONFORM TO ANY RECOMMENDA-
5 TION OR LIMITATION BY THE PRACTITIONER AS TO THE FORM OR FORMS OF
6 MEDICAL MARIHUANA OR DOSAGE FOR THE CERTIFIED PATIENT.

7 5. WHEN A REGISTERED ORGANIZATION SELLS, DELIVERS, DISTRIBUTES OR
8 DISPENSES MEDICAL MARIHUANA TO A CERTIFIED PATIENT OR DESIGNATED CARE-
9 GIVER, IT SHALL PROVIDE TO THAT INDIVIDUAL A SAFETY INSERT, WHICH WILL
10 BE DEVELOPED AND APPROVED BY THE COMMISSIONER AND INCLUDE, BUT NOT BE
11 LIMITED TO, INFORMATION ON:

12 (A) METHODS FOR ADMINISTERING MEDICAL MARIHUANA IN INDIVIDUAL DOSES,

13 (B) ANY POTENTIAL DANGERS STEMMING FROM THE USE OF MEDICAL MARIHUANA,
14 AND

15 (C) HOW TO RECOGNIZE WHAT MAY BE PROBLEMATIC USAGE OF MEDICAL MARIHUA-
16 NA AND OBTAIN APPROPRIATE SERVICES OR TREATMENT FOR PROBLEMATIC USAGE.

17 6. REGISTERED ORGANIZATIONS SHALL NOT EMPLOY ANYONE WHO HAS BEEN
18 CONVICTED OF ANY FELONY OF OR RELATING TO POSSESSION OF DRUGS, NARCOT-
19 ICS, OR CONTROLLED SUBSTANCES.

20 7. MANUFACTURING OF MEDICAL MARIHUANA BY A REGISTERED ORGANIZATION
21 SHALL ONLY BE DONE IN AN INDOOR, ENCLOSED, SECURE FACILITY, WHICH MAY
22 INCLUDE A GREENHOUSE.

23 8. A REGISTERED ORGANIZATION SHALL DETERMINE THE QUALITY, SAFETY, AND
24 CLINICAL STRENGTH OF MEDICAL MARIHUANA MANUFACTURED OR DISPENSED BY THE
25 REGISTERED ORGANIZATION, AND SHALL PROVIDE DOCUMENTATION OF THAT QUALI-
26 TY, SAFETY AND CLINICAL STRENGTH TO THE DEPARTMENT AND TO ANY PERSON OR
27 ENTITY TO WHICH THE MEDICAL MARIHUANA IS SOLD OR DISPENSED.

28 9. A REGISTERED ORGANIZATION SHALL BE DEEMED TO BE A "HEALTH CARE
29 PROVIDER" FOR THE PURPOSES OF TITLE TWO-D OF ARTICLE TWO OF THIS CHAP-
30 TER.

31 10. MEDICAL MARIHUANA SHALL BE DISPENSED TO A CERTIFIED PATIENT OR
32 DESIGNATED CAREGIVER IN A SEALED AND PROPERLY LABELED PACKAGE. THE
33 LABELING SHALL CONTAIN: (A) THE INFORMATION REQUIRED TO BE INCLUDED IN
34 THE RECEIPT PROVIDED TO THE CERTIFIED PATIENT OR DESIGNATED CAREGIVER BY
35 THE REGISTERED ORGANIZATION; (B) THE PACKAGING DATE; (C) ANY APPLICABLE
36 DATE BY WHICH THE MEDICAL MARIHUANA SHOULD BE USED; (D) A WARNING STAT-
37 ING, "THIS PRODUCT IS FOR MEDICINAL USE ONLY. WOMEN SHOULD NOT CONSUME
38 DURING PREGNANCY OR WHILE BREASTFEEDING EXCEPT ON THE ADVICE OF THE
39 CERTIFYING HEALTH CARE PRACTITIONER, AND IN THE CASE OF BREASTFEEDING
40 MOTHERS, INCLUDING THE INFANT'S PEDIATRICIAN. THIS PRODUCT MIGHT IMPAIR
41 THE ABILITY TO DRIVE. KEEP OUT OF REACH OF CHILDREN."; AND (E) THE
42 AMOUNT OF INDIVIDUAL DOSES CONTAINED WITHIN.

43 S 3365. REGISTERING OF REGISTERED ORGANIZATIONS. 1. APPLICATION FOR
44 INITIAL REGISTRATION. (A) AN APPLICANT FOR REGISTRATION AS A REGISTERED
45 ORGANIZATION UNDER SECTION THIRTY-THREE HUNDRED SIXTY-FOUR OF THIS TITLE
46 SHALL FURNISH TO THE DEPARTMENT A DESCRIPTION OF THE ACTIVITIES IN WHICH
47 IT INTENDS TO ENGAGE AS A REGISTERED ORGANIZATION AND ANY INFORMATION
48 THE DEPARTMENT SHALL REASONABLY REQUIRE AND EVIDENCE THAT THE APPLICANT:

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

50 (II) POSSESSES OR HAS THE RIGHT TO USE SUFFICIENT LAND, BUILDINGS, AND
51 OTHER PREMISES (WHICH SHALL BE SPECIFIED IN THE APPLICATION) AND EQUIP-
52 MENT TO PROPERLY CARRY ON THE ACTIVITY DESCRIBED IN THE APPLICATION, OR
53 IN THE ALTERNATIVE POSTS A BOND OF NOT LESS THAN TWO MILLION DOLLARS;

54 (III) IS ABLE TO MAINTAIN EFFECTIVE SECURITY AND CONTROL TO PREVENT
55 DIVERSION, ABUSE, AND OTHER ILLEGAL CONDUCT RELATING TO THE MARIHUANA;

1 (IV) IS ABLE TO COMPLY WITH ALL APPLICABLE STATE LAWS AND REGULATIONS
2 RELATING TO THE ACTIVITIES IN WHICH IT INTENDS TO ENGAGE UNDER THE
3 REGISTRATION; AND

4 (V) HAS ENTERED INTO A LABOR PEACE AGREEMENT WITH A BONA-FIDE LABOR
5 ORGANIZATION THAT IS ACTIVELY ENGAGED IN REPRESENTING OR ATTEMPTING TO
6 REPRESENT THE APPLICANT'S EMPLOYEES. THE MAINTENANCE OF SUCH A LABOR
7 PEACE AGREEMENT SHALL BE AN ONGOING MATERIAL CONDITION OF CERTIFICATION.

8 (B) THE APPLICATION SHALL ESTABLISH THE APPLICANT'S STATUS UNDER PARA-
9 GRAPH (A) OR (B) OF SUBDIVISION ONE OF SECTION THIRTY-THREE HUNDRED
10 SIXTY-FOUR OF THIS TITLE.

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

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

19 (II) WHETHER SUCH PERSON OR ANY SUCH BUSINESS HAS BEEN CONVICTED OF A
20 FELONY OR HAD A REGISTRATION OR LICENSE SUSPENDED OR REVOKED IN ANY
21 ADMINISTRATIVE OR JUDICIAL PROCEEDING; AND

22 (III) SUCH OTHER INFORMATION AS THE COMMISSIONER MAY REASONABLY
23 REQUIRE.

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

28 (E) IN REVIEWING APPLICATIONS, THE DEPARTMENT SHALL GIVE ADDITIONAL
29 CONSIDERATION TO APPLICANTS THAT UTILIZE A VERTICAL INTEGRATION MODEL.
30 FOR PURPOSES OF THIS TITLE, A VERTICAL INTEGRATION MODEL SHALL BE ONE IN
31 WHICH A REGISTERED ORGANIZATION POSSESSES LICENSES FOR BOTH PRODUCTION
32 AND DISPENSING.

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

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

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

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

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

46 (V) IT IS IN THE PUBLIC INTEREST THAT SUCH REGISTRATION BE GRANTED;
47 THE COMMISSIONER MAY CONSIDER WHETHER THE NUMBER OF REGISTERED ORGANIZA-
48 TIONS IN AN AREA WILL BE ADEQUATE OR EXCESSIVE TO REASONABLY SERVE THE
49 AREA;

50 (VI) THE APPLICANT AND ITS MANAGING OFFICERS ARE OF GOOD MORAL CHARAC-
51 TER; AND

52 (VII) THE APPLICANT HAS ENTERED INTO A LABOR PEACE AGREEMENT WITH A
53 BONA-FIDE LABOR ORGANIZATION THAT IS ACTIVELY ENGAGED IN REPRESENTING OR
54 ATTEMPTING TO REPRESENT THE APPLICANT'S EMPLOYEES.

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,
6 HOWEVER, IF THE REGISTRATION IS ISSUED FOR A PERIOD GREATER THAN TWO
7 YEARS 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;

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

14 (III) THE LAND, BUILDINGS AND FACILITIES THAT MAY BE USED FOR THE
15 PERMITTED ACTIVITIES OF THE REGISTERED ORGANIZATION; AND

16 (IV) SUCH OTHER MATTERS AS THE COMMISSIONER SHALL REASONABLY PROVIDE
17 TO ASSURE COMPLIANCE WITH THIS TITLE.

18 (E) UPON APPLICATION OF A REGISTERED ORGANIZATION, A REGISTRATION MAY
19 BE AMENDED TO ALLOW THE REGISTERED ORGANIZATION TO RELOCATE WITHIN THE
20 STATE OR TO ADD OR DELETE PERMITTED REGISTERED ORGANIZATION ACTIVITIES
21 OR FACILITIES. THE FEE FOR SUCH AMENDMENT SHALL BE TWO HUNDRED FIFTY
22 DOLLARS.

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

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

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

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

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

43 (A) EACH INCIDENT OR ALLEGED INCIDENT INVOLVING THE THEFT, LOSS, OR
44 POSSIBLE DIVERSION OF MARIHUANA MANUFACTURED OR DISTRIBUTED BY THE
45 APPLICANT; AND

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

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

53 (D) IF THE COMMISSIONER IS NOT SATISFIED THAT THE APPLICANT IS ENTI-
54 TLED TO A RENEWAL OF THE REGISTRATION, HE OR SHE SHALL WITHIN FORTY-FIVE
55 DAYS AFTER THE FILING OF THE APPLICATION SERVE UPON THE APPLICANT OR HIS
56 OR HER ATTORNEY OF RECORD IN PERSON OR BY REGISTERED OR CERTIFIED MAIL

1 AN ORDER DIRECTING THE APPLICANT TO SHOW CAUSE WHY HIS OR HER APPLICA-
2 TION FOR RENEWAL SHOULD NOT BE DENIED. THE ORDER SHALL SPECIFY IN DETAIL
3 THE RESPECTS IN WHICH THE APPLICANT HAS NOT SATISFIED THE COMMISSIONER
4 THAT THE REGISTRATION SHOULD BE RENEWED.

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

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

13 (I) THE APPLICANT IS UNLIKELY TO MAINTAIN OR BE ABLE TO MAINTAIN
14 EFFECTIVE CONTROL AGAINST DIVERSION; OR

15 (II) THE APPLICANT IS UNLIKELY TO COMPLY WITH ALL STATE LAWS APPLICA-
16 BLE TO THE ACTIVITIES IN WHICH IT MAY ENGAGE UNDER THE REGISTRATION;

17 (III) IT IS NOT IN THE PUBLIC INTEREST TO RENEW THE REGISTRATION
18 BECAUSE THE NUMBER OF REGISTERED ORGANIZATIONS IN AN AREA IS EXCESSIVE
19 TO REASONABLY SERVE THE AREA; OR

20 (IV) THE APPLICANT HAS EITHER VIOLATED OR TERMINATED ITS LABOR PEACE
21 AGREEMENT.

22 (B) FOR PURPOSES OF THIS SECTION, PROOF THAT A REGISTERED ORGANIZA-
23 TION, DURING THE PERIOD OF ITS REGISTRATION, HAS FAILED TO MAINTAIN
24 EFFECTIVE CONTROL AGAINST DIVERSION OR HAS KNOWINGLY OR NEGLIGENTLY
25 FAILED TO COMPLY WITH APPLICABLE STATE LAWS RELATING TO THE ACTIVITIES
26 IN WHICH IT ENGAGES UNDER THE REGISTRATION, SHALL CONSTITUTE SUBSTANTIAL
27 EVIDENCE THAT THE APPLICANT WILL BE UNLIKELY TO MAINTAIN EFFECTIVE
28 CONTROL AGAINST DIVERSION OR WILL BE UNLIKELY TO COMPLY WITH THE APPLI-
29 CABLE STATE STATUTES DURING THE PERIOD OF PROPOSED RENEWAL.

30 6. THE DEPARTMENT MAY SUSPEND OR TERMINATE THE REGISTRATION OF A
31 REGISTERED ORGANIZATION, ON GROUNDS AND USING PROCEDURES UNDER THIS
32 ARTICLE RELATING TO A LICENSE, TO THE EXTENT CONSISTENT WITH THIS TITLE.
33 THE DEPARTMENT SHALL SUSPEND OR TERMINATE THE REGISTRATION IN THE EVENT
34 THAT A REGISTERED ORGANIZATION VIOLATES OR TERMINATES THE APPLICABLE
35 LABOR PEACE AGREEMENT. CONDUCT IN COMPLIANCE WITH THIS TITLE, BUT WHICH
36 MAY VIOLATE CONFLICTING FEDERAL LAW, SHALL NOT BE GROUNDS TO SUSPEND OR
37 TERMINATE A REGISTRATION.

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

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

43 9. THE COMMISSIONER SHALL DETERMINE THE APPROPRIATE NUMBER OF REGIS-
44 TERED ORGANIZATIONS AND FACILITIES TO PROMOTE REASONABLE ACCESS TO
45 MEDICAL MARIHUANA IN THE INTEREST OF CERTIFIED PATIENTS AND THE PUBLIC.
46 DURING THE FIRST TWO YEARS AFTER THIS TITLE TAKES EFFECT, THE COMMIS-
47 SIONER SHALL REGISTER NO MORE THAN TWENTY REGISTERED ORGANIZATIONS THAT
48 MANUFACTURE MEDICAL MARIHUANA.

49 S 3366. EXPEDITED REGISTRATION OF REGISTERED ORGANIZATIONS. 1. THE
50 PURPOSE OF THIS SECTION IS TO EXPEDITE THE AVAILABILITY OF MEDICAL MARI-
51 HUANA TO AVOID SUFFERING AND LOSS OF LIFE, DURING THE PERIOD BEFORE FULL
52 IMPLEMENTATION OF AND PRODUCTION UNDER THIS TITLE, ESPECIALLY IN THE
53 CASE OF PATIENTS WHOSE SERIOUS CONDITION IS PROGRESSIVE AND DEGENERATIVE
54 OR IS SUCH THAT DELAY IN THE PATIENT'S MEDICAL USE OF MARIHUANA POSES A
55 SERIOUS RISK TO THE PATIENT'S LIFE OR HEALTH. THE COMMISSIONER SHALL

1 IMPLEMENT THIS SECTION AS EXPEDITIOUSLY AS POSSIBLE, INCLUDING BY EMER-
2 GENCY REGULATION.

3 2. THE DEPARTMENT SHALL BEGIN ACCEPTING AND ACTING ON APPLICATIONS
4 UNDER THIS SECTION FOR REGISTERED ORGANIZATIONS NO LATER THAN SIXTY DAYS
5 AFTER THE EFFECTIVE DATE OF THIS TITLE.

6 3. FOR THE PURPOSES OF THIS SECTION, AND FOR SPECIFIED LIMITED TIMES,
7 THE COMMISSIONER MAY WAIVE OR MODIFY THE REQUIREMENTS OF THIS ARTICLE
8 RELATING TO REGISTERED ORGANIZATIONS, CONSISTENT WITH THE LEGISLATIVE
9 INTENT AND PURPOSE OF THIS TITLE AND THIS SECTION. WHERE A REGISTERED
10 ORGANIZATION OPERATES IN A JURISDICTION OTHER THAN THE STATE OF NEW
11 YORK, UNDER LICENSURE OR OTHER GOVERNMENTAL RECOGNITION OF THAT JURIS-
12 DICTION, AND THE LAWS OF THAT JURISDICTION ARE ACCEPTABLE TO THE COMMIS-
13 SIONER AS CONSISTENT WITH THE LEGISLATIVE INTENT AND PURPOSE OF THIS
14 TITLE AND THIS SECTION, THEN THE COMMISSIONER MAY ACCEPT THAT LICENSURE
15 OR RECOGNITION AS WHOLLY OR PARTIALLY SATISFYING THE REQUIREMENTS OF
16 THIS TITLE, FOR PURPOSES OF THE REGISTRATION AND OPERATION OF THE REGIS-
17 TERED ORGANIZATION UNDER THIS SECTION.

18 4. IN CONSIDERING APPLICATIONS UNDER THIS SECTION FOR REGISTRATION,
19 THE COMMISSIONER SHALL GIVE PREFERENCE TO THE FOLLOWING:

20 (A) APPLICANTS THAT ARE CURRENTLY PRODUCING OR PROVIDING OR HAVE A
21 HISTORY OF PRODUCING OR PROVIDING MEDICAL MARIHUANA IN OTHER JURISDIC-
22 TIONS IN FULL COMPLIANCE WITH THE LAWS OF THE JURISDICTION;

23 (B) APPLICANTS THAT ARE ABLE AND QUALIFIED TO BOTH PRODUCE, DISTRIB-
24 UTE, AND DISPENSE MEDICAL MARIHUANA TO PATIENTS EXPEDITIOUSLY;

25 (C) APPLICANTS THAT PROPOSE LOCATIONS FOR DISPENSING BY THE REGISTERED
26 ORGANIZATION, WHICH ENSURE, TO THE GREATEST EXTENT POSSIBLE, THAT CERTI-
27 FIED PATIENTS THROUGHOUT THE STATE HAVE ACCESS TO A REGISTERED ORGANIZA-
28 TION.

29 5. THE COMMISSIONER MAY LIMIT REGISTERED ORGANIZATIONS REGISTERED
30 UNDER THIS SECTION TO SERVING PATIENTS WITH SPECIAL CERTIFICATIONS.

31 6. A REGISTERED ORGANIZATION REGISTERED UNDER THIS SECTION MAY APPLY
32 UNDER SECTION THIRTY-THREE HUNDRED SIXTY-FIVE OF THIS TITLE TO RECEIVE
33 OR RENEW REGISTRATION.

34 S 3367. REPORTS BY REGISTERED ORGANIZATIONS. 1. THE COMMISSIONER
35 SHALL, BY REGULATION, REQUIRE EACH REGISTERED ORGANIZATION TO FILE
36 REPORTS BY THE REGISTERED ORGANIZATION DURING A PARTICULAR PERIOD. THE
37 COMMISSIONER SHALL DETERMINE THE INFORMATION TO BE REPORTED AND THE
38 FORMS, TIME, AND MANNER OF THE REPORTING.

39 2. THE COMMISSIONER SHALL, BY REGULATION, REQUIRE EACH REGISTERED
40 ORGANIZATION TO ADOPT AND MAINTAIN SECURITY, TRACKING, RECORD KEEPING,
41 RECORD RETENTION AND SURVEILLANCE SYSTEMS, RELATING TO ALL MEDICAL MARI-
42 HUANA AT EVERY STAGE OF ACQUIRING, POSSESSION, MANUFACTURE, SALE, DELIV-
43 ERY, TRANSPORTING, DISTRIBUTING, OR DISPENSING BY THE REGISTERED ORGAN-
44 IZATION, SUBJECT TO REGULATIONS OF THE COMMISSIONER.

45 S 3368. EVALUATION; RESEARCH PROGRAMS; REPORT BY DEPARTMENT. 1. THE
46 COMMISSIONER MAY PROVIDE FOR THE ANALYSIS AND EVALUATION OF THE OPERA-
47 TION OF THIS TITLE. THE COMMISSIONER MAY ENTER INTO AGREEMENTS WITH ONE
48 OR MORE PERSONS, NOT-FOR-PROFIT CORPORATIONS OR OTHER ORGANIZATIONS, FOR
49 THE PERFORMANCE OF AN EVALUATION OF THE IMPLEMENTATION AND EFFECTIVENESS
50 OF THIS TITLE.

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

55 3. THE DEPARTMENT SHALL REPORT EVERY TWO YEARS, BEGINNING TWO YEARS
56 AFTER THE EFFECTIVE DATE OF THIS TITLE, TO THE GOVERNOR AND THE LEGISLA-

1 TURE ON THE MEDICAL USE OF MARIHUANA UNDER THIS TITLE AND MAKE APPROPRI-
2 ATE RECOMMENDATIONS.

3 S 3369. RELATION TO OTHER LAWS. 1. (A) THE PROVISIONS OF THIS ARTICLE
4 SHALL APPLY TO THIS TITLE, EXCEPT THAT WHERE A PROVISION OF THIS TITLE
5 CONFLICTS WITH ANOTHER PROVISION OF THIS ARTICLE, THIS TITLE SHALL
6 APPLY.

7 (B) MEDICAL MARIHUANA SHALL NOT BE DEEMED TO BE A "DRUG" FOR PURPOSES
8 OF ARTICLE ONE HUNDRED THIRTY-SEVEN OF THE EDUCATION LAW.

9 2. NOTHING IN THIS TITLE SHALL BE CONSTRUED TO REQUIRE OR PROHIBIT AN
10 INSURER OR HEALTH PLAN UNDER THIS CHAPTER OR THE INSURANCE LAW TO
11 PROVIDE COVERAGE FOR MEDICAL MARIHUANA. NOTHING IN THIS TITLE SHALL BE
12 CONSTRUED TO REQUIRE COVERAGE FOR MEDICAL MARIHUANA UNDER ARTICLE TWEN-
13 TY-FIVE OF THIS CHAPTER OR ARTICLE FIVE OF THE SOCIAL SERVICES LAW.

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

17 S 3369-A. PROTECTIONS FOR THE MEDICAL USE OF MARIHUANA. 1. CERTIFIED
18 PATIENTS, DESIGNATED CAREGIVERS, PRACTITIONERS, REGISTERED ORGANIZATIONS
19 AND THE EMPLOYEES OF REGISTERED ORGANIZATIONS SHALL NOT BE SUBJECT TO
20 ARREST, PROSECUTION, OR PENALTY IN ANY MANNER, OR DENIED ANY RIGHT OR
21 PRIVILEGE, INCLUDING BUT NOT LIMITED TO CIVIL PENALTY OR DISCIPLINARY
22 ACTION BY A BUSINESS OR OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR
23 BUREAU, SOLELY FOR THE CERTIFIED MEDICAL USE OR MANUFACTURE OF MARIHUA-
24 NA, OR FOR ANY OTHER ACTION OR CONDUCT IN ACCORDANCE WITH THIS TITLE.
25 STATE OR LOCAL LAW ENFORCEMENT AGENCIES SHALL NOT COOPERATE WITH OR
26 PROVIDE ASSISTANCE TO THE GOVERNMENT OF THE UNITED STATES OR ANY AGENCY
27 THEREOF IN ENFORCING THE CONTROLLED SUBSTANCES ACT, 21 U.S.C. S 801 ET.
28 SEQ., SOLELY FOR ACTIONS AND CONDUCT CONSISTENT WITH THIS TITLE, EXCEPT
29 AS PURSUANT TO A VALID COURT ORDER.

30 2. INCIDENTAL AMOUNT OF MARIHUANA. ANY INCIDENTAL AMOUNT OF SEEDS,
31 STALKS, AND UNUSABLE ROOTS SHALL NOT BE INCLUDED IN THE AMOUNTS SPECI-
32 FIED IN SUBDIVISION ONE OF SECTION THIRTY-THREE HUNDRED SIXTY-TWO OF
33 THIS TITLE.

34 3. SCHOOL, EMPLOYER, OR LANDLORD MAY NOT DISCRIMINATE. A SCHOOL,
35 EMPLOYER, OR LANDLORD MAY NOT REFUSE TO ENROLL OR EMPLOY OR LEASE TO OR
36 OTHERWISE PENALIZE A PERSON SOLELY FOR THAT PERSON'S STATUS AS A CERTI-
37 FIED PATIENT OR DESIGNATED CAREGIVER UNLESS FAILING TO DO SO WOULD PUT
38 THE SCHOOL, EMPLOYER, OR LANDLORD IN VIOLATION OF FEDERAL LAW OR CAUSE
39 IT TO LOSE A FEDERAL CONTRACT OR FUNDING.

40 4. PERSON MAY NOT BE DENIED MEDICAL CARE, INCLUDING ORGAN TRANSPLANT.
41 FOR THE PURPOSES OF MEDICAL CARE, INCLUDING ORGAN TRANSPLANTS, A
42 PATIENT'S MEDICAL USE OF MARIHUANA SHALL NOT CONSTITUTE THE USE OF AN
43 ILLICIT SUBSTANCE AND MAY ONLY BE CONSIDERED WITH RESPECT TO
44 EVIDENCE-BASED CLINICAL CRITERIA.

45 5. PERSON MAY NOT BE DENIED CUSTODY OR VISITATION OF MINOR. A PERSON
46 SHALL NOT BE DENIED CUSTODY OR VISITATION OF A MINOR FOR ACTING IN
47 ACCORDANCE WITH THIS TITLE UNLESS THE PERSON'S BEHAVIOR IS SUCH THAT IT
48 CREATES AN UNREASONABLE DANGER TO THE MINOR THAT CAN BE CLEARLY ARTIC-
49 ULATED AND SUBSTANTIATED.

50 6. EFFECT OF REGISTRY IDENTIFICATION CARD ISSUED BY ANOTHER JURISDIC-
51 TION. A REGISTRY IDENTIFICATION CARD, OR ITS EQUIVALENT, THAT IS ISSUED
52 UNDER THE LAWS OF ANOTHER STATE, DISTRICT, TERRITORY, COMMONWEALTH, OR
53 POSSESSION OF THE UNITED STATES THAT ALLOWS THE MEDICAL USE OF MARIHUANA
54 HAS THE SAME FORCE AND EFFECT AS A REGISTRY IDENTIFICATION CARD ISSUED
55 BY THE DEPARTMENT, SO LONG AS THE VISITING PATIENT'S CONDITION IS A
56 SERIOUS CONDITION, AS ATTESTED TO IN WRITING BY A PRACTITIONER. WHERE A

1 REGISTERED ORGANIZATION DISPENSES MEDICAL MARIHUANA TO A PATIENT UNDER
2 THIS SUBDIVISION, A COPY OF THE ATTESTATION SHALL BE PROVIDED TO THE
3 REGISTERED ORGANIZATION.

4 S 3369-B. REGULATIONS. 1. THE COMMISSIONER SHALL MAKE REGULATIONS TO
5 IMPLEMENT THIS TITLE.

6 2. ADVISORY COMMITTEE. THERE IS HEREBY ESTABLISHED IN THE DEPARTMENT
7 AN ADVISORY COMMITTEE ON MEDICAL USE OF MARIHUANA (THE "ADVISORY COMMIT-
8 TEE") TO ADVISE THE COMMISSIONER ON MAKING REGULATIONS UNDER THIS TITLE
9 AND ON ANY MATTERS RELATING TO THE IMPLEMENTATION OF THIS TITLE AS THE
10 COMMISSIONER SHALL DETERMINE. THE ADVISORY COMMITTEE SHALL CONSIST OF
11 TWELVE MEMBERS. THE MEMBERS OF THE ADVISORY COMMITTEE SHALL BE APPOINTED
12 AS FOLLOWS: FIVE TO BE APPOINTED BY THE GOVERNOR, THREE TO BE APPOINTED
13 BY THE GOVERNOR ON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE
14 SENATE, THREE TO BE APPOINTED BY THE GOVERNOR ON THE RECOMMENDATION OF
15 THE SPEAKER OF THE ASSEMBLY, AND ONE TO BE APPOINTED BY THE GOVERNOR ON
16 THE RECOMMENDATION OF THE ATTORNEY GENERAL OF THE STATE OF NEW YORK. THE
17 ADVISORY COMMITTEE SHALL INCLUDE BUT NOT BE LIMITED TO: HEALTH CARE
18 PRACTITIONERS, PATIENTS OR REPRESENTATIVES OF PATIENTS WITH SERIOUS
19 CONDITIONS, EXPERTS IN THE REGULATION OF CONTROLLED SUBSTANCES FOR
20 MEDICAL USE, MEDICAL MARIHUANA INDUSTRY PROFESSIONALS AND LAW ENFORCE-
21 MENT. THE ADVISORY COMMITTEE SHALL BE RESPONSIBLE FOR REVIEWING THE
22 APPEAL OF ANY PATIENT OR CAREGIVER WHOSE REGISTRY APPLICATION HAS BEEN
23 DENIED BY THE DEPARTMENT. THE ADVISORY COMMITTEE SHALL MAKE RECOMMENDA-
24 TIONS REGARDING ANY SUCH APPEAL TO THE COMMISSIONER, WHO SHALL MAKE THE
25 FINAL DETERMINATION. THE ADVISORY COMMITTEE SHALL ALSO BE RESPONSIBLE
26 FOR MAKING RECOMMENDATIONS TO THE COMMISSIONER ON EXPANDING OR RETRACT-
27 ING THE CATEGORIES OF DISEASES TO BE CONSIDERED SERIOUS CONDITIONS FOR
28 PURPOSES OF THIS TITLE, AND THE COMMISSIONER SHALL HAVE THE ABILITY TO
29 EXPAND OR RETRACT THE CATEGORIES OF DISEASES TO BE CONSIDERED SERIOUS
30 CONDITIONS FOR PURPOSES OF THIS TITLE. THE COMMISSIONER MAY ALSO FORM
31 SUBCOMMITTEES OF THE ADVISORY COMMITTEE. THE COMMISSIONER SHALL FORM A
32 SUBCOMMITTEE TO ASSIST AND ADVISE THE COMMISSIONER AND THE ADVISORY
33 COMMITTEE ON CLINICAL MATTERS RELATING TO MEDICAL MARIHUANA, INCLUDING
34 BUT NOT LIMITED TO EXPANDING OR RETRACTING THE CATEGORIES OF DISEASES TO
35 BE CONSIDERED SERIOUS CONDITIONS FOR PURPOSES OF THIS TITLE, THE MEMBERS
36 OF WHICH SHALL PREDOMINANTLY BE CLINICAL PROFESSIONALS IN APPROPRIATE
37 AREAS OF EXPERTISE AND SHALL ALSO INCLUDE REPRESENTATIVES OF PATIENTS
38 AND THE GENERAL PUBLIC. MEMBERS OF A SUBCOMMITTEE NEED NOT BE MEMBERS OF
39 THE ADVISORY COMMITTEE. MEMBERS OF THE ADVISORY COMMITTEE SHALL SERVE
40 FOR A TERM OF FOUR YEARS. MEMBERS OF A SUBCOMMITTEE SHALL SERVE AT THE
41 PLEASURE OF THE COMMISSIONER. MEMBERS OF THE ADVISORY COMMITTEE OR A
42 SUBCOMMITTEE MAY RECEIVE REIMBURSEMENT BY THE DEPARTMENT FOR THEIR
43 REASONABLE AND NECESSARY EXPENSES INCURRED AS MEMBERS OF THE ADVISORY
44 COMMITTEE OR A SUBCOMMITTEE. A PUBLIC EMPLOYEE MAY BE A MEMBER OF THE
45 ADVISORY COMMITTEE OR A SUBCOMMITTEE.

46 S 3369-C. SEVERABILITY. IF ANY PROVISION OF THIS TITLE OR THE APPLICA-
47 TION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, SUCH INVA-
48 LIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS TITLE
49 WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION,
50 AND TO THIS END THE PROVISIONS OF THIS TITLE ARE SEVERABLE.

51 S 3. Section 3343-a of the public health law is amended by adding a
52 new subdivision 8-a to read as follows:

53 8-A. MEDICAL MARIHUANA. AS USED IN ANY PROVISION OF THIS ARTICLE
54 RELATING TO THE PRESCRIPTION MONITORING PROGRAM REGISTRY, THE FOLLOWING
55 TERMS SHALL INCLUDE THE FOLLOWING IN RELATION TO MEDICAL MARIHUANA, IN
56 ADDITION TO THE MEANING EACH TERM WOULD OTHERWISE HAVE:

(A) "PRESCRIPTION," "PRESCRIBE," AND "PRESCRIBER," INCLUDE, RESPECTIVELY, A CERTIFICATION, THE ISSUING OF A CERTIFICATION, AND A PRACTITIONER UNDER TITLE FIVE-A OF THIS ARTICLE.

(B) "PHARMACY" INCLUDES A REGISTERED ORGANIZATION THAT IS AUTHORIZED TO DISPENSE MEDICAL MARIHUANA UNDER TITLE FIVE-A OF THIS ARTICLE; PROVIDED THAT A REGISTERED ORGANIZATION THAT IS NOT A FACILITY LICENSED UNDER ARTICLE TWENTY-EIGHT OF THIS CHAPTER OR A PHARMACY UNDER ARTICLE ONE HUNDRED THIRTY-SEVEN OF THE EDUCATION LAW SHALL ONLY BE AUTHORIZED TO CONSULT THE REGISTRY OR ACCESS PATIENT-SPECIFIC INFORMATION FROM THE REGISTRY (INCLUDING UNDER SUBDIVISION THREE OF THIS SECTION AND SUBDIVISION TWO OF SECTION THIRTY-THREE HUNDRED SEVENTY-ONE OF THIS ARTICLE) IN DIRECT RELATION TO MEDICAL MARIHUANA, BUT SHALL REPORT INFORMATION TO THE REGISTRY, INCLUDING UNDER SUBDIVISION FOUR OF SECTION THIRTY-THREE HUNDRED THIRTY-THREE OF THIS ARTICLE.

(C) "PATIENT-SPECIFIC INFORMATION," IN RELATION TO MEDICAL MARIHUANA, SHALL NOT INCLUDE INFORMATION NOT REQUIRED TO BE INCLUDED IN A CERTIFICATION UNDER TITLE FIVE-A OF THIS ARTICLE.

(D) "CONTROLLED SUBSTANCE" INCLUDES MEDICAL MARIHUANA, REGARDLESS OF WHETHER THE PROVISION IN WHICH THE TERM IS FOUND IS LIMITED TO SCHEDULES OTHER THAN SCHEDULE I OF SECTION THIRTY-THREE HUNDRED SIX OF THIS ARTICLE.

(E) "MEDICAL MARIHUANA" MEANS MEDICAL MARIHUANA UNDER TITLE FIVE-A OF THIS ARTICLE.

S 4. The tax law is amended by adding a new article 20-B to read as follows:

ARTICLE 20-B

TAX ON MEDICAL MARIHUANA

SECTION 490. EXCISE TAX ON MEDICAL MARIHUANA.

S 490. EXCISE TAX ON MEDICAL MARIHUANA. 1. ALL DEFINITIONS OF TERMS APPLICABLE TO TITLE FIVE-A OF ARTICLE THIRTY-THREE OF THE PUBLIC HEALTH LAW SHALL APPLY TO THIS ARTICLE.

2. THERE IS HEREBY LEVIED AND IMPOSED ON REGISTERED ORGANIZATIONS AN EXCISE TAX ON ALL MEDICAL MARIHUANA SOLD TO ANOTHER REGISTERED ORGANIZATION OR TO A CERTIFIED PATIENT OR DESIGNATED CAREGIVER. THE EXCISE TAX SHALL BE AT THE RATE OF SEVEN PERCENT OF THE RETAIL PRICE OF THE MEDICAL MARIHUANA DISPENSED.

3. TWENTY-TWO AND FIVE-TENTHS PERCENT OF THE REVENUE RECEIVED BY THE DEPARTMENT SHALL BE TRANSFERRED TO THE COUNTY IN NEW YORK STATE IN WHICH THE MEDICAL MARIHUANA WAS MANUFACTURED AND TWENTY-TWO AND FIVE-TENTHS PERCENT OF THE REVENUE RECEIVED BY THE DEPARTMENT SHALL BE TRANSFERRED TO THE COUNTY IN NEW YORK STATE IN WHICH THE MEDICAL MARIHUANA WAS DISPENSED. FOR PURPOSES OF THE PREVIOUS SENTENCE, THE CITY OF NEW YORK SHALL BE DEEMED TO BE A COUNTY. FIVE PERCENT OF THE REVENUE RECEIVED BY THE DEPARTMENT SHALL BE TRANSFERRED TO THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, WHICH SHALL USE THAT REVENUE FOR ADDITIONAL DRUG ABUSE PREVENTION, COUNSELING AND TREATMENT SERVICES. FIVE PERCENT OF THE REVENUE RECEIVED BY THE DEPARTMENT SHALL BE TRANSFERRED TO THE DIVISION OF CRIMINAL JUSTICE SERVICES, WHICH SHALL USE THAT REVENUE FOR A PROGRAM OF DISCRETIONARY GRANTS TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES THAT DEMONSTRATE A NEED RELATING TO TITLE FIVE-A OF ARTICLE THIRTY-THREE OF THE PUBLIC HEALTH LAW. SAID GRANTS COULD BE USED FOR PERSONNEL COSTS OF STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

4. A REGISTERED ORGANIZATION THAT DISPENSES MEDICAL MARIHUANA SHALL PROVIDE TO THE DEPARTMENT INFORMATION ON WHERE THE MEDICAL MARIHUANA WAS DISPENSED AND WHERE THE MEDICAL MARIHUANA WAS MANUFACTURED. A REGISTERED ORGANIZATION THAT OBTAINS MARIHUANA FROM ANOTHER REGISTERED ORGANIZATION

1 SHALL OBTAIN FROM SUCH REGISTERED ORGANIZATION INFORMATION ON WHERE THE
2 MEDICAL MARIHUANA WAS MANUFACTURED.

3 5. THE COMMISSIONER SHALL MAKE REGULATIONS TO IMPLEMENT THIS ARTICLE.

4 S 5. Section 853 of the general business law is amended by adding a
5 new subdivision 3 to read as follows:

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

9 S 6. Section 221.00 of the penal law, as added by chapter 360 of the
10 laws of 1977, is amended to read as follows:

11 S 221.00 Marihuana; definitions.

12 Unless the context in which they are used clearly otherwise requires,
13 the terms occurring in this article shall have the same meaning ascribed
14 to them in article two hundred twenty of this chapter. ANY ACT THAT IS
15 LAWFUL UNDER TITLE FIVE-A OF ARTICLE THIRTY-THREE OF THE PUBLIC HEALTH
16 LAW IS NOT A VIOLATION OF THIS ARTICLE.

17 S 7. This act shall take effect immediately.