

6357--A

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I N A S S E M B L Y

March 26, 2013

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

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 medical use of controlled substances in  
10 health care, including palliative care. This legislation establishes a  
11 medical model of care which regulates medical marihuana as a recommended  
12 medicine in keeping with recognized medical public health and safety  
13 standards. This policy and this legislation do not in any way diminish

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

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1 New York state's strong public policy and laws against illegal drug use,  
 2 nor should it be deemed in any manner to advocate, authorize, promote,  
 3 or legally or socially accept the use of marihuana for children or  
 4 adults, for any non-medical use. This legislation is an appropriate  
 5 exercise of the state's legislative power to protect the health of its  
 6 people under article 17 of the state constitution and the tenth amend-  
 7 ment of the United States constitution. Furthermore, the legislature  
 8 finds that New York state has a significant and ongoing economic and  
 9 non-regulatory interest in the financial viability of organizations that  
 10 sell marihuana for medical use. The legislature finds that the financial  
 11 viability of such organizations would be greatly diminished and threat-  
 12 ened by labor-management conflict, such as a strike at a facility that  
 13 cultivates marihuana, especially because of the need for enhanced secu-  
 14 rity concerning the products. Replacements during a strike would be  
 15 difficult to arrange and cause delay far more significant than a strike  
 16 elsewhere. Accordingly, the legislature finds that the state has a  
 17 substantial and compelling proprietary interest in this matter, and  
 18 finds that labor peace is essential for any organization to conduct  
 19 business relating to the sale of medical marihuana.

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

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

28 TITLE V-A

29 MEDICAL USE OF MARIHUANA

30 SECTION 3360. DEFINITIONS.  
 31 3361. CERTIFICATION OF PATIENTS.  
 32 3362. LAWFUL MEDICAL USE.  
 33 3363. REGISTRY IDENTIFICATION CARDS.  
 34 3364. REGISTERED ORGANIZATIONS.  
 35 3365. REGISTERING OF REGISTERED ORGANIZATIONS.  
 36 3366. REPORTS BY REGISTERED ORGANIZATIONS.  
 37 3367. EVALUATION; RESEARCH PROGRAMS; REPORT BY DEPARTMENT.  
 38 3368. RELATION TO OTHER LAWS.  
 39 3369. PROTECTIONS FOR THE MEDICAL USE OF MARIHUANA.  
 40 3369-A. REGULATIONS.  
 41 3369-B. SEVERABILITY.

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

45 1. "CERTIFIED MEDICAL USE" MEANS THE ACQUISITION, POSSESSION, USE,  
 46 DELIVERY, TRANSFER, TRANSPORTATION, OR ADMINISTRATION OF MEDICAL MARI-  
 47 HUANA BY A CERTIFIED PATIENT OR DESIGNATED CAREGIVER FOR USE AS PART OF  
 48 THE TREATMENT OF THE PATIENT'S SERIOUS CONDITION SPECIFIED IN A CERTIF-  
 49 ICATION UNDER SECTION THIRTY-THREE HUNDRED SIXTY-ONE OF THIS TITLE,  
 50 INCLUDING ENABLING THE PATIENT TO TOLERATE TREATMENT FOR THE SERIOUS  
 51 CONDITION.

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

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

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

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

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

10 7. "SERIOUS CONDITION" MEANS A SEVERE DEBILITATING OR LIFE-THREATENING  
11 CONDITION, INCLUDING, BUT NOT LIMITED TO, CANCER, GLAUCOMA, POSITIVE  
12 STATUS FOR HUMAN IMMUNODEFICIENCY VIRUS OR ACQUIRED IMMUNE DEFICIENCY  
13 SYNDROME, PARKINSON'S DISEASE, MULTIPLE SCLEROSIS, DAMAGE TO THE NERVOUS  
14 TISSUE OF THE SPINAL CORD WITH OBJECTIVE NEUROLOGICAL INDICATION OF  
15 INTRACTABLE SPASTICITY, EPILEPSY, CACHEXIA, WASTING SYNDROME, CROHN'S  
16 DISEASE, POST-TRAUMATIC STRESS DISORDER, NEUROPATHY, ARTHRITIS, LUPUS,  
17 AND DIABETES, OR A CONDITION ASSOCIATED WITH OR A COMPLICATION OF SUCH A  
18 CONDITION OR ITS TREATMENT SUBJECT TO LIMITATION IN REGULATION OF THE  
19 COMMISSIONER.

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

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

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

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

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

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

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

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

51 2. THE CERTIFICATION SHALL BE IN WRITING AND INCLUDE (A) THE NAME,  
52 DATE OF BIRTH AND ADDRESS OF THE PATIENT; (B) A STATEMENT THAT THE  
53 PATIENT HAS A SERIOUS CONDITION; THE PATIENT IS UNDER THE PRACTITIONER'S  
54 CARE FOR THE SERIOUS CONDITION AND, IN THE PRACTITIONER'S PROFESSIONAL  
55 OPINION, THE PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE  
56 BENEFIT FROM THE PRIMARY OR ADJUNCTIVE TREATMENT WITH MEDICAL USE OF

1 MARIHUANA FOR THE SERIOUS CONDITION; (C) THE DATE; AND (D) THE NAME,  
2 ADDRESS, FEDERAL REGISTRATION NUMBER, TELEPHONE NUMBER, AND THE HAND-  
3 WRITTEN SIGNATURE OF THE CERTIFYING PRACTITIONER. THE COMMISSIONER MAY  
4 REQUIRE BY REGULATION THAT THE CERTIFICATION SHALL BE ON A FORM PROVIDED  
5 BY THE DEPARTMENT IF THE COMMISSIONER DETERMINES THAT THE DEPARTMENT IS  
6 MAKING CERTIFICATION FORMS ADEQUATELY AVAILABLE. THE PRACTITIONER MAY  
7 STATE IN THE CERTIFICATION THAT, IN THE PRACTITIONER'S PROFESSIONAL  
8 OPINION THE PATIENT WOULD BENEFIT FROM MEDICAL MARIHUANA ONLY UNTIL A  
9 SPECIFIED DATE. THE PRACTITIONER MAY STATE IN THE CERTIFICATION THAT, IN  
10 THE PRACTITIONER'S PROFESSIONAL OPINION THE PATIENT IS TERMINALLY ILL  
11 AND THAT THE CERTIFICATION SHALL NOT EXPIRE UNTIL THE PATIENT DIES.

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

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

16 5. A REGISTRY IDENTIFICATION CARD BASED ON A CERTIFICATION SHALL  
17 EXPIRE ONE YEAR AFTER THE DATE THE CERTIFICATION IS SIGNED BY THE PRAC-  
18 TITIONER; EXCEPT THAT WHERE A CERTIFIED PATIENT HAS A REGISTRY IDENTIFI-  
19 CATION CARD BASED ON A CURRENT VALID CERTIFICATION, A NEW REGISTRY IDEN-  
20 TIFICATION CARD BASED ON A NEW CERTIFICATION SHALL EXPIRE ONE YEAR AFTER  
21 THE EXPIRATION OF THE REGISTRY IDENTIFICATION CARD BASED ON THE CURRENT  
22 VALID CERTIFICATION. HOWEVER,

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

27 (B) IF THE PRACTITIONER STATES IN THE CERTIFICATION THAT IN THE PRAC-  
28 TITIONER'S PROFESSIONAL OPINION THE PATIENT IS TERMINALLY ILL AND THAT  
29 THE CERTIFICATION SHALL NOT EXPIRE UNTIL THE PATIENT DIES, THEN THE  
30 REGISTRY IDENTIFICATION CARD SHALL STATE THAT THE PATIENT IS TERMINALLY  
31 ILL AND THAT THE REGISTRATION CARD SHALL NOT EXPIRE UNTIL THE PATIENT  
32 DIES; AND

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

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

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

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

49 2. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION:

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

52 (B) MEDICAL MARIHUANA MAY NOT BE SMOKED IN ANY PLACE WHERE TOBACCO MAY  
53 NOT BE SMOKED UNDER ARTICLE THIRTEEN-E OF THIS CHAPTER.

54 3. IT SHALL BE LAWFUL UNDER THIS ARTICLE TO GIVE OR DISPOSE OF MARI-  
55 HUANA, OBTAINED UNDER THIS TITLE, FOR CERTIFIED MEDICAL USE, BETWEEN  
56 CERTIFIED PATIENTS AND OTHER CERTIFIED PATIENTS, AND BETWEEN A DESIG-

1 NATED CAREGIVER AND THE DESIGNATED CAREGIVER'S CERTIFIED PATIENT WHERE  
2 NOTHING OF VALUE IS TRANSFERRED IN RETURN, OR TO OFFER TO DO THE SAME.  
3 THIS PROHIBITION ON TRANSFERRING OR OFFERING TO TRANSFER A THING OF  
4 VALUE SHALL NOT:

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

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

12 S 3363. REGISTRY IDENTIFICATION CARDS. 1. THE DEPARTMENT SHALL ISSUE  
13 REGISTRY IDENTIFICATION CARDS FOR CERTIFIED PATIENTS AND DESIGNATED  
14 CAREGIVERS. A REGISTRY IDENTIFICATION CARD SHALL EXPIRE AS PROVIDED IN  
15 SECTION THIRTY-THREE HUNDRED SIXTY-ONE OF THIS TITLE OR AS OTHERWISE  
16 PROVIDED IN THIS SECTION. THE DEPARTMENT SHALL BEGIN ISSUING REGISTRY  
17 IDENTIFICATION CARDS NO LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF  
18 THIS SECTION. THE DEPARTMENT MAY SPECIFY A FORM FOR A REGISTRY APPLICA-  
19 TION, IN WHICH CASE THE DEPARTMENT SHALL PROVIDE THE FORM ON REQUEST,  
20 REPRODUCTIONS OF THE FORM MAY BE USED, AND THE FORM SHALL BE AVAILABLE  
21 FOR DOWNLOADING FROM THE DEPARTMENT'S WEBSITE.

22 2. TO OBTAIN, AMEND OR RENEW A REGISTRY IDENTIFICATION CARD, A CERTI-  
23 FIED PATIENT OR DESIGNATED CAREGIVER SHALL FILE A REGISTRY APPLICATION  
24 WITH THE DEPARTMENT. THE REGISTRY APPLICATION OR RENEWAL APPLICATION  
25 SHALL INCLUDE:

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

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

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

31 (II) THE DATE OF THE CERTIFICATION;

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

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

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

39 (VI) OTHER INDIVIDUAL IDENTIFYING INFORMATION REQUIRED BY THE DEPART-  
40 MENT;

41 (C) IN THE CASE OF A CERTIFIED PATIENT, IF THE PATIENT DESIGNATES A  
42 DESIGNATED CAREGIVER, THE NAME, ADDRESS, AND DATE OF BIRTH OF THE DESIG-  
43 NATED CAREGIVER, AND OTHER INDIVIDUAL IDENTIFYING INFORMATION REQUIRED  
44 BY THE DEPARTMENT; A CERTIFIED PATIENT MAY DESIGNATE UP TO TWO DESIG-  
45 NATED CAREGIVERS; EXCEPT THAT A CERTIFIED PATIENT MAY DESIGNATE MORE  
46 THAN TWO CAREGIVERS IF THE ADDITIONAL CAREGIVERS ARE MEMBERS OF THE  
47 CERTIFIED PATIENT'S IMMEDIATE FAMILY OR PHYSICAL HOUSEHOLD;

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

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

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

53 (III) OTHER INDIVIDUAL IDENTIFYING INFORMATION REQUIRED BY THE DEPART-  
54 MENT;

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

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

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

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

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

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

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

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

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

26 7. IF THE APPLICATION OF A CERTIFIED PATIENT DESIGNATES AN INDIVIDUAL  
27 AS A DESIGNATED CAREGIVER WHO IS NOT AUTHORIZED TO BE A DESIGNATED CARE-  
28 GIVER, THAT PORTION OF THE APPLICATION SHALL BE DENIED BY THE DEPARTMENT  
29 BUT THAT SHALL NOT AFFECT THE APPROVAL OF THE BALANCE OF THE APPLICA-  
30 TION.

31 8. A REGISTRY IDENTIFICATION CARD SHALL:

32 (A) CONTAIN THE NAME OF THE CERTIFIED PATIENT OR THE DESIGNATED CARE-  
33 GIVER AS THE CASE MAY BE;

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

36 (C) CONTAIN A REGISTRY IDENTIFICATION NUMBER FOR THE CERTIFIED PATIENT  
37 OR DESIGNATED CAREGIVER, AS THE CASE MAY BE AND A REGISTRY IDENTIFICA-  
38 TION NUMBER;

39 (D) CONTAIN A PHOTOGRAPH OF THE INDIVIDUAL TO WHOM THE REGISTRY IDEN-  
40 TIFICATION CARD IS BEING ISSUED, WHICH SHALL BE OBTAINED BY THE DEPART-  
41 MENT IN A MANNER SPECIFIED BY THE COMMISSIONER IN REGULATIONS; PROVIDED,  
42 HOWEVER, THAT IF THE DEPARTMENT REQUIRES CERTIFIED PATIENTS TO SUBMIT  
43 PHOTOGRAPHS FOR THIS PURPOSE, THERE SHALL BE A REASONABLE ACCOMMODATION  
44 OF CERTIFIED PATIENTS WHO ARE CONFINED TO THEIR HOMES DUE TO THEIR  
45 MEDICAL CONDITIONS AND MAY THEREFORE HAVE DIFFICULTY PROCURING PHOTO-  
46 GRAPHS; AND

47 (E) BE A SECURE DOCUMENT.

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

53 10. IF A CERTIFIED PATIENT OR DESIGNATED CAREGIVER LOSES HIS OR HER  
54 REGISTRY IDENTIFICATION CARD, HE OR SHE SHALL NOTIFY THE DEPARTMENT AND  
55 SUBMIT A TEN DOLLAR FEE WITHIN TEN DAYS OF LOSING THE CARD TO MAINTAIN  
56 THE REGISTRATION. THE DEPARTMENT MAY ESTABLISH HIGHER FEES FOR ISSUING

1 A NEW REGISTRY IDENTIFICATION CARD FOR SECOND AND SUBSEQUENT REPLACE-  
2 MENTS FOR A LOST CARD, PROVIDED, THAT THE DEPARTMENT MAY WAIVE OR REDUCE  
3 THE FEE IN CASES OF FINANCIAL HARDSHIP. WITHIN FIVE DAYS AFTER SUCH  
4 NOTIFICATION AND PAYMENT, THE DEPARTMENT SHALL ISSUE A NEW REGISTRY  
5 IDENTIFICATION CARD, WHICH MAY CONTAIN A NEW REGISTRY IDENTIFICATION  
6 NUMBER, TO THE CERTIFIED PATIENT OR DESIGNATED CAREGIVER, AS THE CASE  
7 MAY BE.

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

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

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

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

25 (B) ON AND AFTER THE REGISTRY IMPLEMENTATION DATE, UPON RECEIPT OF AN  
26 APPLICATION FOR A REGISTRY IDENTIFICATION CARD, THE DEPARTMENT SHALL  
27 SEND TO THE APPLICANT A LETTER ACKNOWLEDGING SUCH RECEIPT. WHILE THE  
28 APPLICATION FOR A REGISTRY IDENTIFICATION CARD IS PENDING, A COPY OF THE  
29 REGISTRY APPLICATION, TOGETHER WITH A COPY OF THE CERTIFICATION (IN THE  
30 CASE OF A CERTIFIED PATIENT) AND A COPY OF THE LETTER OF RECEIPT FROM  
31 THE DEPARTMENT, SHALL SERVE AS AND HAVE THE SAME EFFECT AS A REGISTRY  
32 IDENTIFICATION CARD FOR THE CERTIFIED PATIENT OR DESIGNATED CAREGIVER,  
33 PROVIDED THAT A CERTIFICATION AND APPLICATION SHALL NOT SERVE AS A VALID  
34 REGISTRY IDENTIFICATION CARD AFTER THE INITIAL THIRTY DAY PERIOD UNDER  
35 SUBDIVISION SIX OF THIS SECTION. THIS PARAGRAPH SHALL EXPIRE AND HAVE  
36 NO EFFECT ONE YEAR AFTER THE REGISTRY IMPLEMENTATION DATE.

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

41 S 3364. REGISTERED ORGANIZATIONS. 1. A REGISTERED ORGANIZATION SHALL  
42 BE:

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

44 (B) A FOR-PROFIT BUSINESS ENTITY OR NOT-FOR-PROFIT CORPORATION ORGAN-  
45 IZED FOR THE PURPOSE OF ACQUIRING, POSSESSING, MANUFACTURING, SELLING,  
46 DELIVERING, TRANSPORTING, DISTRIBUTING OR DISPENSING MARIHUANA FOR  
47 CERTIFIED MEDICAL USE.

48 2. THE ACQUIRING, POSSESSION, MANUFACTURE, SALE, DELIVERY, TRANSPORT-  
49 ING, DISTRIBUTING OR DISPENSING OF MARIHUANA BY A REGISTERED ORGANIZA-  
50 TION UNDER THIS TITLE IN ACCORDANCE WITH ITS REGISTRATION UNDER SECTION  
51 THIRTY-THREE HUNDRED SIXTY-FIVE OF THIS TITLE OR A RENEWAL THEREOF SHALL  
52 BE LAWFUL UNDER THIS TITLE. A REGISTERED ORGANIZATION MAY TRANSFER  
53 POSSESSION OF MARIHUANA TO, AND MAY RECOVER POSSESSION OF IT FROM, AN  
54 ENTITY LICENSED BY THE DEPARTMENT UNDER SECTION THIRTY-THREE HUNDRED  
55 TWENTY-FOUR OF THIS TITLE FOR PURPOSES OF CHEMICAL ANALYSIS.

1 3. (A) A REGISTERED ORGANIZATION MAY LAWFULLY, IN GOOD FAITH, SELL,  
2 DELIVER, DISTRIBUTE OR DISPENSE MEDICAL MARIHUANA TO A CERTIFIED PATIENT  
3 OR DESIGNATED CAREGIVER UPON PRESENTATION TO THE REGISTERED ORGANIZATION  
4 OF A VALID REGISTRY IDENTIFICATION CARD FOR THAT CERTIFIED PATIENT OR  
5 DESIGNATED CAREGIVER. WHEN PRESENTED WITH THE REGISTRY IDENTIFICATION  
6 CARD, THE REGISTERED ORGANIZATION SHALL PROVIDE TO THE CERTIFIED PATIENT  
7 OR DESIGNATED CAREGIVER A RECEIPT, WHICH SHALL STATE: THE NAME, ADDRESS,  
8 AND REGISTRY IDENTIFICATION NUMBER OF THE REGISTERED ORGANIZATION; THE  
9 REGISTRY IDENTIFICATION NUMBER OF THE CERTIFIED PATIENT AND THE DESIG-  
10 NATED CAREGIVER (IF ANY); THE DATE THE MARIHUANA WAS SOLD; AND THE QUAN-  
11 TITY OF MARIHUANA SOLD. THE REGISTERED ORGANIZATION SHALL RETAIN A COPY  
12 OF THE REGISTRY IDENTIFICATION CARD AND THE RECEIPT FOR SIX YEARS.

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

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

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

26 (A) METHODS FOR ADMINISTERING MEDICAL MARIHUANA,

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

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

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

34 7. A REGISTERED ORGANIZATION SHALL DETERMINE THE QUALITY, SAFETY, AND  
35 CLINICAL STRENGTH OF MEDICAL MARIHUANA MANUFACTURED OR DISPENSED BY THE  
36 REGISTERED ORGANIZATION, AND SHALL PROVIDE DOCUMENTATION OF THAT QUALI-  
37 TY, SAFETY AND CLINICAL STRENGTH TO THE DEPARTMENT AND TO ANY PERSON OR  
38 ENTITY TO WHICH THE MEDICAL MARIHUANA IS SOLD OR DISPENSED.

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

42 9. MEDICAL MARIHUANA SHALL BE DISPENSED TO A CERTIFIED PATIENT OR  
43 DESIGNATED CAREGIVER IN A SEALED AND PROPERLY LABELED PACKAGE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (II) WHICH ACTIVITIES OF A REGISTERED ORGANIZATION ARE PERMITTED BY  
10 THE REGISTRATION;

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

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

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

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

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

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

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

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

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

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

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

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

1 THE RESPECTS IN WHICH THE APPLICANT HAS NOT SATISFIED THE COMMISSIONER  
2 THAT THE REGISTRATION SHOULD BE RENEWED.

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

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

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

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

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

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

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

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

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

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

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

48 S 3366. REPORTS BY REGISTERED ORGANIZATIONS. 1. THE COMMISSIONER  
49 SHALL, BY REGULATION, REQUIRE EACH REGISTERED ORGANIZATION TO FILE  
50 REPORTS BY THE REGISTERED ORGANIZATION DURING A PARTICULAR PERIOD. THE  
51 COMMISSIONER SHALL DETERMINE THE INFORMATION TO BE REPORTED AND THE  
52 FORMS, TIME, AND MANNER OF THE REPORTING.

53 2. THE COMMISSIONER SHALL, BY REGULATION, REQUIRE EACH REGISTERED  
54 ORGANIZATION TO ADOPT AND MAINTAIN SECURITY, TRACKING, RECORD KEEPING,  
55 RECORD RETENTION AND SURVEILLANCE SYSTEMS, RELATING TO ALL MEDICAL MARI-  
56 HUANA AT EVERY STAGE OF ACQUIRING, POSSESSION, MANUFACTURE, SALE, DELIV-

1 ERY, TRANSPORTING, DISTRIBUTING, OR DISPENSING BY THE REGISTERED ORGAN-  
2 IZATION, SUBJECT TO REGULATIONS OF THE COMMISSIONER.

3 S 3367. EVALUATION; RESEARCH PROGRAMS; REPORT BY DEPARTMENT. 1. THE  
4 COMMISSIONER MAY PROVIDE FOR THE ANALYSIS AND EVALUATION OF THE OPERA-  
5 TION OF THIS TITLE. THE COMMISSIONER MAY ENTER INTO AGREEMENTS WITH ONE  
6 OR MORE PERSONS, NOT-FOR-PROFIT CORPORATIONS OR OTHER ORGANIZATIONS, FOR  
7 THE PERFORMANCE OF AN EVALUATION OF THE IMPLEMENTATION AND EFFECTIVENESS  
8 OF THIS TITLE.

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

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

17 S 3368. RELATION TO OTHER LAWS. 1. THE PROVISIONS OF THIS ARTICLE  
18 SHALL APPLY TO THIS TITLE, EXCEPT THAT WHERE A PROVISION OF THIS TITLE  
19 CONFLICTS WITH ANOTHER PROVISION OF THIS ARTICLE, THIS TITLE SHALL  
20 APPLY.

21 2. NOTHING IN THIS TITLE SHALL BE CONSTRUED TO REQUIRE OR PROHIBIT AN  
22 INSURER OR HEALTH PLAN UNDER THIS CHAPTER OR THE INSURANCE LAW TO  
23 PROVIDE COVERAGE FOR MEDICAL MARIHUANA. NOTHING IN THIS TITLE SHALL BE  
24 CONSTRUED TO REQUIRE COVERAGE FOR MEDICAL MARIHUANA UNDER ARTICLE TWEN-  
25 TY-FIVE OF THIS CHAPTER OR ARTICLE FIVE OF THE SOCIAL SERVICES LAW.

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

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

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

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

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

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

6 6. EFFECT OF REGISTRY IDENTIFICATION CARD ISSUED BY ANOTHER JURISDIC-  
7 TION. A REGISTRY IDENTIFICATION CARD, OR ITS EQUIVALENT, THAT IS ISSUED  
8 UNDER THE LAWS OF ANOTHER STATE, DISTRICT, TERRITORY, COMMONWEALTH, OR  
9 POSSESSION OF THE UNITED STATES THAT ALLOWS THE MEDICAL USE OF MARIHUANA  
10 HAS THE SAME FORCE AND EFFECT AS A REGISTRY IDENTIFICATION CARD ISSUED  
11 BY THE DEPARTMENT, SO LONG AS THE VISITING PATIENT'S CONDITION IS A  
12 SERIOUS CONDITION, AS ATTESTED TO IN WRITING BY A PRACTITIONER. WHERE A  
13 REGISTERED ORGANIZATION DISPENSES MEDICAL MARIHUANA TO A PATIENT UNDER  
14 THIS SUBDIVISION, A COPY OF THE ATTESTATION SHALL BE PROVIDED TO THE  
15 REGISTERED ORGANIZATION.

16 S 3369-A. REGULATIONS. 1. THE COMMISSIONER SHALL MAKE REGULATIONS TO  
17 IMPLEMENT THIS TITLE.

18 2. ADVISORY COMMITTEE. THERE IS HEREBY ESTABLISHED IN THE DEPARTMENT  
19 AN ADVISORY COMMITTEE ON MEDICAL USE OF MARIHUANA (THE "ADVISORY COMMIT-  
20 TEE") TO ADVISE THE COMMISSIONER ON MAKING REGULATIONS UNDER THIS TITLE  
21 AND ON ANY MATTERS RELATING TO THE IMPLEMENTATION OF THIS TITLE AS THE  
22 COMMISSIONER SHALL DETERMINE. THE MEMBERS OF THE ADVISORY COMMITTEE AND  
23 ANY SUBCOMMITTEE OF THE ADVISORY COMMITTEE ("SUBCOMMITTEE") SHALL BE  
24 APPOINTED BY THE COMMISSIONER AND INCLUDE BUT NOT BE LIMITED TO: HEALTH  
25 CARE PRACTITIONERS, PATIENTS OR REPRESENTATIVES OF PATIENTS WITH SERIOUS  
26 CONDITIONS, EXPERTS IN THE REGULATION OF CONTROLLED SUBSTANCES FOR  
27 MEDICAL USE, MEDICAL MARIHUANA INDUSTRY PROFESSIONALS AND LAW ENFORCE-  
28 MENT. THE COMMISSIONER MAY ALSO FORM SUBCOMMITTEES OF THE ADVISORY  
29 COMMITTEE. THE COMMISSIONER SHALL FORM A SUBCOMMITTEE TO ADVISE THE  
30 COMMISSIONER ON CLINICAL MATTERS RELATING TO MEDICAL MARIHUANA, THE  
31 MEMBERS OF WHICH SHALL PREDOMINANTLY BE CLINICAL PROFESSIONALS IN APPRO-  
32 PRIATE AREAS OF EXPERTISE AND SHALL ALSO INCLUDE REPRESENTATIVES OF  
33 PATIENTS AND THE GENERAL PUBLIC. MEMBERS OF A SUBCOMMITTEE NEED NOT BE  
34 MEMBERS OF THE ADVISORY COMMITTEE. MEMBERS OF THE ADVISORY COMMITTEE OR  
35 A SUBCOMMITTEE SHALL SERVE AT THE PLEASURE OF THE COMMISSIONER. MEMBERS  
36 OF THE ADVISORY COMMITTEE OR A SUBCOMMITTEE MAY RECEIVE REIMBURSEMENT BY  
37 THE DEPARTMENT FOR THEIR REASONABLE AND NECESSARY EXPENSES INCURRED AS  
38 MEMBERS OF THE ADVISORY COMMITTEE OR A SUBCOMMITTEE. A PUBLIC EMPLOYEE  
39 MAY BE A MEMBER OF THE ADVISORY COMMITTEE OR A SUBCOMMITTEE.

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

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

47 8-A. MEDICAL MARIHUANA. AS USED IN ANY PROVISION OF THIS ARTICLE  
48 RELATING TO THE PRESCRIPTION MONITORING PROGRAM REGISTRY, THE FOLLOWING  
49 TERMS SHALL INCLUDE THE FOLLOWING IN RELATION TO MEDICAL MARIHUANA, IN  
50 ADDITION TO THE MEANING EACH TERM WOULD OTHERWISE HAVE:

51 (A) "PRESCRIPTION," "PRESCRIBE," AND "PRESCRIBER," INCLUDE, RESPEC-  
52 TIVELY, A CERTIFICATION, THE ISSUING OF A CERTIFICATION, AND A PRACTI-  
53 TIONER UNDER TITLE FIVE-A OF THIS ARTICLE.

54 (B) "PHARMACY" INCLUDES A REGISTERED ORGANIZATION THAT IS AUTHORIZED  
55 TO DISPENSE MEDICAL MARIHUANA UNDER TITLE FIVE-A OF THIS ARTICLE;  
56 PROVIDED THAT A REGISTERED ORGANIZATION THAT IS NOT A FACILITY LICENSED

1 UNDER ARTICLE TWENTY-EIGHT OF THIS CHAPTER OR A PHARMACY UNDER ARTICLE  
2 ONE HUNDRED THIRTY-SEVEN OF THE EDUCATION LAW SHALL NOT BE AUTHORIZED TO  
3 CONSULT THE REGISTRY OR ACCESS PATIENT-SPECIFIC INFORMATION FROM THE  
4 REGISTRY, INCLUDING UNDER SUBDIVISION THREE OF THIS SECTION AND SUBDIVI-  
5 SION TWO OF SECTION THIRTY-THREE HUNDRED SEVENTY-ONE OF THIS ARTICLE,  
6 BUT SHALL REPORT INFORMATION TO THE REGISTRY, INCLUDING UNDER SUBDIVI-  
7 SION FOUR OF SECTION THIRTY-THREE HUNDRED THIRTY-THREE OF THIS ARTICLE.

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

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

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

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

19 ARTICLE 20-B

20 TAX ON MEDICAL MARIHUANA

21 SECTION 490. EXCISE TAX ON MEDICAL MARIHUANA.

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

25 2. THERE IS HEREBY LEVIED AND IMPOSED ON REGISTERED ORGANIZATIONS AN  
26 EXCISE TAX ON ALL MEDICAL MARIHUANA SOLD TO ANOTHER REGISTERED ORGANIZA-  
27 TION OR TO A CERTIFIED PATIENT OR DESIGNATED CAREGIVER. THE EXCISE TAX  
28 SHALL BE AT THE FOLLOWING RATES:

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

32 (B) FOR MEDICAL MARIHUANA DISPENSED TO A CERTIFIED PATIENT OR DESIG-  
33 NATED CAREGIVER: ONE HUNDRED TWENTY-FIVE DOLLARS FOR EACH POUND OR PART  
34 THEREOF OF MEDICAL MARIHUANA DISPENSED; PROVIDED THAT IF THE MEDICAL  
35 MARIHUANA UNDER THIS PARAGRAPH WAS OBTAINED BY THE REGISTERED ORGANIZA-  
36 TION FROM AN ENTITY THAT DID NOT PAY AN EXCISE TAX ATTRIBUTABLE TO THAT  
37 MEDICAL MARIHUANA UNDER PARAGRAPH (A) OF THIS SUBDIVISION, THEN THE TAX  
38 UNDER THIS PARAGRAPH SHALL BE TWO HUNDRED FIFTY DOLLARS.

39 3. TWENTY-FIVE PERCENT OF THE REVENUE RECEIVED BY THE DEPARTMENT SHALL  
40 BE TRANSFERRED TO THE COUNTY IN WHICH THE MEDICAL MARIHUANA WAS MANUFAC-  
41 TURED (IN THE CASE OF REVENUE RECEIVED UNDER PARAGRAPH (A) OF SUBDIVI-  
42 SION TWO OF THIS SECTION) OR DISPENSED (IN THE CASE OF REVENUE RECEIVED  
43 UNDER PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION). FOR PURPOSES OF  
44 THE PREVIOUS SENTENCE, THE CITY OF NEW YORK SHALL BE DEEMED TO BE A  
45 COUNTY. TWENTY-FIVE PERCENT OF THE REVENUE RECEIVED BY THE DEPARTMENT  
46 SHALL BE TRANSFERRED TO THE CITY OR TOWN IN WHICH THE MEDICAL MARIHUANA  
47 WAS MANUFACTURED (IN THE CASE OF REVENUE RECEIVED UNDER PARAGRAPH (A) OF  
48 SUBDIVISION TWO OF THIS SECTION) OR DISPENSED (IN THE CASE OF REVENUE  
49 RECEIVED UNDER PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION). FIVE  
50 PERCENT OF THE REVENUE RECEIVED BY THE DEPARTMENT SHALL BE TRANSFERRED  
51 TO THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, WHICH SHALL  
52 USE THAT REVENUE FOR ADDITIONAL DRUG ABUSE PREVENTION, COUNSELING AND  
53 TREATMENT SERVICES.

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

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

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

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

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

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