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

4406--D

2013-2014 Regular Sessions

I N S E N A T E

March 26, 2013

Introduced by Sens. SAVINO, ADDABBO, AVELLA, BRESLIN, CARLUCCI, DILAN, ESPAILLAT, GIPSON, GRISANTI, HASSELL-THOMPSON, HOYLMAN, KENNEDY, KLEIN, KRUEGER, MAZIARZ, MONTGOMERY, O'BRIEN, PARKER, PERALTA, PERKINS, RIVERA, ROBACH, SAMPSON, SERRANO, SQUADRON, TKACZYK, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged and said bill committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Legislative findings and intent. The legislature finds that thousands of New Yorkers have serious medical conditions that can be improved by medically-approved use of marihuana. The law should not stand between them and treatment necessary for life and health. This legislation follows the well-established public policy that a controlled substance can have a legitimate medical use. Many controlled substances that are legal for medical use (such as morphine and steroids) are illegal for any other use. The purposes of article 33 of the public health law include allowing legitimate medical use of controlled substances in health care, including palliative care. This legislation establishes a medical model of care which regulates medical marihuana as a recommended medicine in keeping with recognized medical public health and safety

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

LBD01604-30-4

standards. This policy and this legislation do not in any way diminish New York state's strong public policy and laws against illegal drug use, nor should it be deemed in any manner to advocate, authorize, promote, or legally or socially accept the use of marihuana for children or adults, for any non-medical use. This legislation is an appropriate exercise of the state's legislative power to protect the health of its people under article 17 of the state constitution and the tenth amendment of the United States constitution. Furthermore, the legislature finds that New York state has a significant and ongoing economic and non-regulatory interest in the financial viability of organizations that sell marihuana for medical use. The legislature finds that the financial viability of such organizations would be greatly diminished and threatened by labor-management conflict, such as a strike at a facility that cultivates marihuana, especially because of the need for enhanced security concerning the products. Replacements during a strike would be difficult to arrange and cause delay far more significant than a strike elsewhere. Accordingly, the legislature finds that the state has a substantial and compelling proprietary interest in this matter, and finds that labor peace is essential for any organization to conduct business relating to the sale of medical marihuana.

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

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

TITLE V-A

MEDICAL USE OF MARIHUANA

SECTION 3360. DEFINITIONS.
3361. CERTIFICATION OF PATIENTS.
3362. LAWFUL MEDICAL USE.
3363. REGISTRY IDENTIFICATION CARDS.
3364. REGISTERED ORGANIZATIONS.
3365. REGISTERING OF REGISTERED ORGANIZATIONS.
3366. EXPEDITED REGISTRATION OF REGISTERED ORGANIZATIONS.
3367. REPORTS BY REGISTERED ORGANIZATIONS.
3368. EVALUATION; RESEARCH PROGRAMS; REPORT BY DEPARTMENT.
3369. RELATION TO OTHER LAWS.
3369-A. PROTECTIONS FOR THE MEDICAL USE OF MARIHUANA.
3369-B. REGULATIONS.
3369-C. SEVERABILITY.

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 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. "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.

7. "SERIOUS CONDITION" MEANS A SEVERE DEBILITATING OR LIFE-THREATENING CONDITION, INCLUDING: CANCER, POSITIVE STATUS FOR HUMAN IMMUNODEFICIENCY VIRUS OR ACQUIRED IMMUNE DEFICIENCY SYNDROME, AMYOTROPHIC LATERAL SCLEROSIS, ALZHEIMER'S DISEASE, MUSCULAR DYSTROPHY, TRAUMATIC BRAIN INJURY, DYSTONIA, PARKINSON'S DISEASE, MULTIPLE SCLEROSIS, DAMAGE TO THE NERVOUS TISSUE OF THE SPINAL CORD WITH OBJECTIVE NEUROLOGICAL INDICATION OF INTRACTABLE SPASTICITY, EPILEPSY, WASTING SYNDROME, CROHN'S DISEASE, POST-TRAUMATIC STRESS DISORDER, NEUROPATHY, RHEUMATOID ARTHRITIS, AND HUNTINGTON'S DISEASE, OR A CONDITION ASSOCIATED WITH OR A COMPLICATION OF SUCH A CONDITION OR ITS TREATMENT, OR ANY OTHER CONDITION THAT IS ADDED BY THE COMMISSIONER.

8. "MEDICAL MARIHUANA" MEANS MARIHUANA AS DEFINED IN SUBDIVISION TWENTY-ONE OF SECTION THIRTY-THREE HUNDRED TWO OF THIS ARTICLE INTENDED FOR A CERTIFIED MEDICAL USE, WHICH MAY INCLUDE, BUT IS NOT LIMITED TO, FORMS THAT ARE EXTRACTS, VAPORIZABLE MATERIAL, OR PRODUCTS THAT ARE INFUSED OR COMBINED WITH MARIHUANA, BUT SPECIFICALLY EXCLUDES CONFECTIONS, CARBONATED BEVERAGES, AND PRODUCTS THAT ARE MARKETED TOWARDS MINOR CHILDREN; SUBJECT TO REGULATIONS OF THE COMMISSIONER.

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

10. "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.

11. "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.

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

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

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

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

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

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

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

2. THE CERTIFICATION SHALL BE IN WRITING AND INCLUDE (A) THE NAME, DATE OF BIRTH AND ADDRESS OF THE PATIENT; (B) A STATEMENT THAT THE PATIENT HAS A SERIOUS CONDITION; THE PATIENT IS UNDER THE PRACTITIONER'S CARE FOR THE SERIOUS CONDITION AND, IN THE PRACTITIONER'S PROFESSIONAL OPINION, THE PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE PRIMARY OR ADJUNCTIVE TREATMENT WITH MEDICAL USE OF MARIHUANA FOR THE SERIOUS CONDITION, AND ANY SPECIFICATION OR LIMITATION OF THE FORM OF MEDICAL MARIHUANA RECOMMENDED; (C) THE DATE; AND (D) THE NAME, ADDRESS, FEDERAL REGISTRATION NUMBER, TELEPHONE NUMBER, AND THE HANDWRITTEN SIGNATURE OF THE CERTIFYING PRACTITIONER. THE COMMISSIONER MAY REQUIRE BY REGULATION THAT THE CERTIFICATION SHALL BE ON A FORM PROVIDED BY THE DEPARTMENT IF THE COMMISSIONER DETERMINES THAT THE DEPARTMENT IS MAKING CERTIFICATION FORMS ADEQUATELY AVAILABLE. THE PRACTITIONER MAY STATE IN THE CERTIFICATION THAT, IN THE PRACTITIONER'S PROFESSIONAL OPINION THE PATIENT WOULD BENEFIT FROM MEDICAL MARIHUANA ONLY UNTIL A SPECIFIED DATE. THE PRACTITIONER MAY STATE IN THE CERTIFICATION THAT, IN THE PRACTITIONER'S PROFESSIONAL OPINION THE PATIENT IS TERMINALLY ILL AND THAT THE CERTIFICATION SHALL NOT EXPIRE UNTIL THE PATIENT DIES.

3. IN MAKING A CERTIFICATION, THE PRACTITIONER SHALL CONSIDER THE FORM OF MEDICAL MARIHUANA THE PATIENT SHOULD CONSUME, INCLUDING THE METHOD OF CONSUMPTION AND ANY PARTICULAR STRAIN, VARIETY, AND QUANTITY OR PERCENTAGE OF MARIHUANA OR PARTICULAR ACTIVE INGREDIENT, AND APPROPRIATE DOSAGE. THE PRACTITIONER SHALL STATE IN THE CERTIFICATION ANY RECOMMENDATION OR LIMITATION THE PRACTITIONER MAKES, IN HIS OR HER PROFESSIONAL OPINION, CONCERNING THE APPROPRIATE FORM OR FORMS OF MEDICAL MARIHUANA AND DOSAGE, INCLUDING ANY SPECIFICATION OF AN AMOUNT GREATER OR LESS THAN TWO OUNCES OF MARIHUANA PER THIRTY DAY PERIOD IF CLINICALLY APPROPRIATE IN THE PRACTITIONER'S PROFESSIONAL OPINION, FOR THE CERTIFIED PATIENT.

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

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

6. A REGISTRY IDENTIFICATION CARD BASED ON A CERTIFICATION SHALL EXPIRE ONE YEAR AFTER THE DATE THE CERTIFICATION IS SIGNED BY THE PRACTITIONER; EXCEPT THAT WHERE A CERTIFIED PATIENT HAS A REGISTRY IDENTIFICATION CARD BASED ON A CURRENT VALID CERTIFICATION, A NEW REGISTRY IDENTIFICATION CARD BASED ON A NEW CERTIFICATION SHALL EXPIRE ONE YEAR AFTER THE EXPIRATION OF THE REGISTRY IDENTIFICATION CARD BASED ON THE CURRENT VALID CERTIFICATION. HOWEVER,

(A) IF THE PRACTITIONER STATES IN THE CERTIFICATION THAT, IN THE PRACTITIONER'S PROFESSIONAL OPINION, THE PATIENT WOULD BENEFIT FROM MEDICAL MARIHUANA ONLY UNTIL A SPECIFIED EARLIER DATE, THEN THE REGISTRY IDENTIFICATION CARD SHALL EXPIRE ON THAT DATE;

(B) IF THE PRACTITIONER STATES IN THE CERTIFICATION THAT IN THE PRACTITIONER'S PROFESSIONAL OPINION THE PATIENT IS TERMINALLY ILL AND THAT THE CERTIFICATION SHALL NOT EXPIRE UNTIL THE PATIENT DIES, THEN THE REGISTRY IDENTIFICATION CARD SHALL STATE THAT THE PATIENT IS TERMINALLY ILL AND THAT THE REGISTRATION CARD SHALL NOT EXPIRE UNTIL THE PATIENT DIES;

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

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

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

(B) THE DEPARTMENT SHALL CREATE THE FORM TO BE USED FOR A SPECIAL CERTIFICATION AND SHALL MAKE THAT FORM AVAILABLE TO BE DOWNLOADED FROM THE DEPARTMENT'S WEBSITE.

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

(A) THE MARIHUANA THAT MAY BE POSSESSED BY A CERTIFIED PATIENT DOES NOT EXCEED A TOTAL WEIGHT OF TWO OUNCES OF MARIHUANA PER THIRTY DAY PERIOD, OR A GREATER OR LESSER AMOUNT SPECIFIED BY THE PRACTITIONER IN THE CERTIFICATION; PROVIDED THAT DURING THE LAST SEVEN DAYS OF THE THIRTY DAY PERIOD, THE CERTIFIED PATIENT MAY ALSO POSSESS UP TO SUCH AMOUNT FOR THE NEXT THIRTY DAY PERIOD; AND

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

(C) THE FORM OR FORMS OF MEDICAL MARIHUANA THAT MAY BE POSSESSED BY THE CERTIFIED PATIENT OR DESIGNATED CAREGIVER PURSUANT TO A CERTIFICATION SHALL BE IN COMPLIANCE WITH ANY RECOMMENDATION OR LIMITATION BY THE PRACTITIONER AS TO THE FORM OR FORMS OF MEDICAL MARIHUANA OR DOSAGE FOR THE CERTIFIED PATIENT IN THE CERTIFICATION; AND

(D) THE MEDICAL MARIHUANA SHALL BE KEPT IN THE ORIGINAL PACKAGE IN WHICH IT WAS DISPENSED UNDER SUBDIVISION TEN OF SECTION THIRTY-THREE HUNDRED SIXTY-FOUR OF THIS TITLE, EXCEPT FOR THE PORTION REMOVED FOR IMMEDIATE CONSUMPTION FOR CERTIFIED MEDICAL USE BY THE CERTIFIED PATIENT.

2. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION:

(A) POSSESSION OF MEDICAL MARIHUANA SHALL NOT BE LAWFUL UNDER THIS TITLE IF IT IS SMOKED IN A PUBLIC PLACE, REGARDLESS OF THE FORM OF MEDICAL MARIHUANA STATED IN THE PATIENT'S CERTIFICATION;

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

(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; AND

(D) A PERSON POSSESSING MEDICAL MARIHUANA UNDER THIS TITLE SHALL POSSESS HIS OR HER REGISTRY IDENTIFICATION CARD AT ALL TIMES WHEN IN IMMEDIATE POSSESSION OF MEDICAL MARIHUANA.

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 AS SOON AS PRACTICABLE, AND 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;

(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 APPLICATION, TOGETHER WITH A COPY OF THE CERTIFICATION (IN THE CASE OF A CERTIFIED PATIENT) AND A COPY OF THE LETTER OF RECEIPT FROM THE DEPARTMENT, SHALL SERVE AS AND HAVE THE SAME EFFECT AS A REGISTRY IDENTIFICATION CARD FOR THE CERTIFIED PATIENT OR DESIGNATED CAREGIVER, PROVIDED THAT A CERTIFICATION AND APPLICATION SHALL NOT SERVE AS A VALID REGISTRY IDENTIFICATION CARD AFTER THE INITIAL THIRTY DAY PERIOD UNDER SUBDIVISION SEVEN OF THIS SECTION.

S 3364. REGISTERED ORGANIZATIONS. 1. A REGISTERED ORGANIZATION SHALL BE A FOR-PROFIT BUSINESS ENTITY OR NOT-FOR-PROFIT CORPORATION ORGANIZED FOR THE PURPOSE OF ACQUIRING, POSSESSING, MANUFACTURING, SELLING, DELIV-

ERING, TRANSPORTING, DISTRIBUTING OR DISPENSING MARIHUANA FOR CERTIFIED MEDICAL USE.

2. THE ACQUIRING, POSSESSION, MANUFACTURE, SALE, DELIVERY, TRANSPORTING, DISTRIBUTING OR DISPENSING OF MARIHUANA BY A REGISTERED ORGANIZATION UNDER THIS TITLE IN ACCORDANCE WITH ITS REGISTRATION UNDER SECTION THIRTY-THREE HUNDRED SIXTY-FIVE OF THIS TITLE OR A RENEWAL THEREOF SHALL BE LAWFUL UNDER THIS TITLE. A REGISTERED ORGANIZATION MAY TRANSFER POSSESSION OF MARIHUANA TO, AND MAY RECOVER POSSESSION OF IT FROM, AN ENTITY LICENSED BY THE DEPARTMENT UNDER SECTION THIRTY-THREE HUNDRED TWENTY-FOUR OF THIS ARTICLE FOR PURPOSES OF CHEMICAL ANALYSIS.

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

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

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

(B) WHEN DISPENSING MEDICAL MARIHUANA TO A CERTIFIED PATIENT OR DESIGNATED CAREGIVER, THE REGISTERED ORGANIZATION (I) SHALL NOT DISPENSE AN AMOUNT SUCH THAT THE CERTIFIED PATIENT WILL HAVE BEEN DISPENSED MORE THAN TWO OUNCES (OR SUCH GREATER OR LESSER AMOUNT AS SPECIFIED IN THE CERTIFICATION) OF MEDICAL MARIHUANA IN THE PREVIOUS THIRTY DAYS, COUNTING THE AMOUNT BEING DISPENSED, FROM ALL REGISTERED ORGANIZATIONS; PROVIDED THAT DURING THE LAST SEVEN DAYS OF THE THIRTY DAY PERIOD, THE CERTIFIED PATIENT MAY ALSO BE DISPENSED UP TO SUCH AMOUNT FOR THE NEXT THIRTY DAY PERIOD, AND (II) SHALL VERIFY THE FOREGOING BY CONSULTING THE PRESCRIPTION MONITORING PROGRAM REGISTRY UNDER SECTION THIRTY-THREE HUNDRED FORTY-THREE-A OF THIS ARTICLE.

(C) MEDICAL MARIHUANA DISPENSED TO A CERTIFIED PATIENT OR DESIGNATED CAREGIVER BY A REGISTERED ORGANIZATION SHALL CONFORM TO ANY RECOMMENDATION OR LIMITATION BY THE PRACTITIONER AS TO THE FORM OR FORMS OF MEDICAL MARIHUANA OR DOSAGE FOR THE CERTIFIED PATIENT.

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

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

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

(C) HOW TO RECOGNIZE WHAT MAY BE PROBLEMATIC USAGE OF MEDICAL MARIHUANA AND OBTAIN APPROPRIATE SERVICES OR TREATMENT FOR PROBLEMATIC USAGE.

6. REGISTERED ORGANIZATIONS SHALL NOT EMPLOY ANYONE WHO HAS BEEN CONVICTED OF ANY FELONY OF SALE OR POSSESSION OF DRUGS, NARCOTICS, OR CONTROLLED SUBSTANCES; PROVIDED THAT THIS SUBDIVISION ONLY APPLIES TO (A) EMPLOYEES WHO COME INTO CONTACT WITH OR HANDLE MEDICAL MARIHUANA, AND (B) A CONVICTION LESS THAN TEN YEARS (NOT COUNTING TIME SPENT IN INCARCERATION) PRIOR TO BEING EMPLOYED, FOR WHICH THE PERSON HAS NOT RECEIVED A CERTIFICATE OF RELIEF FROM DISABILITIES OR A CERTIFICATE OF GOOD CONDUCT UNDER ARTICLE TWENTY-THREE OF THE CORRECTION LAW.

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

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

9. A REGISTERED ORGANIZATION SHALL BE DEEMED TO BE A "HEALTH CARE PROVIDER" FOR THE PURPOSES OF TITLE TWO-D OF ARTICLE TWO OF THIS CHAPTER.

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

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

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

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

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

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

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

(B) THE APPLICATION SHALL ESTABLISH THE APPLICANT'S STATUS UNDER PARAGRAPH (A) OR (B) OF SUBDIVISION ONE OF SECTION THIRTY-THREE HUNDRED SIXTY-FOUR 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 OF A FELONY OR HAD A REGISTRATION OR LICENSE SUSPENDED OR REVOKED IN ANY ADMINISTRATIVE OR JUDICIAL PROCEEDING; 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.

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

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:

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

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

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

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

(V) IT IS IN THE PUBLIC INTEREST THAT SUCH REGISTRATION BE GRANTED; THE COMMISSIONER MAY CONSIDER WHETHER THE NUMBER OF REGISTERED ORGANIZATIONS IN AN AREA WILL BE ADEQUATE OR EXCESSIVE TO REASONABLY SERVE THE AREA;

(VI) THE APPLICANT AND ITS MANAGING OFFICERS ARE OF GOOD MORAL CHARACTER; AND

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

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

(C) THE FEE FOR A REGISTRATION UNDER THIS SECTION SHALL BE A REASONABLE AMOUNT DETERMINED BY THE DEPARTMENT IN REGULATIONS; PROVIDED, HOWEVER, IF THE REGISTRATION IS ISSUED FOR A PERIOD GREATER THAN TWO YEARS THE FEE SHALL BE INCREASED, PRO RATA, FOR EACH ADDITIONAL MONTH OF VALIDITY.

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

(I) THE NAME AND ADDRESS OF THE REGISTERED ORGANIZATION;
(II) WHICH ACTIVITIES OF A REGISTERED ORGANIZATION ARE PERMITTED BY THE REGISTRATION;
(III) THE LAND, BUILDINGS AND FACILITIES THAT MAY BE USED FOR THE PERMITTED ACTIVITIES OF THE REGISTERED ORGANIZATION; AND
(IV) SUCH OTHER MATTERS AS THE COMMISSIONER SHALL REASONABLY PROVIDE TO ASSURE COMPLIANCE WITH THIS TITLE.
(E) UPON APPLICATION OF A REGISTERED ORGANIZATION, A REGISTRATION MAY BE AMENDED TO ALLOW THE REGISTERED ORGANIZATION TO RELOCATE WITHIN THE STATE OR TO ADD OR DELETE PERMITTED REGISTERED ORGANIZATION ACTIVITIES OR FACILITIES. THE FEE FOR SUCH AMENDMENT SHALL BE TWO HUNDRED FIFTY DOLLARS.
3. A REGISTRATION ISSUED UNDER THIS SECTION SHALL BE VALID FOR TWO YEARS FROM THE DATE OF ISSUE, EXCEPT THAT IN ORDER TO FACILITATE THE RENEWALS OF SUCH REGISTRATIONS, THE COMMISSIONER MAY UPON THE INITIAL APPLICATION FOR A REGISTRATION, ISSUE SOME REGISTRATIONS WHICH MAY REMAIN VALID FOR A PERIOD OF TIME GREATER THAN TWO YEARS BUT NOT EXCEEDING AN ADDITIONAL ELEVEN MONTHS.
4. APPLICATIONS FOR RENEWAL OF REGISTRATIONS. (A) AN APPLICATION FOR THE RENEWAL OF ANY REGISTRATION ISSUED UNDER THIS SECTION SHALL BE FILED WITH THE DEPARTMENT NOT MORE THAN SIX MONTHS NOR LESS THAN FOUR MONTHS PRIOR TO THE EXPIRATION THEREOF. A LATE-FILED APPLICATION FOR THE RENEWAL OF A REGISTRATION MAY, IN THE DISCRETION OF THE COMMISSIONER, BE TREATED AS AN APPLICATION FOR AN INITIAL LICENSE.
(B) THE APPLICATION FOR RENEWAL SHALL INCLUDE SUCH INFORMATION PREPARED IN THE MANNER AND DETAIL AS THE COMMISSIONER MAY REQUIRE, INCLUDING BUT NOT LIMITED TO:
(I) ANY MATERIAL CHANGE IN THE CIRCUMSTANCES OR FACTORS LISTED IN SUBDIVISION ONE OF THIS SECTION; AND
(II) EVERY KNOWN CHARGE OR INVESTIGATION, PENDING OR CONCLUDED DURING THE PERIOD OF THE REGISTRATION, BY ANY GOVERNMENTAL AGENCY WITH RESPECT TO:
(A) EACH INCIDENT OR ALLEGED INCIDENT INVOLVING THE THEFT, LOSS, OR POSSIBLE DIVERSION OF MARIHUANA MANUFACTURED OR DISTRIBUTED BY THE APPLICANT; AND
(B) COMPLIANCE BY THE APPLICANT WITH THE LAWS OF THE STATE WITH RESPECT TO ANY SUBSTANCE LISTED IN SECTION THIRTY-THREE HUNDRED SIX OF THIS ARTICLE.
(C) AN APPLICANT FOR RENEWAL 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.
(D) IF THE COMMISSIONER IS NOT SATISFIED THAT THE APPLICANT IS ENTITLED TO A RENEWAL OF THE REGISTRATION, HE OR SHE SHALL WITHIN FORTY-FIVE DAYS AFTER THE FILING OF THE APPLICATION SERVE UPON THE APPLICANT OR HIS OR HER ATTORNEY OF RECORD IN PERSON OR BY REGISTERED OR CERTIFIED MAIL AN ORDER DIRECTING THE APPLICANT TO SHOW CAUSE WHY HIS OR HER APPLICATION FOR RENEWAL SHOULD NOT BE DENIED. THE ORDER SHALL SPECIFY IN DETAIL THE RESPECTS IN WHICH THE APPLICANT HAS NOT SATISFIED THE COMMISSIONER 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:

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

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

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

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

(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. THE DEPARTMENT SHALL SUSPEND OR TERMINATE THE REGISTRATION IN THE EVENT THAT A REGISTERED ORGANIZATION VIOLATES OR TERMINATES THE APPLICABLE LABOR PEACE AGREEMENT. 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.

9. THE COMMISSIONER SHALL DETERMINE THE APPROPRIATE NUMBER OF REGISTERED ORGANIZATIONS AND FACILITIES TO PROMOTE REASONABLE ACCESS TO MEDICAL MARIHUANA IN THE INTEREST OF CERTIFIED PATIENTS AND THE PUBLIC. DURING THE FIRST TWO YEARS AFTER THIS TITLE TAKES EFFECT, THE COMMISSIONER SHALL REGISTER NO MORE THAN TWENTY REGISTERED ORGANIZATIONS THAT MANUFACTURE MEDICAL MARIHUANA.

S 3366. EXPEDITED REGISTRATION OF REGISTERED ORGANIZATIONS. 1. THE PURPOSE OF THIS SECTION IS TO EXPEDITE THE AVAILABILITY OF MEDICAL MARIHUANA TO AVOID SUFFERING AND LOSS OF LIFE, DURING THE PERIOD BEFORE FULL IMPLEMENTATION OF AND PRODUCTION UNDER THIS TITLE, ESPECIALLY IN THE CASE OF PATIENTS WHOSE SERIOUS CONDITION IS PROGRESSIVE AND DEGENERATIVE OR IS SUCH THAT DELAY IN THE PATIENT'S MEDICAL USE OF MARIHUANA POSES A SERIOUS RISK TO THE PATIENT'S LIFE OR HEALTH. THE COMMISSIONER SHALL IMPLEMENT THIS SECTION AS EXPEDITIOUSLY AS PRACTICABLE, INCLUDING BY EMERGENCY REGULATION.

2. THE DEPARTMENT SHALL BEGIN ACCEPTING AND ACTING ON APPLICATIONS UNDER THIS SECTION FOR REGISTERED ORGANIZATIONS AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS TITLE.

3. FOR THE PURPOSES OF THIS SECTION, AND FOR SPECIFIED LIMITED TIMES, THE COMMISSIONER MAY WAIVE OR MODIFY THE REQUIREMENTS OF THIS ARTICLE RELATING TO REGISTERED ORGANIZATIONS, CONSISTENT WITH THE LEGISLATIVE INTENT AND PURPOSE OF THIS TITLE AND THIS SECTION. WHERE A REGISTERED ORGANIZATION OPERATES IN A JURISDICTION OTHER THAN THE STATE OF NEW YORK, UNDER LICENSURE OR OTHER GOVERNMENTAL RECOGNITION OF THAT JURIS-

DICTION, AND THE LAWS OF THAT JURISDICTION ARE ACCEPTABLE TO THE COMMISSIONER AS CONSISTENT WITH THE LEGISLATIVE INTENT AND PURPOSE OF THIS TITLE AND THIS SECTION, THEN THE COMMISSIONER MAY ACCEPT THAT LICENSURE OR RECOGNITION AS WHOLLY OR PARTIALLY SATISFYING THE REQUIREMENTS OF THIS TITLE, FOR PURPOSES OF THE REGISTRATION AND OPERATION OF THE REGISTERED ORGANIZATION UNDER THIS SECTION.

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

(A) APPLICANTS THAT ARE CURRENTLY PRODUCING OR PROVIDING OR HAVE A HISTORY OF PRODUCING OR PROVIDING MEDICAL MARIHUANA IN OTHER JURISDICTIONS IN FULL COMPLIANCE WITH THE LAWS OF THE JURISDICTION;

(B) APPLICANTS THAT ARE ABLE AND QUALIFIED TO BOTH PRODUCE, DISTRIBUTE, AND DISPENSE MEDICAL MARIHUANA TO PATIENTS EXPEDITIOUSLY;

(C) APPLICANTS THAT PROPOSE LOCATIONS FOR DISPENSING BY THE REGISTERED ORGANIZATION, WHICH ENSURE, TO THE GREATEST EXTENT POSSIBLE, THAT CERTIFIED PATIENTS THROUGHOUT THE STATE HAVE ACCESS TO A REGISTERED ORGANIZATION.

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

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

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

2. THE COMMISSIONER SHALL, BY REGULATION, REQUIRE EACH REGISTERED ORGANIZATION TO ADOPT AND MAINTAIN SECURITY, TRACKING, RECORD KEEPING, RECORD RETENTION AND SURVEILLANCE SYSTEMS, RELATING TO ALL MEDICAL MARIHUANA AT EVERY STAGE OF ACQUIRING, POSSESSION, MANUFACTURE, SALE, DELIVERY, TRANSPORTING, DISTRIBUTING, OR DISPENSING BY THE REGISTERED ORGANIZATION, SUBJECT TO REGULATIONS OF THE COMMISSIONER.

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

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

3. THE DEPARTMENT SHALL REPORT EVERY TWO YEARS, BEGINNING TWO YEARS AFTER THE EFFECTIVE DATE OF THIS TITLE, TO THE GOVERNOR AND THE LEGISLATURE ON THE MEDICAL USE OF MARIHUANA UNDER THIS TITLE AND MAKE APPROPRIATE RECOMMENDATIONS.

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

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

2. NOTHING IN THIS TITLE SHALL BE CONSTRUED TO REQUIRE AN INSURER OR HEALTH PLAN UNDER THIS CHAPTER OR THE INSURANCE LAW TO PROVIDE COVERAGE FOR MEDICAL MARIHUANA. NOTHING IN THIS TITLE SHALL BE CONSTRUED TO

REQUIRE COVERAGE FOR MEDICAL MARIHUANA UNDER ARTICLE TWENTY-FIVE OF THIS CHAPTER OR ARTICLE FIVE OF THE SOCIAL SERVICES LAW.

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

S 3369-A. PROTECTIONS FOR THE MEDICAL USE OF MARIHUANA. 1. CERTIFIED PATIENTS, DESIGNATED CAREGIVERS, PRACTITIONERS, REGISTERED ORGANIZATIONS AND THE EMPLOYEES OF REGISTERED ORGANIZATIONS SHALL NOT BE SUBJECT TO ARREST, PROSECUTION, OR PENALTY IN ANY MANNER, OR DENIED ANY RIGHT OR PRIVILEGE, INCLUDING BUT NOT LIMITED TO CIVIL PENALTY OR DISCIPLINARY ACTION BY A BUSINESS OR OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR BUREAU, SOLELY FOR THE CERTIFIED MEDICAL USE OR MANUFACTURE OF MARIHUANA, OR FOR ANY OTHER ACTION OR CONDUCT IN ACCORDANCE WITH THIS TITLE.

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

3. NON-DISCRIMINATION. BEING A CERTIFIED PATIENT SHALL BE DEEMED TO BE HAVING A "DISABILITY" UNDER ARTICLE FIFTEEN OF THE EXECUTIVE LAW (HUMAN RIGHTS LAW), SECTION FORTY-C OF THE CIVIL RIGHTS LAW, SECTIONS 240.00, 485.00, AND 485.05 OF THE PENAL LAW, AND SECTION 200.50 OF THE CRIMINAL PROCEDURE LAW. THIS SUBDIVISION SHALL NOT BAR THE ENFORCEMENT OF A POLICY PROHIBITING AN EMPLOYEE FROM PERFORMING HIS OR HER EMPLOYMENT DUTIES UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE. A SCHOOL MAY NOT REFUSE TO ENROLL OR OTHERWISE PENALIZE A PERSON SOLELY FOR THAT PERSON'S STATUS AS A CERTIFIED PATIENT OR DESIGNATED CAREGIVER. THIS SUBDIVISION SHALL NOT REQUIRE ANY PERSON OR ENTITY TO DO ANY ACT THAT WOULD PUT THE PERSON OR ENTITY IN VIOLATION OF FEDERAL LAW OR CAUSE IT TO LOSE A FEDERAL CONTRACT OR FUNDING.

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

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

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

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

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

8-A. MEDICAL MARIHUANA. AS USED IN ANY PROVISION OF THIS ARTICLE RELATING TO THE PRESCRIPTION MONITORING PROGRAM REGISTRY, THE FOLLOWING TERMS SHALL INCLUDE THE FOLLOWING IN RELATION TO MEDICAL MARIHUANA, IN 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 SHALL OBTAIN FROM SUCH REGISTERED ORGANIZATION INFORMATION ON WHERE THE MEDICAL MARIHUANA WAS MANUFACTURED.

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

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

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

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

S 221.00 Marihuana; definitions.

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

S 7. This act shall take effect immediately.