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

1682

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

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

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

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

Section 1. Legislative findings and intent. The legislature finds that thousands of New Yorkers have serious medical conditions that can be improved by medically-approved use of marihuana. The law should not stand between them and life and health-sustaining treatment under a practitioner's supervision. Many controlled substances that are legal for medical use (such as morphine and steroids) are otherwise illegal. This legislation follows the well-established public policy that a controlled substance can have a legitimate medical use. The purposes of article 33 of the public health law are to allow legitimate use of controlled substances in health care, including palliative care; veterinary care; research and other uses authorized by this article or other law; under appropriate regulation. This policy and this legislation do not in any way diminish New York state's strong public policy and laws against illegal drug use.

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

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

TITLE V-A

MEDICAL USE OF MARIHUANA

SECTION 3360. DEFINITIONS.

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

LBD05429-01-3

3361. CERTIFICATION OF PATIENTS.
3362. POSSESSION AND SALE.
3363. REGISTERED ORGANIZATIONS.
3364. REGISTERING OF REGISTERED ORGANIZATIONS.
3365. REPORTS BY PRACTITIONERS.
3366. EVALUATION; RESEARCH PROGRAMS; REPORT BY DEPARTMENT.
3367. APPLICABILITY OF OTHER PROVISIONS OF THIS ARTICLE.

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

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

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

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

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

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

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

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

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

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

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

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

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

(I) BY A CERTIFIED PATIENT, FOR HIS OR HER CERTIFIED MEDICAL USE; OR

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

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

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

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

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

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

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

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

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

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

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

(B) THE DEPARTMENT; OR

(C) A LOCAL HEALTH DEPARTMENT.

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

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

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

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

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

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

(II) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE REGISTERED ORGANIZATION FROM WHICH SUCH MARIHUANA IS DISPENSED;
(III) SPECIFIC DIRECTIONS FOR USE AS STATED ON THE CERTIFICATION;
(IV) THE NAME OF THE PRACTITIONER;
(V) THE LEGEND, PROMINENTLY MARKED OR PRINTED IN EITHER BOLDFACE OR UPPER CASE LETTERING: "CONTROLLED SUBSTANCE, DANGEROUS UNLESS USED AS DIRECTED";
(B) THE CONTAINER SHALL BE IDENTIFIED AS MEDICAL MARIHUANA BY EITHER:
(I) AN ORANGE LABEL;
(II) A LABEL OF ANOTHER COLOR OVER WHICH IS SUPERIMPOSED AN ORANGE TRANSPARENT ADHESIVE TAPE; OR
(III) AN AUXILIARY ORANGE LABEL AFFIXED TO THE FRONT OF THE CONTAINER AND BEARING THE LEGEND, PROMINENTLY MARKED OR PRINTED "CONTROLLED SUBSTANCE, DANGEROUS UNLESS USED AS DIRECTED";
(C) ANY LABEL, TRANSPARENCY, OR AUXILIARY LABEL SHALL BE APPLIED IN A MANNER WHICH WOULD INHIBIT ITS REMOVAL.
6. THE DEPARTMENT MAY SUSPEND OR TERMINATE THE REGISTRATION OF A REGISTERED ORGANIZATION, ON GROUNDS AND USING PROCEDURES UNDER THIS ARTICLE RELATING TO A LICENSE, TO THE EXTENT CONSISTENT WITH THIS TITLE.
S 3364. REGISTERING OF REGISTERED ORGANIZATIONS. 1. APPLICATION FOR INITIAL REGISTRATION. (A) AN APPLICANT FOR REGISTRATION AS A REGISTERED ORGANIZATION UNDER SECTION THIRTY-THREE HUNDRED SIXTY-THREE OF THIS TITLE SHALL FURNISH TO THE DEPARTMENT ANY INFORMATION IT SHALL REASONABLY REQUIRE AND EVIDENCE THAT THE APPLICANT:
(I) AND ITS MANAGING OFFICERS ARE OF GOOD MORAL CHARACTER;
(II) POSSESSES SUFFICIENT LAND, BUILDINGS AND EQUIPMENT TO PROPERLY CARRY ON THE ACTIVITY DESCRIBED IN THE APPLICATION;
(III) IS ABLE TO MAINTAIN EFFECTIVE CONTROL AGAINST DIVERSION OF THE MARIHUANA; AND
(IV) IS ABLE TO COMPLY WITH ALL APPLICABLE STATE LAWS AND REGULATIONS RELATING TO THE MANUFACTURE OR DISTRIBUTION OF MARIHUANA.
(B) THE APPLICATION SHALL ESTABLISH THE APPLICANT'S STATUS UNDER PARAGRAPH (A), (B) OR (C) OF SUBDIVISION ONE OF SECTION THIRTY-THREE HUNDRED SIXTY-THREE OF THIS TITLE.
(C) THE APPLICATION SHALL INCLUDE THE NAME, RESIDENCE ADDRESS AND TITLE OF EACH OF THE OFFICERS AND DIRECTORS AND THE NAME AND RESIDENCE ADDRESS OF ANY PERSON OR ENTITY THAT IS A MEMBER OF THE APPLICANT. EACH SUCH PERSON, IF AN INDIVIDUAL, OR LAWFUL REPRESENTATIVE IF A LEGAL ENTITY, SHALL SUBMIT AN AFFIDAVIT WITH THE APPLICATION SETTING FORTH:
(I) ANY POSITION OF MANAGEMENT OR OWNERSHIP DURING THE PRECEDING TEN YEARS OF A TEN PER CENTUM OR GREATER INTEREST IN ANY OTHER BUSINESS, LOCATED IN OR OUTSIDE THIS STATE, MANUFACTURING OR DISTRIBUTING DRUGS;
(II) WHETHER SUCH PERSON OR ANY SUCH BUSINESS HAS BEEN CONVICTED, FINED, CENSURED OR HAD A REGISTRATION SUSPENDED OR REVOKED IN ANY ADMINISTRATIVE OR JUDICIAL PROCEEDING RELATING TO OR ARISING OUT OF THE MANUFACTURE OR DISTRIBUTION OF DRUGS; AND
(III) SUCH OTHER INFORMATION AS THE COMMISSIONER MAY REASONABLY REQUIRE.
(D) THE APPLICANT SHALL BE UNDER A CONTINUING DUTY TO REPORT TO THE DEPARTMENT ANY CHANGE IN FACTS OR CIRCUMSTANCES REFLECTED IN THE APPLICATION OR ANY NEWLY DISCOVERED OR OCCURRING FACT OR CIRCUMSTANCE WHICH IS REQUIRED TO BE INCLUDED IN THE APPLICATION.
2. GRANTING OF REGISTRATION. (A) THE COMMISSIONER SHALL GRANT A REGISTRATION OR AMENDMENT TO A REGISTRATION UNDER THIS SECTION IF HE OR SHE IS SATISFIED THAT:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(II) IS UNLIKELY TO COMPLY WITH ALL STATE LAWS APPLICABLE TO THE MANUFACTURE OR DISTRIBUTION OF MARIHUANA.

(B) FOR PURPOSES OF THIS SECTION, PROOF THAT A REGISTERED ORGANIZATION, DURING THE PERIOD OF ITS REGISTRATION, HAS FAILED TO MAINTAIN EFFECTIVE CONTROL AGAINST DIVERSION OR HAS KNOWINGLY OR NEGLIGENTLY FAILED TO COMPLY WITH APPLICABLE STATE LAWS RELATING TO THE MANUFACTURE OR DISTRIBUTION OF MARIHUANA, SHALL CONSTITUTE SUBSTANTIAL EVIDENCE THAT THE APPLICANT WILL BE UNLIKELY TO MAINTAIN EFFECTIVE CONTROL AGAINST DIVERSION OR WILL BE UNLIKELY TO COMPLY WITH THE APPLICABLE STATE STATUTES DURING THE PERIOD OF PROPOSED RENEWAL.

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

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

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

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

S 3367. APPLICABILITY OF OTHER PROVISIONS OF THIS ARTICLE. THE PROVISIONS OF THIS ARTICLE SHALL APPLY TO THIS TITLE, EXCEPT THAT WHERE A PROVISION OF THIS TITLE CONFLICTS WITH ANOTHER PROVISION OF THIS ARTICLE, THIS TITLE SHALL APPLY.

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

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