

1682

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sens. MONTGOMERY, KRUEGER, SAMPSON -- read twice and  
ordered printed, and when printed to be committed to the Committee on  
Health

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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, 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 life and health-sustaining treatment under a  
5     practitioner's supervision. Many controlled substances that are legal  
6     for medical use (such as morphine and steroids) are otherwise illegal.  
7     This legislation follows the well-established public policy that a  
8     controlled substance can have a legitimate medical use. The purposes of  
9     article 33 of the public health law are to allow legitimate use of  
10    controlled substances in health care, including palliative care; veteri-  
11    nary care; research and other uses authorized by this article or other  
12    law; under appropriate regulation. This policy and this legislation do  
13    not in any way diminish New York state's strong public policy and laws  
14    against illegal drug use.

15    It is the legislative intent that this act be implemented consistently  
16    with these findings and principles, through a reasonable and workable  
17    system with appropriate oversight, evaluation and continuing research.

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

20                                   TITLE V-A  
21                                   MEDICAL USE OF MARIHUANA  
22    SECTION 3360. DEFINITIONS.

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

LBD05429-01-3

3361. CERTIFICATION OF PATIENTS.

3362. POSSESSION AND SALE.

3363. REGISTERED ORGANIZATIONS.

3364. REGISTERING OF REGISTERED ORGANIZATIONS.

3365. REPORTS BY PRACTITIONERS.

3366. EVALUATION; RESEARCH PROGRAMS; REPORT BY DEPARTMENT.

3367. APPLICABILITY OF OTHER PROVISIONS OF THIS ARTICLE.

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

1. "CAREGIVER" MEANS A PERSON ASSISTING A CERTIFIED PATIENT IN CARE OR TREATMENT OF A SERIOUS CONDITION WHO IS A HEALTH CARE PROVIDER (INCLUDING AN EMPLOYEE OF A HEALTH CARE PROVIDER) OR A PERSON DESIGNATED IN WRITING BY THE CERTIFIED PATIENT.

2. "CERTIFIED MEDICAL USE" MEANS THE MEDICAL USE OF MARIHUANA BY A CERTIFIED PATIENT FOR THE SERIOUS CONDITION SPECIFIED IN A CERTIFICATION UNDER SECTION THIRTY-THREE HUNDRED SIXTY-ONE OF THIS TITLE.

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

4. "MEDICAL USE" MEANS USE AS PART OF THE TREATMENT OF A SERIOUS CONDITION, INCLUDING ENABLING A PATIENT TO TOLERATE TREATMENT FOR A SERIOUS CONDITION.

5. "PUBLIC PLACE" MEANS A PUBLIC PLACE AS DEFINED IN SECTION 240.00 OF THE PENAL LAW.

6. "REGISTERED ORGANIZATION" MEANS A REGISTERED ORGANIZATION UNDER SECTION THIRTY-THREE HUNDRED SIXTY-THREE OF THIS TITLE.

7. "SERIOUS CONDITION" MEANS A LIFE-THREATENING, DEGENERATIVE OR PERMANENTLY DISABLING CONDITION, OR A CONDITION ASSOCIATED WITH OR A COMPLICATION OF SUCH A CONDITION.

S 3361. CERTIFICATION OF PATIENTS. 1. A PRACTITIONER MAY CERTIFY: THAT A PATIENT HAS A SERIOUS CONDITION, WHICH SHALL BE SPECIFIED IN THE CERTIFICATION; THAT THE PATIENT IS UNDER THE PRACTITIONER'S CARE FOR THE SERIOUS CONDITION; AND THAT, IN THE PRACTITIONER'S PROFESSIONAL JUDGMENT, THE SERIOUS CONDITION CAN AND SHOULD BE TREATED WITH THE MEDICAL USE OF MARIHUANA, AND THAT OTHER DRUGS OR TREATMENTS WOULD NOT BE AS EFFECTIVE.

2. THE CERTIFICATION SHALL BE IN WRITING AND INCLUDE THE DATE; THE NAME, ADDRESS, FEDERAL REGISTRATION NUMBER, TELEPHONE NUMBER, AND THE HANDWRITTEN SIGNATURE OF THE CERTIFYING PRACTITIONER; SPECIFIC DIRECTIONS FOR USE, INCLUDING BUT NOT LIMITED TO, THE DOSAGE AND FREQUENCY OF DOSAGE AND THE MAXIMUM DAILY DOSAGE; THE NUMBER OF RENEWALS AUTHORIZED BY THE PRACTITIONER, PROVIDED THAT NO SUCH AUTHORIZATION SHALL BE EFFECTIVE FOR A PERIOD GREATER THAN SIX MONTHS FROM THE DATE THE CERTIFICATION IS SIGNED; AND THE NAME AND ADDRESS OF THE PATIENT. THE COMMISSIONER MAY REQUIRE BY REGULATION THAT THE CERTIFICATION SHALL BE ON A FORM PROVIDED BY THE DEPARTMENT. THE CERTIFICATION SHALL BE GIVEN TO THE CERTIFIED PATIENT OR A CAREGIVER FOR THE PATIENT, A COPY SHALL BE SENT TO THE DEPARTMENT, AND A COPY SHALL BE PLACED IN THE PATIENT'S HEALTH CARE RECORD.

3. NO CERTIFICATION UNDER THIS SECTION SHALL BE MADE FOR A QUANTITY OF MARIHUANA THAT WOULD EXCEED A THIRTY DAY SUPPLY IF IT WERE USED IN ACCORDANCE WITH THE DIRECTIONS FOR USE SPECIFIED ON THE CERTIFICATION.

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

S 3362. POSSESSION AND SALE. 1. POSSESSION. (A) POSSESSION OR MANUFACTURE OF MARIHUANA SHALL BE LAWFUL UNDER THIS ARTICLE WHERE IT IS:

(I) BY A CERTIFIED PATIENT, FOR HIS OR HER CERTIFIED MEDICAL USE; OR  
(II) BY A CAREGIVER OF A CERTIFIED PATIENT, FOR THE PURPOSE OF DELIVERING OR ADMINISTERING IT TO THE CERTIFIED PATIENT FOR HIS OR HER CERTIFIED MEDICAL USE; OR

(III) BY A REGISTERED ORGANIZATION, FOR THE PURPOSE OF LAWFUL POSSESSION, SALE, ADMINISTERING, DELIVERING, DISPENSING OR DISTRIBUTING UNDER THIS TITLE.

(B) NOTWITHSTANDING PARAGRAPH (A) OF THIS SUBDIVISION, POSSESSION OR MANUFACTURE OF MARIHUANA SHALL NOT BE LAWFUL UNDER THIS TITLE IF:

(I) IT IS CONSUMED OR DISPLAYED IN A PUBLIC PLACE; OR

(II) IN THE CASE OF POSSESSION OR MANUFACTURE BY A CERTIFIED PATIENT OR CAREGIVER, THE AGGREGATE WEIGHT OF THE PREPARATION, COMPOUND, MIXTURE OR SUBSTANCE CONTAINING MARIHUANA IS MORE THAN EIGHT OUNCES, EXCLUDING THE WEIGHT OF ANY FOOD OTHER THAN MARIHUANA.

2. SALE. IT SHALL BE LAWFUL UNDER THIS ARTICLE TO SELL, ADMINISTER, DELIVER, DISPENSE, OR DISTRIBUTE MARIHUANA WHERE IT IS:

(A) BY A REGISTERED ORGANIZATION, TO A CERTIFIED PATIENT OR A CAREGIVER OF A CERTIFIED PATIENT, FOR A CERTIFIED MEDICAL USE;

(B) BY ANY FEDERAL, STATE OR LOCAL LAW ENFORCEMENT AGENCY, TO A REGISTERED ORGANIZATION; OR

(C) BY A CAREGIVER OF A CERTIFIED PATIENT, TO THE CERTIFIED PATIENT, FOR A CERTIFIED MEDICAL USE.

S 3363. REGISTERED ORGANIZATIONS. 1. A REGISTERED ORGANIZATION SHALL BE:

(A) A NOT-FOR-PROFIT CORPORATION ORGANIZED FOR THE PURPOSE OF LAWFULLY SELLING, ADMINISTERING, DELIVERING, DISPENSING OR DISTRIBUTING MARIHUANA;

(B) THE DEPARTMENT; OR

(C) A LOCAL HEALTH DEPARTMENT.

2. A REGISTERED ORGANIZATION SHALL NOT POSSESS, SELL, ADMINISTER, DELIVER, DISPENSE OR DISTRIBUTE MARIHUANA UNDER THIS TITLE, EXCEPT UNDER A REGISTRATION UNDER SECTION THIRTY-THREE HUNDRED SIXTY-FOUR OF THIS TITLE OR A RENEWAL THEREOF.

3. A REGISTERED ORGANIZATION MAY, IN GOOD FAITH, SELL AND DISPENSE TO A CERTIFIED PATIENT OR A CAREGIVER OF A CERTIFIED PATIENT MARIHUANA UPON DELIVERY TO THE REGISTERED ORGANIZATION OF A WRITTEN CERTIFICATION WITHIN THIRTY DAYS OF THE DATE THE CERTIFICATION WAS SIGNED BY A PRACTITIONER. NO REGISTERED ORGANIZATION MAY SELL OR DISPENSE GREATER THAN A THIRTY DAY SUPPLY OF MARIHUANA TO A CERTIFIED PATIENT OR A CAREGIVER OF A CERTIFIED PATIENT UNLESS AND UNTIL THE PATIENT HAS EXHAUSTED ALL BUT A SEVEN DAY SUPPLY OF MARIHUANA PROVIDED PURSUANT TO ANY PREVIOUSLY ISSUED WRITTEN CERTIFICATION.

4. A CERTIFICATION MAY BE RENEWED NOT MORE THAN THE NUMBER OF TIMES SPECIFICALLY AUTHORIZED BY THE PRACTITIONER UPON THE CERTIFICATION, PROVIDED, HOWEVER, THAT NO AUTHORIZATION SHALL BE EFFECTIVE FOR A PERIOD GREATER THAN SIX MONTHS FROM THE DATE THE CERTIFICATION IS SIGNED. UNLESS AN EARLIER RENEWING IS AUTHORIZED BY THE PRACTITIONER, NO CERTIFICATION MAY BE RENEWED EARLIER THAN SEVEN DAYS PRIOR TO THE DATE THE PREVIOUSLY DISPENSED SUPPLY WOULD BE EXHAUSTED IF USED IN CONFORMITY WITH THE DIRECTIONS FOR USE.

5. MARIHUANA MAY BE DISPENSED ONLY IF ENCLOSED IN A SUITABLE CONTAINER, AND:

(A) AFFIXED TO SUCH CONTAINER IS A LABEL UPON WHICH IS INDELIBLY TYPED, PRINTED, OR OTHERWISE LEGIBLY WRITTEN THE FOLLOWING:

(I) THE NAME AND ADDRESS OF THE CERTIFIED PATIENT FOR WHOM THE MARIHUANA IS INTENDED;

(II) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE REGISTERED ORGANIZATION FROM WHICH SUCH MARIHUANA IS DISPENSED;

(III) SPECIFIC DIRECTIONS FOR USE AS STATED ON THE CERTIFICATION;

(IV) THE NAME OF THE PRACTITIONER;

(V) THE LEGEND, PROMINENTLY MARKED OR PRINTED IN EITHER BOLDFACE OR UPPER CASE LETTERING: "CONTROLLED SUBSTANCE, DANGEROUS UNLESS USED AS DIRECTED";

(B) THE CONTAINER SHALL BE IDENTIFIED AS MEDICAL MARIHUANA BY EITHER:

(I) AN ORANGE LABEL;

(II) A LABEL OF ANOTHER COLOR OVER WHICH IS SUPERIMPOSED AN ORANGE TRANSPARENT ADHESIVE TAPE; OR

(III) AN AUXILIARY ORANGE LABEL AFFIXED TO THE FRONT OF THE CONTAINER AND BEARING THE LEGEND, PROMINENTLY MARKED OR PRINTED "CONTROLLED SUBSTANCE, DANGEROUS UNLESS USED AS DIRECTED";

(C) ANY LABEL, TRANSPARENCY, OR AUXILIARY LABEL SHALL BE APPLIED IN A MANNER WHICH WOULD INHIBIT ITS REMOVAL.

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.

S 3364. REGISTERING OF REGISTERED ORGANIZATIONS. 1. APPLICATION FOR INITIAL REGISTRATION. (A) AN APPLICANT FOR REGISTRATION AS A REGISTERED ORGANIZATION UNDER SECTION THIRTY-THREE HUNDRED SIXTY-THREE OF THIS TITLE SHALL FURNISH TO THE DEPARTMENT ANY INFORMATION IT SHALL REASONABLY REQUIRE AND EVIDENCE THAT THE APPLICANT:

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

(II) POSSESSES SUFFICIENT LAND, BUILDINGS AND EQUIPMENT TO PROPERLY CARRY ON THE ACTIVITY DESCRIBED IN THE APPLICATION;

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

(IV) IS ABLE TO COMPLY WITH ALL APPLICABLE STATE LAWS AND REGULATIONS RELATING TO THE MANUFACTURE OR DISTRIBUTION OF MARIHUANA.

(B) THE APPLICATION SHALL ESTABLISH THE APPLICANT'S STATUS UNDER PARAGRAPH (A), (B) OR (C) OF SUBDIVISION ONE OF SECTION THIRTY-THREE HUNDRED SIXTY-THREE OF THIS TITLE.

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

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

(II) WHETHER SUCH PERSON OR ANY SUCH BUSINESS HAS BEEN CONVICTED, FINED, CENSURED OR HAD A REGISTRATION SUSPENDED OR REVOKED IN ANY ADMINISTRATIVE OR JUDICIAL PROCEEDING RELATING TO OR ARISING OUT OF THE MANUFACTURE OR DISTRIBUTION OF DRUGS; AND

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

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

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

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

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

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

8 (IV) THE APPLICANT POSSESSES SUFFICIENT LAND, BUILDINGS AND EQUIPMENT  
9 TO PROPERLY CARRY ON THE ACTIVITY DESCRIBED IN THE APPLICATION;

10 (V) IT IS IN THE PUBLIC INTEREST THAT SUCH REGISTRATION BE GRANTED;  
11 AND

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

14 (B) IF THE COMMISSIONER IS NOT SATISFIED THAT THE APPLICANT SHOULD BE  
15 ISSUED A REGISTRATION, HE OR SHE SHALL NOTIFY THE APPLICANT IN WRITING  
16 OF THOSE FACTORS UPON WHICH FURTHER EVIDENCE IS REQUIRED. WITHIN THIRTY  
17 DAYS OF THE RECEIPT OF SUCH NOTIFICATION, THE APPLICANT MAY SUBMIT ADDI-  
18 TIONAL MATERIAL TO THE COMMISSIONER OR DEMAND A HEARING OR BOTH.

19 3. APPLICATIONS FOR RENEWAL OF REGISTRATIONS. (A) AN APPLICATION FOR  
20 THE RENEWAL OF ANY REGISTRATION ISSUED UNDER THIS TITLE SHALL BE FILED  
21 WITH THE DEPARTMENT NOT MORE THAN SIX MONTHS NOR LESS THAN FOUR MONTHS  
22 PRIOR TO THE EXPIRATION THEREOF.

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

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

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

31 (1) EACH INCIDENT OR ALLEGED INCIDENT INVOLVING THE THEFT, LOSS, OR  
32 POSSIBLE DIVERSION OF MARIHUANA MANUFACTURED OR DISTRIBUTED BY THE  
33 APPLICANT; AND

34 (2) COMPLIANCE BY THE APPLICANT WITH THE LAWS OF THE STATE WITH  
35 RESPECT TO ANY SUBSTANCE LISTED IN SECTION THIRTY-THREE HUNDRED SIX OF  
36 THIS ARTICLE.

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

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

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

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

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

6 (II) IS UNLIKELY TO COMPLY WITH ALL STATE LAWS APPLICABLE TO THE MANU-  
7 FACTURE OR DISTRIBUTION OF MARIHUANA.

8 (B) FOR PURPOSES OF THIS SECTION, PROOF THAT A REGISTERED ORGANIZA-  
9 TION, DURING THE PERIOD OF ITS REGISTRATION, HAS FAILED TO MAINTAIN  
10 EFFECTIVE CONTROL AGAINST DIVERSION OR HAS KNOWINGLY OR NEGLIGENTLY  
11 FAILED TO COMPLY WITH APPLICABLE STATE LAWS RELATING TO THE MANUFACTURE  
12 OR DISTRIBUTION OF MARIHUANA, SHALL CONSTITUTE SUBSTANTIAL EVIDENCE THAT  
13 THE APPLICANT WILL BE UNLIKELY TO MAINTAIN EFFECTIVE CONTROL AGAINST  
14 DIVERSION OR WILL BE UNLIKELY TO COMPLY WITH THE APPLICABLE STATE STAT-  
15 UTES DURING THE PERIOD OF PROPOSED RENEWAL.

16 S 3365. REPORTS BY PRACTITIONERS. THE DEPARTMENT SHALL, BY REGULATION,  
17 REQUIRE EACH PRACTITIONER WHO MAKES A CERTIFICATION UNDER THIS TITLE TO  
18 FILE REPORTS OF EACH CERTIFICATION, ON FORMS PROVIDED BY THE DEPARTMENT,  
19 INCLUDING AN INITIAL REPORT AND PERIODIC FOLLOW-UP REPORTS NOT MORE  
20 FREQUENTLY THAN EVERY NINETY DAYS, COVERING THE EFFECTIVE PERIOD OF THE  
21 CERTIFICATION. EACH REPORT SHALL INCLUDE THE DATE, EFFECTIVE PERIOD, AND  
22 SPECIFIED CONDITION OF THE CERTIFICATION, THE NAME AND ADDRESS OF THE  
23 CERTIFYING PRACTITIONER, AND THE NAME AND ADDRESS OF THE PATIENT. EACH  
24 FOLLOW-UP REPORT SHALL INCLUDE A BRIEF STATEMENT OF THE LEVEL AND  
25 PATTERN OF MARIHUANA USE BY THE PATIENT AND THE EFFECTIVENESS OF THE  
26 MEDICAL USE OF MARIHUANA FOR THE PATIENT.

27 S 3366. EVALUATION; RESEARCH PROGRAMS; REPORT BY DEPARTMENT. 1. THE  
28 DEPARTMENT MAY PROVIDE FOR THE ANALYSIS AND EVALUATION OF REPORTS FILED  
29 BY PRACTITIONERS AND REGISTERED ORGANIZATIONS UNDER THIS TITLE.

30 2. THE DEPARTMENT MAY DEVELOP, SEEK ANY NECESSARY FEDERAL APPROVAL  
31 FOR, AND CARRY OUT RESEARCH PROGRAMS RELATING TO MEDICAL USE OF MARIHUA-  
32 NA. PARTICIPATION IN ANY SUCH RESEARCH PROGRAM SHALL BE VOLUNTARY ON THE  
33 PART OF PRACTITIONERS, PATIENTS, AND REGISTERED ORGANIZATIONS.

34 3. THE DEPARTMENT SHALL REPORT EVERY TWO YEARS, BEGINNING ONE YEAR  
35 AFTER THIS TITLE BECOMES A LAW, TO THE GOVERNOR AND THE LEGISLATURE ON  
36 THE MEDICAL USE OF MARIHUANA UNDER THIS TITLE AND MAKE APPROPRIATE  
37 RECOMMENDATIONS.

38 S 3367. APPLICABILITY OF OTHER PROVISIONS OF THIS ARTICLE. THE  
39 PROVISIONS OF THIS ARTICLE SHALL APPLY TO THIS TITLE, EXCEPT THAT WHERE  
40 A PROVISION OF THIS TITLE CONFLICTS WITH ANOTHER PROVISION OF THIS ARTI-  
41 CLE, THIS TITLE SHALL APPLY.

42 S 3. The commissioner of health shall enter into agreements with one  
43 or more persons, not-for-profit corporations or other organizations,  
44 other than a state employee, official or agency, for the performance of  
45 an evaluation of the implementation and effectiveness of the provisions  
46 of this act. Such evaluation shall include, but not be limited to, an  
47 analysis of the practical operation of this act, the clinical value of  
48 medical use of marihuana under this act, and the effect (if any) on  
49 illegal use of controlled substances.

50 S 4. This act shall take effect immediately; provided that the depart-  
51 ment of health shall make regulations and issue forms provided for in  
52 this act within 180 days after this act shall have become a law; and  
53 provided that no certification under section 3361 of the public health  
54 law, as added by section two of this act, may be made on or after the  
55 thirty-first of December of the fifth year after this act shall have  
56 become a law.