

6357

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, CASTRO, CLARK, CYMBROWITZ, DINOWITZ, HEVESI, LAVINE, PAULIN, PEOPLES-STOKES, ROSENTHAL, STEVENSON, TITONE, ARROYO, BOYLAND, BRONSON, BROOK-KRASNY, COOK, CRESPO, DenDEKKER, ESPINAL, FAHY, JAFFEE, KAVANAGH, LIFTON, O'DONNELL, OTIS, RIVERA, ROBERTS, SKARTADOS, STECK, WEPRIN, ZEBROWSKI -- Multi-Sponsored by -- M. of A. ABINANTI, AUBRY, BRAUNSTEIN, BRENNAN, FARRELL, GALEF, GLICK, HIKIND, JACOBS, KELLNER, V. LOPEZ, MAGEE, MAISEL, MARKEY, McDONALD, MILLMAN, MOYA, PRETLOW, ROBINSON, RODRIGUEZ, SCARBOROUGH, SCHIMEL, SWEENEY, WEISENBERG, WRIGHT -- read once and referred to the Committee on Health

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  
6 substance can have a legitimate medical use. Many controlled substances  
7 that are legal for medical use (such as morphine and steroids) are ille-  
8 gal for any other use. The purposes of article 33 of the public health  
9 law include allowing legitimate use of controlled substances in health  
10 care, including palliative care. This policy and this legislation do not  
11 in any way diminish New York state's strong public policy and laws  
12 against illegal drug use, nor should it be deemed in any manner to advo-  
13 cate, authorize, promote, or legally or socially accept the use of mari-  
14 huana for children or adults, for any non-medical use. This legislation  
15 is an appropriate exercise of the state's legislative power to protect  
16 the health of its people under article 17 of the state constitution and  
17 the tenth amendment of the United States constitution.

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

LBD01604-04-3

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

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

9 TITLE V-A

10 MEDICAL USE OF MARIHUANA

- 11 SECTION 3360. DEFINITIONS.  
 12 3361. CERTIFICATION OF PATIENTS.  
 13 3362. LAWFUL MEDICAL USE.  
 14 3363. REGISTRY IDENTIFICATION CARDS.  
 15 3364. REGISTERED ORGANIZATIONS.  
 16 3365. REGISTERING OF REGISTERED ORGANIZATIONS.  
 17 3366. REPORTS BY REGISTERED ORGANIZATIONS.  
 18 3367. EVALUATION; RESEARCH PROGRAMS; REPORT BY DEPARTMENT.  
 19 3368. RELATION TO OTHER LAWS.  
 20 3369. PROTECTIONS FOR THE MEDICAL USE OF MARIHUANA.  
 21 3369-A. REGULATIONS.  
 22 3369-B. SEVERABILITY.

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

26 1. "CERTIFIED MEDICAL USE" MEANS THE ACQUISITION, POSSESSION, USE,  
 27 DELIVERY, TRANSFER, TRANSPORTATION, OR ADMINISTRATION OF MEDICAL MARI-  
 28 HUANA BY A CERTIFIED PATIENT OR DESIGNATED CAREGIVER FOR USE AS PART OF  
 29 THE TREATMENT OF THE PATIENT'S SERIOUS CONDITION SPECIFIED IN A CERTIF-  
 30 ICATION UNDER SECTION THIRTY-THREE HUNDRED SIXTY-ONE OF THIS TITLE,  
 31 INCLUDING ENABLING THE PATIENT TO TOLERATE TREATMENT FOR THE SERIOUS  
 32 CONDITION.

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

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

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

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

42 6. "PUBLIC PLACE" MEANS A PUBLIC PLACE AS DEFINED IN SECTION 240.00 OF  
 43 THE PENAL LAW, A MOTOR VEHICLE AS DEFINED IN SECTION ONE HUNDRED TWEN-  
 44 TY-FIVE OF THE VEHICLE AND TRAFFIC LAW, AN AIRCRAFT AS DEFINED IN  
 45 SECTION TWO HUNDRED FORTY OF THE GENERAL BUSINESS LAW OR A VESSEL AS  
 46 DEFINED IN SECTION TWO OF THE NAVIGATION LAW.

47 7. "SERIOUS CONDITION" MEANS A SEVERE DEBILITATING OR LIFE-THREATENING  
 48 CONDITION, INCLUDING, BUT NOT LIMITED TO, CANCER, GLAUCOMA, POSITIVE  
 49 STATUS FOR HUMAN IMMUNODEFICIENCY VIRUS OR ACQUIRED IMMUNE DEFICIENCY  
 50 SYNDROME, PARKINSON'S DISEASE, MULTIPLE SCLEROSIS, DAMAGE TO THE NERVOUS  
 51 TISSUE OF THE SPINAL CORD WITH OBJECTIVE NEUROLOGICAL INDICATION OF  
 52 INTRACTABLE SPASTICITY, EPILEPSY, CACHEXIA, WASTING SYNDROME, CROHN'S  
 53 DISEASE, POST-TRAUMATIC STRESS DISORDER, NEUROPATHY, FIBROMYALGIA,  
 54 ARTHRITIS, LUPUS, AND DIABETES, OR A CONDITION ASSOCIATED WITH OR A  
 55 COMPLICATION OF SUCH A CONDITION OR ITS TREATMENT (INCLUDING BUT NOT

1 LIMITED TO INABILITY TO TOLERATE FOOD, NAUSEA, VOMITING, DYSPHORIA OR  
2 PAIN) SUBJECT TO LIMITATION IN REGULATION OF THE COMMISSIONER.

3 8. "MEDICAL MARIHUANA" MEANS MARIHUANA AS DEFINED IN SUBDIVISION TWEN-  
4 TY-ONE OF SECTION THIRTY-THREE HUNDRED TWO OF THIS ARTICLE INTENDED FOR  
5 A CERTIFIED MEDICAL USE.

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

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

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

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

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

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

29 2. THE CERTIFICATION SHALL BE IN WRITING AND INCLUDE (A) THE NAME,  
30 DATE OF BIRTH AND ADDRESS OF THE PATIENT; (B) A STATEMENT THAT THE  
31 PATIENT HAS A SERIOUS CONDITION; THE PATIENT IS UNDER THE PRACTITIONER'S  
32 CARE FOR THE SERIOUS CONDITION AND, IN THE PRACTITIONER'S PROFESSIONAL  
33 OPINION, THE PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE  
34 BENEFIT FROM THE PRIMARY OR ADJUNCTIVE TREATMENT WITH MEDICAL USE OF  
35 MARIHUANA FOR THE SERIOUS CONDITION; (C) THE DATE; AND (D) THE NAME,  
36 ADDRESS, FEDERAL REGISTRATION NUMBER, TELEPHONE NUMBER, AND THE HAND-  
37 WRITTEN SIGNATURE OF THE CERTIFYING PRACTITIONER. THE COMMISSIONER MAY  
38 REQUIRE BY REGULATION THAT THE CERTIFICATION SHALL BE ON A FORM PROVIDED  
39 BY THE DEPARTMENT IF THE COMMISSIONER DETERMINES THAT THE DEPARTMENT IS  
40 MAKING CERTIFICATION FORMS ADEQUATELY AVAILABLE. THE PRACTITIONER MAY  
41 STATE IN THE CERTIFICATION THAT, IN THE PRACTITIONER'S PROFESSIONAL  
42 OPINION THE PATIENT WOULD BENEFIT FROM MEDICAL MARIHUANA ONLY UNTIL A  
43 SPECIFIED DATE. THE PRACTITIONER MAY STATE IN THE CERTIFICATION THAT, IN  
44 THE PRACTITIONER'S PROFESSIONAL OPINION THE PATIENT IS TERMINALLY ILL  
45 AND THAT THE CERTIFICATION SHALL NOT EXPIRE UNTIL THE PATIENT DIES.

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

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

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

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

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

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

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

19 (A) THE MARIHUANA THAT MAY BE POSSESSED BY A CERTIFIED PATIENT DOES  
20 NOT EXCEED A TOTAL AGGREGATE WEIGHT OF TWO AND ONE-HALF OUNCES OF MARI-  
21 HUANA; AND

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

26 2. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION:

27 (A) POSSESSION OF MARIHUANA SHALL NOT BE LAWFUL UNDER THIS TITLE IF IT  
28 IS CONSUMED, GROWN OR DISPLAYED IN A PUBLIC PLACE;

29 (B) MEDICAL MARIHUANA MAY NOT BE SMOKED IN ANY PLACE WHERE TOBACCO MAY  
30 NOT BE SMOKED UNDER ARTICLE THIRTEEN-E OF THIS CHAPTER;

31 (C) EXCEPT THAT IN A HEALTH CARE FACILITY, MEDICAL MARIHUANA MAY BE  
32 SMOKED BY A PATIENT OF THE FACILITY, SUBJECT TO OTHER PROVISIONS OF THIS  
33 TITLE, IN AN AREA, AND UNDER CIRCUMSTANCES, PERMITTED BY THE FACILITY,  
34 PROVIDED THAT THE PATIENT DOES NOT SMOKE IN THE PRESENCE OF PATIENTS WHO  
35 ARE NOT CERTIFIED UNDER THIS TITLE.

36 3. IT SHALL BE LAWFUL UNDER THIS ARTICLE TO GIVE OR DISPOSE OF MARI-  
37 HUANA, OBTAINED UNDER THIS TITLE, FOR CERTIFIED MEDICAL USE, BETWEEN  
38 CERTIFIED PATIENTS AND OTHER CERTIFIED PATIENTS, AND BETWEEN A DESIG-  
39 NATED CAREGIVER AND THE DESIGNATED CAREGIVER'S CERTIFIED PATIENT WHERE  
40 NOTHING OF VALUE IS TRANSFERRED IN RETURN, OR TO OFFER TO DO THE SAME.  
41 THIS PROHIBITION ON TRANSFERRING OR OFFERING TO TRANSFER A THING OF  
42 VALUE SHALL NOT:

43 (A) APPLY TO SALE OF MEDICAL MARIHUANA TO OR BY A REGISTERED ORGANIZA-  
44 TION UNDER THIS ARTICLE; NOR

45 (B) PREVENT A DESIGNATED CAREGIVER FROM BEING REIMBURSED FOR REASON-  
46 ABLE COSTS OR ACTIVITIES RELATING TO CARING FOR A CERTIFIED PATIENT,  
47 INCLUDING, BUT NOT LIMITED TO, REIMBURSEMENT FOR LEGITIMATE EXPENSES  
48 RELATING TO THE PURCHASE OF MEDICAL MARIHUANA FROM A REGISTERED ORGAN-  
49 IZATION UNDER SECTION THIRTY-THREE HUNDRED SIXTY-SIX OF THIS TITLE.

50 S 3363. REGISTRY IDENTIFICATION CARDS. 1. THE DEPARTMENT SHALL ISSUE  
51 REGISTRY IDENTIFICATION CARDS FOR CERTIFIED PATIENTS AND DESIGNATED  
52 CAREGIVERS. A REGISTRY IDENTIFICATION CARD SHALL EXPIRE AS PROVIDED IN  
53 SECTION THIRTY-THREE HUNDRED SIXTY-ONE OF THIS TITLE OR AS OTHERWISE  
54 PROVIDED IN THIS SECTION. THE DEPARTMENT SHALL BEGIN ISSUING REGISTRY  
55 IDENTIFICATION CARDS NO LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF  
56 THIS SECTION. THE DEPARTMENT MAY SPECIFY A FORM FOR A REGISTRY APPLICA-

1 TION, IN WHICH CASE THE DEPARTMENT SHALL PROVIDE THE FORM ON REQUEST,  
2 REPRODUCTIONS OF THE FORM MAY BE USED, AND THE FORM SHALL BE AVAILABLE  
3 FOR DOWNLOADING FROM THE DEPARTMENT'S WEBSITE.

4 2. TO OBTAIN, AMEND OR RENEW A REGISTRY IDENTIFICATION CARD, A CERTI-  
5 FIED PATIENT OR DESIGNATED CAREGIVER SHALL FILE A REGISTRY APPLICATION  
6 WITH THE DEPARTMENT. THE REGISTRY APPLICATION OR RENEWAL APPLICATION  
7 SHALL INCLUDE:

8 (A) IN THE CASE OF A CERTIFIED PATIENT, THE ORIGINAL PATIENT'S CERTIF-  
9 ICATION (A NEW WRITTEN CERTIFICATION SHALL BE PROVIDED WITH A RENEWAL  
10 APPLICATION);

11 (B) IN THE CASE OF A CERTIFIED PATIENT,

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

13 (II) THE DATE OF THE CERTIFICATION;

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

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

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

21 (VI) OTHER INDIVIDUAL IDENTIFYING INFORMATION REQUIRED BY THE DEPART-  
22 MENT;

23 (C) IN THE CASE OF A CERTIFIED PATIENT, IF THE PATIENT DESIGNATES A  
24 DESIGNATED CAREGIVER, THE NAME, ADDRESS, AND DATE OF BIRTH OF THE DESIG-  
25 NATED CAREGIVER, AND OTHER INDIVIDUAL IDENTIFYING INFORMATION REQUIRED  
26 BY THE DEPARTMENT; A CERTIFIED PATIENT MAY DESIGNATE UP TO TWO DESIG-  
27 NATED CAREGIVERS; EXCEPT THAT A CERTIFIED PATIENT MAY DESIGNATE MORE  
28 THAN TWO CAREGIVERS IF THE ADDITIONAL CAREGIVERS ARE MEMBERS OF THE  
29 CERTIFIED PATIENT'S IMMEDIATE FAMILY OR PHYSICAL HOUSEHOLD;

30 (D) IN THE CASE OF A DESIGNATED CAREGIVER,

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

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

35 (III) OTHER INDIVIDUAL IDENTIFYING INFORMATION REQUIRED BY THE DEPART-  
36 MENT;

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

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

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

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

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

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

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

1 5. NO PERSON MAY BE A DESIGNATED CAREGIVER FOR MORE THAN FIVE CERTI-  
2 FIED PATIENTS AT ONE TIME.

3 6. THE DEPARTMENT SHALL ISSUE SEPARATE REGISTRY IDENTIFICATION CARDS  
4 FOR CERTIFIED PATIENTS AND DESIGNATED CAREGIVERS WITHIN THIRTY DAYS OF  
5 RECEIVING A COMPLETE APPLICATION UNDER THIS SECTION, UNLESS IT DETER-  
6 MINES THAT THE APPLICATION IS INCOMPLETE OR FACIALLY INACCURATE, IN  
7 WHICH CASE IT SHALL PROMPTLY NOTIFY THE APPLICANT.

8 7. IF THE APPLICATION OF A CERTIFIED PATIENT DESIGNATES AN INDIVIDUAL  
9 AS A DESIGNATED CAREGIVER WHO IS NOT AUTHORIZED TO BE A DESIGNATED CARE-  
10 GIVER, THAT PORTION OF THE APPLICATION SHALL BE DENIED BY THE DEPARTMENT  
11 BUT THAT SHALL NOT AFFECT THE APPROVAL OF THE BALANCE OF THE APPLICA-  
12 TION.

13 8. A REGISTRY IDENTIFICATION CARD SHALL CONTAIN:

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

16 (B) THE DATE OF ISSUANCE AND EXPIRATION DATE OF THE REGISTRY IDENTIFI-  
17 CATION CARD;

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

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

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

33 10. IF A CERTIFIED PATIENT OR DESIGNATED CAREGIVER LOSES HIS OR HER  
34 REGISTRY IDENTIFICATION CARD, HE OR SHE SHALL NOTIFY THE DEPARTMENT AND  
35 SUBMIT A TEN DOLLAR FEE WITHIN TEN DAYS OF LOSING THE CARD TO MAINTAIN  
36 THE REGISTRATION. THE DEPARTMENT MAY ESTABLISH HIGHER FEES FOR ISSUING  
37 A NEW REGISTRY IDENTIFICATION CARD FOR SECOND AND SUBSEQUENT REPLACE-  
38 MENTS FOR A LOST CARD, PROVIDED, THAT THE DEPARTMENT MAY WAIVE OR REDUCE  
39 THE FEE IN CASES OF FINANCIAL HARDSHIP. WITHIN FIVE DAYS AFTER SUCH  
40 NOTIFICATION AND PAYMENT, THE DEPARTMENT SHALL ISSUE A NEW REGISTRY  
41 IDENTIFICATION CARD, WHICH MAY CONTAIN A NEW REGISTRY IDENTIFICATION  
42 NUMBER, TO THE CERTIFIED PATIENT OR DESIGNATED CAREGIVER, AS THE CASE  
43 MAY BE.

44 11. THE DEPARTMENT SHALL MAINTAIN A CONFIDENTIAL LIST OF THE PERSONS  
45 TO WHOM IT HAS ISSUED REGISTRY IDENTIFICATION CARDS. INDIVIDUAL IDENTI-  
46 FYING INFORMATION OBTAINED BY THE DEPARTMENT UNDER THIS TITLE SHALL BE  
47 CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER ARTICLE SIX OF THE PUBLIC  
48 OFFICERS LAW. NOTWITHSTANDING THIS SUBDIVISION, THE DEPARTMENT MAY NOTI-  
49 FY ANY APPROPRIATE LAW ENFORCEMENT AGENCY OF INFORMATION RELATING TO ANY  
50 VIOLATION OR SUSPECTED VIOLATION OF THIS TITLE.

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

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

1 14. (A) REGISTRY IMPLEMENTATION DATE. AS USED IN THIS SUBDIVISION, THE  
2 "REGISTRY IMPLEMENTATION DATE" IS THE DATE DETERMINED BY THE COMMISSION-  
3 ER WHEN THE DEPARTMENT IS READY TO RECEIVE AND EXPEDITIOUSLY ACT ON  
4 APPLICATIONS FOR REGISTRY IDENTIFICATION CARDS UNDER THIS SECTION.

5 (B) ON AND AFTER THE REGISTRY IMPLEMENTATION DATE, UPON RECEIPT OF AN  
6 APPLICATION FOR A REGISTRY IDENTIFICATION CARD, THE DEPARTMENT SHALL  
7 SEND TO THE APPLICANT A LETTER ACKNOWLEDGING SUCH RECEIPT. WHILE THE  
8 APPLICATION FOR A REGISTRY IDENTIFICATION CARD IS PENDING, A COPY OF THE  
9 REGISTRY APPLICATION, TOGETHER WITH A COPY OF THE CERTIFICATION (IN THE  
10 CASE OF A CERTIFIED PATIENT) AND A COPY OF THE LETTER OF RECEIPT FROM  
11 THE DEPARTMENT, SHALL SERVE AS AND HAVE THE SAME EFFECT AS A REGISTRY  
12 IDENTIFICATION CARD FOR THE CERTIFIED PATIENT OR DESIGNATED CAREGIVER,  
13 PROVIDED THAT A CERTIFICATION AND APPLICATION SHALL NOT SERVE AS A VALID  
14 REGISTRY IDENTIFICATION CARD AFTER THE INITIAL THIRTY DAY PERIOD UNDER  
15 SUBDIVISION SIX OF THIS SECTION. THIS PARAGRAPH SHALL EXPIRE AND HAVE  
16 NO EFFECT ONE YEAR AFTER THE REGISTRY IMPLEMENTATION DATE.

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

21 S 3364. REGISTERED ORGANIZATIONS. 1. A REGISTERED ORGANIZATION SHALL  
22 BE:

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

24 (B) A FOR-PROFIT BUSINESS ENTITY OR NOT-FOR-PROFIT CORPORATION ORGAN-  
25 IZED FOR THE PURPOSE OF ACQUIRING, POSSESSING, MANUFACTURING, SELLING,  
26 DELIVERING, TRANSPORTING, DISTRIBUTING OR DISPENSING MARIHUANA FOR  
27 CERTIFIED MEDICAL USE.

28 2. THE ACQUIRING, POSSESSION, MANUFACTURE, SALE, DELIVERY, TRANSPORT-  
29 ING, DISTRIBUTING OR DISPENSING OF MARIHUANA BY A REGISTERED ORGANIZA-  
30 TION UNDER THIS TITLE IN ACCORDANCE WITH ITS REGISTRATION UNDER SECTION  
31 THIRTY-THREE HUNDRED SIXTY-FIVE OF THIS TITLE OR A RENEWAL THEREOF SHALL  
32 BE LAWFUL UNDER THIS TITLE. A REGISTERED ORGANIZATION MAY TRANSFER  
33 POSSESSION OF MARIHUANA TO, AND MAY RECOVER POSSESSION OF IT FROM, AN  
34 ENTITY LICENSED BY THE DEPARTMENT UNDER SECTION THIRTY-THREE HUNDRED  
35 TWENTY-FOUR OF THIS TITLE FOR PURPOSES OF CHEMICAL ANALYSIS.

36 3. A REGISTERED ORGANIZATION MAY LAWFULLY, IN GOOD FAITH, SELL, DELIV-  
37 ER, DISTRIBUTE OR DISPENSE MEDICAL MARIHUANA TO A CERTIFIED PATIENT OR  
38 DESIGNATED CAREGIVER UPON PRESENTATION TO THE REGISTERED ORGANIZATION OF  
39 A VALID REGISTRY IDENTIFICATION CARD FOR THAT CERTIFIED PATIENT OR  
40 DESIGNATED CAREGIVER. WHEN PRESENTED WITH THE REGISTRY IDENTIFICATION  
41 CARD, THE REGISTERED ORGANIZATION SHALL PROVIDE TO THE CERTIFIED PATIENT  
42 OR DESIGNATED CAREGIVER A RECEIPT, WHICH SHALL STATE: THE NAME, ADDRESS,  
43 AND REGISTRY IDENTIFICATION NUMBER OF THE REGISTERED ORGANIZATION; THE  
44 REGISTRY IDENTIFICATION NUMBER OF THE CERTIFIED PATIENT AND THE DESIG-  
45 NATED CAREGIVER (IF ANY); AND THE QUANTITY OF MARIHUANA SOLD. THE REGIS-  
46 TERED ORGANIZATION SHALL RETAIN A COPY OF THE REGISTRY IDENTIFICATION  
47 CARD AND THE RECEIPT FOR ONE YEAR.

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

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

1 (A) METHODS FOR ADMINISTERING MEDICAL MARIHUANA,

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

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

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

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

13 8. A REGISTERED ORGANIZATION SHALL BE DEEMED TO BE A "HEALTH CARE  
14 PROVIDER" FOR THE PURPOSES OF TITLE TWO-D OF ARTICLE TWO OF THIS CHAP-  
15 TER.

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

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

23 (II) POSSESSES OR HAS THE RIGHT TO USE SUFFICIENT LAND, BUILDINGS, AND  
24 OTHER PREMISES (WHICH SHALL BE SPECIFIED IN THE APPLICATION) AND EQUIP-  
25 MENT TO PROPERLY CARRY ON THE ACTIVITY DESCRIBED IN THE APPLICATION;

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

29 (II) WHICH ACTIVITIES OF A REGISTERED ORGANIZATION ARE PERMITTED BY  
30 THE REGISTRATION;

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

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

35 (E) UPON APPLICATION OF A REGISTERED ORGANIZATION, A REGISTRATION MAY  
36 BE AMENDED TO ALLOW THE REGISTERED ORGANIZATION TO RELOCATE WITHIN THE  
37 STATE OR TO ADD OR DELETE PERMITTED REGISTERED ORGANIZATION ACTIVITIES  
38 OR FACILITIES. THE FEE FOR SUCH AMENDMENT SHALL BE TWO HUNDRED FIFTY  
39 DOLLARS.

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

46 4. APPLICATIONS FOR RENEWAL OF REGISTRATIONS. (A) AN APPLICATION FOR  
47 THE RENEWAL OF ANY REGISTRATION ISSUED UNDER THIS SECTION SHALL BE FILED  
48 WITH THE DEPARTMENT NOT MORE THAN SIX MONTHS NOR LESS THAN FOUR MONTHS  
49 PRIOR TO THE EXPIRATION THEREOF. A LATE-FILED APPLICATION FOR THE  
50 RENEWAL OF A REGISTRATION MAY, IN THE DISCRETION OF THE COMMISSIONER, BE  
51 TREATED AS AN APPLICATION FOR AN INITIAL LICENSE.

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

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

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

4 (A) EACH INCIDENT OR ALLEGED INCIDENT INVOLVING THE THEFT, LOSS, OR  
5 POSSIBLE DIVERSION OF MARIHUANA MANUFACTURED OR DISTRIBUTED BY THE  
6 APPLICANT; AND

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

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

14 (D) IF THE COMMISSIONER IS NOT SATISFIED THAT THE APPLICANT IS ENTI-  
15 TLED TO A RENEWAL OF THE REGISTRATION, HE OR SHE SHALL WITHIN FORTY-FIVE  
16 DAYS AFTER THE FILING OF THE APPLICATION SERVE UPON THE APPLICANT OR HIS  
17 OR HER ATTORNEY OF RECORD IN PERSON OR BY REGISTERED OR CERTIFIED MAIL  
18 AN ORDER DIRECTING THE APPLICANT TO SHOW CAUSE WHY HIS OR HER APPLICA-  
19 TION FOR RENEWAL SHOULD NOT BE DENIED. THE ORDER SHALL SPECIFY IN DETAIL  
20 THE RESPECTS IN WHICH THE APPLICANT HAS NOT SATISFIED THE COMMISSIONER  
21 THAT THE REGISTRATION SHOULD BE RENEWED.

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

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

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

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

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

39 (B) FOR PURPOSES OF THIS SECTION, PROOF THAT A REGISTERED ORGANIZA-  
40 TION, DURING THE PERIOD OF ITS REGISTRATION, HAS FAILED TO MAINTAIN  
41 EFFECTIVE CONTROL AGAINST DIVERSION OR HAS KNOWINGLY OR NEGLIGENTLY  
42 FAILED TO COMPLY WITH APPLICABLE STATE LAWS RELATING TO THE ACTIVITIES  
43 IN WHICH IT ENGAGES UNDER THE REGISTRATION, SHALL CONSTITUTE SUBSTANTIAL  
44 EVIDENCE THAT THE APPLICANT WILL BE UNLIKELY TO MAINTAIN EFFECTIVE  
45 CONTROL AGAINST DIVERSION OR WILL BE UNLIKELY TO COMPLY WITH THE APPLI-  
46 CABLE STATE STATUTES DURING THE PERIOD OF PROPOSED RENEWAL.

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

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

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

4 9. THE COMMISSIONER SHALL DETERMINE THE APPROPRIATE NUMBER OF REGIS-  
5 TERED ORGANIZATIONS AND FACILITIES TO PROMOTE REASONABLE ACCESS TO  
6 MEDICAL MARIHUANA IN THE INTEREST OF CERTIFIED PATIENTS AND THE PUBLIC.

7 S 3366. REPORTS BY REGISTERED ORGANIZATIONS. 1. THE COMMISSIONER  
8 SHALL, BY REGULATION, REQUIRE EACH REGISTERED ORGANIZATION TO FILE  
9 REPORTS BY THE REGISTERED ORGANIZATION DURING A PARTICULAR PERIOD. THE  
10 COMMISSIONER SHALL DETERMINE THE INFORMATION TO BE REPORTED AND THE  
11 FORMS, TIME, AND MANNER OF THE REPORTING.

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

18 S 3367. EVALUATION; RESEARCH PROGRAMS; REPORT BY DEPARTMENT. 1. THE  
19 COMMISSIONER MAY PROVIDE FOR THE ANALYSIS AND EVALUATION OF THE OPERA-  
20 TION OF THIS TITLE. THE COMMISSIONER MAY ENTER INTO AGREEMENTS WITH ONE  
21 OR MORE PERSONS, NOT-FOR-PROFIT CORPORATIONS OR OTHER ORGANIZATIONS, FOR  
22 THE PERFORMANCE OF AN EVALUATION OF THE IMPLEMENTATION AND EFFECTIVENESS  
23 OF THIS TITLE.

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

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

32 S 3368. RELATION TO OTHER LAWS. 1. THE PROVISIONS OF THIS ARTICLE  
33 SHALL APPLY TO THIS TITLE, EXCEPT THAT WHERE A PROVISION OF THIS TITLE  
34 CONFLICTS WITH ANOTHER PROVISION OF THIS ARTICLE, THIS TITLE SHALL  
35 APPLY.

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

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

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

1 2. AFFIRMATIVE DEFENSE. A PATIENT AND A PATIENT'S CAREGIVER WHO HAVE  
2 FAILED TO OBTAIN A REGISTRY IDENTIFICATION CARD MAY ASSERT AN AFFIRMA-  
3 TIVE DEFENSE TO ANY PROSECUTION UNDER STATE LAW FOR ACTIONS AND CONDUCT  
4 THAT IS OTHERWISE CONSISTENT WITH THE CERTIFIED MEDICAL USE OF MARIHUANA  
5 AS DEFINED UNDER THIS TITLE.

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

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

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

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

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

34 S 3369-A. REGULATIONS. 1. THE COMMISSIONER SHALL MAKE REGULATIONS TO  
35 IMPLEMENT THIS TITLE.

36 2. ADVISORY COMMITTEE. THERE IS HEREBY ESTABLISHED IN THE DEPARTMENT  
37 AN ADVISORY COMMITTEE ON MEDICAL USE OF MARIHUANA (THE "ADVISORY COMMIT-  
38 TEE") TO ADVISE THE COMMISSIONER ON MAKING REGULATIONS UNDER THIS TITLE  
39 AND ON ANY MATTERS RELATING TO THE IMPLEMENTATION OF THIS TITLE AS THE  
40 COMMISSIONER SHALL DETERMINE. THE MEMBERS OF THE ADVISORY COMMITTEE AND  
41 ANY SUBCOMMITTEE OF THE ADVISORY COMMITTEE ("SUBCOMMITTEE") SHALL BE  
42 APPOINTED BY THE COMMISSIONER AND INCLUDE BUT NOT BE LIMITED TO: HEALTH  
43 CARE PRACTITIONERS, PATIENTS OR REPRESENTATIVES OF PATIENTS WITH SERIOUS  
44 CONDITIONS, EXPERTS IN THE REGULATION OF CONTROLLED SUBSTANCES FOR  
45 MEDICAL USE, MEDICAL MARIHUANA INDUSTRY PROFESSIONALS AND LAW ENFORCE-  
46 MENT. THE COMMISSIONER MAY ALSO FORM SUBCOMMITTEES OF THE ADVISORY  
47 COMMITTEE. THE COMMISSIONER SHALL FORM A SUBCOMMITTEE TO ADVISE THE  
48 COMMISSIONER ON CLINICAL MATTERS RELATING TO MEDICAL MARIHUANA, THE  
49 MEMBERS OF WHICH SHALL PREDOMINANTLY BE CLINICAL PROFESSIONALS IN APPRO-  
50 PRIATE AREAS OF EXPERTISE AND SHALL ALSO INCLUDE REPRESENTATIVES OF  
51 PATIENTS AND THE GENERAL PUBLIC. MEMBERS OF A SUBCOMMITTEE NEED NOT BE  
52 MEMBERS OF THE ADVISORY COMMITTEE. MEMBERS OF THE ADVISORY COMMITTEE OR  
53 A SUBCOMMITTEE SHALL SERVE AT THE PLEASURE OF THE COMMISSIONER. MEMBERS  
54 OF THE ADVISORY COMMITTEE OR A SUBCOMMITTEE MAY RECEIVE REIMBURSEMENT BY  
55 THE DEPARTMENT FOR THEIR REASONABLE AND NECESSARY EXPENSES INCURRED AS

MEMBERS OF THE ADVISORY COMMITTEE OR A SUBCOMMITTEE. A PUBLIC EMPLOYEE MAY BE A MEMBER OF THE ADVISORY COMMITTEE OR A SUBCOMMITTEE.

S 3369-B. 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 NOT 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, 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 FOLLOWING RATES:

(A) FOR MEDICAL MARIHUANA MANUFACTURED BY A REGISTERED ORGANIZATION: ONE HUNDRED TWENTY-FIVE DOLLARS FOR EACH POUND OR PART THEREOF OF MEDICAL MARIHUANA MANUFACTURED BY THE REGISTERED ORGANIZATION.

(B) FOR MEDICAL MARIHUANA DISPENSED TO A CERTIFIED PATIENT OR DESIGNATED CAREGIVER: ONE HUNDRED TWENTY-FIVE DOLLARS FOR EACH POUND OR PART THEREOF OF MEDICAL MARIHUANA DISPENSED; PROVIDED THAT IF THE MEDICAL MARIHUANA UNDER THIS PARAGRAPH WAS OBTAINED BY THE REGISTERED ORGANIZATION FROM AN ENTITY THAT DID NOT PAY AN EXCISE TAX ATTRIBUTABLE TO THAT

1 MEDICAL MARIHUANA UNDER PARAGRAPH (A) OF THIS SUBDIVISION, THEN THE TAX  
2 UNDER THIS PARAGRAPH SHALL BE TWO HUNDRED FIFTY DOLLARS.

3 3. FIFTY PERCENT OF THE REVENUE RECEIVED BY THE DEPARTMENT SHALL BE  
4 TRANSFERRED TO THE COUNTY IN WHICH THE MEDICAL MARIHUANA WAS MANUFAC-  
5 TURED (IN THE CASE OF REVENUE RECEIVED UNDER PARAGRAPH (A) OF SUBDIVI-  
6 SION TWO OF THIS SECTION) OR DISPENSED (IN THE CASE OF REVENUE RECEIVED  
7 UNDER PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION). FOR PURPOSES OF  
8 THIS SUBDIVISION, THE CITY OF NEW YORK SHALL BE DEEMED TO BE A COUNTY.

9 4. THE COMMISSIONER SHALL MAKE REGULATIONS TO IMPLEMENT THIS ARTICLE.

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

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

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

17 S 221.00 Marihuana; definitions.

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

23 S 7. This act shall take effect immediately, provided that the amend-  
24 ment to section 3343-a of the public health law made by section three of  
25 this act shall take effect on the same date and in the same manner as  
26 section 2 of part A of chapter 447 of the laws of 2012, as amended,  
27 takes effect.