

4406--A

2013-2014 Regular Sessions

I N S E N A T E

March 26, 2013

Introduced by Sens. SAVINO, ADAMS, AVELLA, BRESLIN, CARLUCCI, DILAN, HOYLMAN, KLEIN, KRUEGER, MONTGOMERY, PARKER, SAMPSON, SQUADRON, TKACZYK -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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
14 New York state's strong public policy and laws against illegal drug use,
15 nor should it be deemed in any manner to advocate, authorize, promote,
16 or legally or socially accept the use of marihuana for children or
17 adults, for any non-medical use. This legislation is an appropriate
18 exercise of the state's legislative power to protect the health of its
19 people under article 17 of the state constitution and the tenth amend-
20 ment of the United States constitution. Furthermore, the legislature
21 finds that New York state has a significant and ongoing economic and
22 non-regulatory interest in the financial viability of organizations that

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

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1 sell marihuana for medical use. The legislature finds that the financial
 2 viability of such organizations would be greatly diminished and threat-
 3 ened by labor-management conflict, such as a strike at a facility that
 4 cultivates marihuana, especially because of the need for enhanced secu-
 5 rity concerning the products. Replacements during a strike would be
 6 difficult to arrange and cause delay far more significant than a strike
 7 elsewhere. Accordingly, the legislature finds that the state has a
 8 substantial and compelling proprietary interest in this matter, and
 9 finds that labor peace is essential for any organization to conduct
 10 business relating to the sale of medical marihuana.

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

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

19 TITLE V-A

20 MEDICAL USE OF MARIHUANA

- 21 SECTION 3360. DEFINITIONS.
 22 3361. CERTIFICATION OF PATIENTS.
 23 3362. LAWFUL MEDICAL USE.
 24 3363. REGISTRY IDENTIFICATION CARDS.
 25 3364. REGISTERED ORGANIZATIONS.
 26 3365. REGISTERING OF REGISTERED ORGANIZATIONS.
 27 3366. REPORTS BY REGISTERED ORGANIZATIONS.
 28 3367. EVALUATION; RESEARCH PROGRAMS; REPORT BY DEPARTMENT.
 29 3368. RELATION TO OTHER LAWS.
 30 3369. PROTECTIONS FOR THE MEDICAL USE OF MARIHUANA.
 31 3369-A. REGULATIONS.
 32 3369-B. SEVERABILITY.

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

36 1. "CERTIFIED MEDICAL USE" MEANS THE ACQUISITION, POSSESSION, USE,
 37 DELIVERY, TRANSFER, TRANSPORTATION, OR ADMINISTRATION OF MEDICAL MARI-
 38 HUANA BY A CERTIFIED PATIENT OR DESIGNATED CAREGIVER FOR USE AS PART OF
 39 THE TREATMENT OF THE PATIENT'S SERIOUS CONDITION SPECIFIED IN A CERTIF-
 40 ICATION UNDER SECTION THIRTY-THREE HUNDRED SIXTY-ONE OF THIS TITLE,
 41 INCLUDING ENABLING THE PATIENT TO TOLERATE TREATMENT FOR THE SERIOUS
 42 CONDITION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 2. THE CERTIFICATION SHALL BE IN WRITING AND INCLUDE (A) THE NAME,
43 DATE OF BIRTH AND ADDRESS OF THE PATIENT; (B) A STATEMENT THAT THE
44 PATIENT HAS A SERIOUS CONDITION; THE PATIENT IS UNDER THE PRACTITIONER'S
45 CARE FOR THE SERIOUS CONDITION AND, IN THE PRACTITIONER'S PROFESSIONAL
46 OPINION, THE PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE
47 BENEFIT FROM THE PRIMARY OR ADJUNCTIVE TREATMENT WITH MEDICAL USE OF
48 MARIHUANA FOR THE SERIOUS CONDITION; (C) THE DATE; AND (D) THE NAME,
49 ADDRESS, FEDERAL REGISTRATION NUMBER, TELEPHONE NUMBER, AND THE HAND-
50 WRITTEN SIGNATURE OF THE CERTIFYING PRACTITIONER. THE COMMISSIONER MAY
51 REQUIRE BY REGULATION THAT THE CERTIFICATION SHALL BE ON A FORM PROVIDED
52 BY THE DEPARTMENT IF THE COMMISSIONER DETERMINES THAT THE DEPARTMENT IS
53 MAKING CERTIFICATION FORMS ADEQUATELY AVAILABLE. THE PRACTITIONER MAY
54 STATE IN THE CERTIFICATION THAT, IN THE PRACTITIONER'S PROFESSIONAL
55 OPINION THE PATIENT WOULD BENEFIT FROM MEDICAL MARIHUANA ONLY UNTIL A
56 SPECIFIED DATE. THE PRACTITIONER MAY STATE IN THE CERTIFICATION THAT, IN

1 THE PRACTITIONER'S PROFESSIONAL OPINION THE PATIENT IS TERMINALLY ILL
2 AND THAT THE CERTIFICATION SHALL NOT EXPIRE UNTIL THE PATIENT DIES.

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

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

7 5. A REGISTRY IDENTIFICATION CARD BASED ON A CERTIFICATION SHALL
8 EXPIRE ONE YEAR AFTER THE DATE THE CERTIFICATION IS SIGNED BY THE PRAC-
9 TITIONER; EXCEPT THAT WHERE A CERTIFIED PATIENT HAS A REGISTRY IDENTIFI-
10 CATION CARD BASED ON A CURRENT VALID CERTIFICATION, A NEW REGISTRY IDEN-
11 TIFICATION CARD BASED ON A NEW CERTIFICATION SHALL EXPIRE ONE YEAR AFTER
12 THE EXPIRATION OF THE REGISTRY IDENTIFICATION CARD BASED ON THE CURRENT
13 VALID CERTIFICATION. HOWEVER,

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

18 (B) IF THE PRACTITIONER STATES IN THE CERTIFICATION THAT IN THE PRAC-
19 TITIONER'S PROFESSIONAL OPINION THE PATIENT IS TERMINALLY ILL AND THAT
20 THE CERTIFICATION SHALL NOT EXPIRE UNTIL THE PATIENT DIES, THEN THE
21 REGISTRY IDENTIFICATION CARD SHALL STATE THAT THE PATIENT IS TERMINALLY
22 ILL AND THAT THE REGISTRATION CARD SHALL NOT EXPIRE UNTIL THE PATIENT
23 DIES; AND

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

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

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

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

40 2. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION:

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

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

45 3. IT SHALL BE LAWFUL UNDER THIS ARTICLE TO GIVE OR DISPOSE OF MARI-
46 HUANA, OBTAINED UNDER THIS TITLE, FOR CERTIFIED MEDICAL USE, BETWEEN
47 CERTIFIED PATIENTS AND OTHER CERTIFIED PATIENTS, AND BETWEEN A DESIG-
48 NATED CAREGIVER AND THE DESIGNATED CAREGIVER'S CERTIFIED PATIENT WHERE
49 NOTHING OF VALUE IS TRANSFERRED IN RETURN, OR TO OFFER TO DO THE SAME.
50 THIS PROHIBITION ON TRANSFERRING OR OFFERING TO TRANSFER A THING OF
51 VALUE SHALL NOT:

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

54 (B) PREVENT A DESIGNATED CAREGIVER FROM BEING REIMBURSED FOR REASON-
55 ABLE COSTS OR ACTIVITIES RELATING TO CARING FOR A CERTIFIED PATIENT,
56 INCLUDING, BUT NOT LIMITED TO, REIMBURSEMENT FOR LEGITIMATE EXPENSES

1 RELATING TO THE PURCHASE OF MEDICAL MARIHUANA FROM A REGISTERED ORGAN-
2 IZATION UNDER SECTION THIRTY-THREE HUNDRED SIXTY-SIX OF THIS TITLE.

3 S 3363. REGISTRY IDENTIFICATION CARDS. 1. THE DEPARTMENT SHALL ISSUE
4 REGISTRY IDENTIFICATION CARDS FOR CERTIFIED PATIENTS AND DESIGNATED
5 CAREGIVERS. A REGISTRY IDENTIFICATION CARD SHALL EXPIRE AS PROVIDED IN
6 SECTION THIRTY-THREE HUNDRED SIXTY-ONE OF THIS TITLE OR AS OTHERWISE
7 PROVIDED IN THIS SECTION. THE DEPARTMENT SHALL BEGIN ISSUING REGISTRY
8 IDENTIFICATION CARDS NO LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF
9 THIS SECTION. THE DEPARTMENT MAY SPECIFY A FORM FOR A REGISTRY APPLICA-
10 TION, IN WHICH CASE THE DEPARTMENT SHALL PROVIDE THE FORM ON REQUEST,
11 REPRODUCTIONS OF THE FORM MAY BE USED, AND THE FORM SHALL BE AVAILABLE
12 FOR DOWNLOADING FROM THE DEPARTMENT'S WEBSITE.

13 2. TO OBTAIN, AMEND OR RENEW A REGISTRY IDENTIFICATION CARD, A CERTI-
14 FIED PATIENT OR DESIGNATED CAREGIVER SHALL FILE A REGISTRY APPLICATION
15 WITH THE DEPARTMENT. THE REGISTRY APPLICATION OR RENEWAL APPLICATION
16 SHALL INCLUDE:

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

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

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

22 (II) THE DATE OF THE CERTIFICATION;

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

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

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

30 (VI) OTHER INDIVIDUAL IDENTIFYING INFORMATION REQUIRED BY THE DEPART-
31 MENT;

32 (C) IN THE CASE OF A CERTIFIED PATIENT, IF THE PATIENT DESIGNATES A
33 DESIGNATED CAREGIVER, THE NAME, ADDRESS, AND DATE OF BIRTH OF THE DESIG-
34 NATED CAREGIVER, AND OTHER INDIVIDUAL IDENTIFYING INFORMATION REQUIRED
35 BY THE DEPARTMENT; A CERTIFIED PATIENT MAY DESIGNATE UP TO TWO DESIG-
36 NATED CAREGIVERS; EXCEPT THAT A CERTIFIED PATIENT MAY DESIGNATE MORE
37 THAN TWO CAREGIVERS IF THE ADDITIONAL CAREGIVERS ARE MEMBERS OF THE
38 CERTIFIED PATIENT'S IMMEDIATE FAMILY OR PHYSICAL HOUSEHOLD;

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

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

41 (II) IF THE DESIGNATED CAREGIVER HAS A REGISTRY IDENTIFICATION CARD,
42 THE REGISTRY IDENTIFICATION NUMBER AND EXPIRATION DATE OF THAT REGISTRY
43 IDENTIFICATION CARD; AND

44 (III) OTHER INDIVIDUAL IDENTIFYING INFORMATION REQUIRED BY THE DEPART-
45 MENT;

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

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

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

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

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

1 (B) THE DESIGNATED CAREGIVER SHALL BE (I) A PARENT OR LEGAL GUARDIAN
2 OF THE CERTIFIED PATIENT, (II) A PERSON DESIGNATED BY A PARENT OR LEGAL
3 GUARDIAN, OR (III) AN APPROPRIATE PERSON APPROVED BY THE DEPARTMENT UPON
4 A SUFFICIENT SHOWING THAT NO PARENT OR LEGAL GUARDIAN IS APPROPRIATE OR
5 AVAILABLE.

6 4. NO PERSON MAY BE A DESIGNATED CAREGIVER IF THE PERSON IS UNDER
7 TWENTY-ONE YEARS OF AGE UNLESS A SUFFICIENT SHOWING IS MADE TO THE
8 DEPARTMENT THAT THE PERSON SHOULD BE PERMITTED TO SERVE AS A DESIGNATED
9 CAREGIVER.

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

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

17 7. IF THE APPLICATION OF A CERTIFIED PATIENT DESIGNATES AN INDIVIDUAL
18 AS A DESIGNATED CAREGIVER WHO IS NOT AUTHORIZED TO BE A DESIGNATED CARE-
19 GIVER, THAT PORTION OF THE APPLICATION SHALL BE DENIED BY THE DEPARTMENT
20 BUT THAT SHALL NOT AFFECT THE APPROVAL OF THE BALANCE OF THE APPLICA-
21 TION.

22 8. A REGISTRY IDENTIFICATION CARD SHALL:

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

25 (B) CONTAIN THE DATE OF ISSUANCE AND EXPIRATION DATE OF THE REGISTRY
26 IDENTIFICATION CARD;

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

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

38 (E) BE A SECURE DOCUMENT.

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

44 10. IF A CERTIFIED PATIENT OR DESIGNATED CAREGIVER LOSES HIS OR HER
45 REGISTRY IDENTIFICATION CARD, HE OR SHE SHALL NOTIFY THE DEPARTMENT AND
46 SUBMIT A TEN DOLLAR FEE WITHIN TEN DAYS OF LOSING THE CARD TO MAINTAIN
47 THE REGISTRATION. THE DEPARTMENT MAY ESTABLISH HIGHER FEES FOR ISSUING
48 A NEW REGISTRY IDENTIFICATION CARD FOR SECOND AND SUBSEQUENT REPLACE-
49 MENTS FOR A LOST CARD, PROVIDED, THAT THE DEPARTMENT MAY WAIVE OR REDUCE
50 THE FEE IN CASES OF FINANCIAL HARDSHIP. WITHIN FIVE DAYS AFTER SUCH
51 NOTIFICATION AND PAYMENT, THE DEPARTMENT SHALL ISSUE A NEW REGISTRY
52 IDENTIFICATION CARD, WHICH MAY CONTAIN A NEW REGISTRY IDENTIFICATION
53 NUMBER, TO THE CERTIFIED PATIENT OR DESIGNATED CAREGIVER, AS THE CASE
54 MAY BE.

55 11. THE DEPARTMENT SHALL MAINTAIN A CONFIDENTIAL LIST OF THE PERSONS
56 TO WHOM IT HAS ISSUED REGISTRY IDENTIFICATION CARDS. INDIVIDUAL IDENTI-

1 FYING INFORMATION OBTAINED BY THE DEPARTMENT UNDER THIS TITLE SHALL BE
2 CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER ARTICLE SIX OF THE PUBLIC
3 OFFICERS LAW. NOTWITHSTANDING THIS SUBDIVISION, THE DEPARTMENT MAY NOTI-
4 FY ANY APPROPRIATE LAW ENFORCEMENT AGENCY OF INFORMATION RELATING TO ANY
5 VIOLATION OR SUSPECTED VIOLATION OF THIS TITLE.

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

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

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

16 (B) ON AND AFTER THE REGISTRY IMPLEMENTATION DATE, UPON RECEIPT OF AN
17 APPLICATION FOR A REGISTRY IDENTIFICATION CARD, THE DEPARTMENT SHALL
18 SEND TO THE APPLICANT A LETTER ACKNOWLEDGING SUCH RECEIPT. WHILE THE
19 APPLICATION FOR A REGISTRY IDENTIFICATION CARD IS PENDING, A COPY OF THE
20 REGISTRY APPLICATION, TOGETHER WITH A COPY OF THE CERTIFICATION (IN THE
21 CASE OF A CERTIFIED PATIENT) AND A COPY OF THE LETTER OF RECEIPT FROM
22 THE DEPARTMENT, SHALL SERVE AS AND HAVE THE SAME EFFECT AS A REGISTRY
23 IDENTIFICATION CARD FOR THE CERTIFIED PATIENT OR DESIGNATED CAREGIVER,
24 PROVIDED THAT A CERTIFICATION AND APPLICATION SHALL NOT SERVE AS A VALID
25 REGISTRY IDENTIFICATION CARD AFTER THE INITIAL THIRTY DAY PERIOD UNDER
26 SUBDIVISION SIX OF THIS SECTION. THIS PARAGRAPH SHALL EXPIRE AND HAVE
27 NO EFFECT ONE YEAR AFTER THE REGISTRY IMPLEMENTATION DATE.

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

32 S 3364. REGISTERED ORGANIZATIONS. 1. A REGISTERED ORGANIZATION SHALL
33 BE:

34 (A) A FACILITY LICENSED UNDER ARTICLE TWENTY-EIGHT OF THIS CHAPTER; OR
35 (B) A FOR-PROFIT BUSINESS ENTITY OR NOT-FOR-PROFIT CORPORATION ORGAN-
36 IZED FOR THE PURPOSE OF ACQUIRING, POSSESSING, MANUFACTURING, SELLING,
37 DELIVERING, TRANSPORTING, DISTRIBUTING OR DISPENSING MARIHUANA FOR
38 CERTIFIED MEDICAL USE.

39 2. THE ACQUIRING, POSSESSION, MANUFACTURE, SALE, DELIVERY, TRANSPORT-
40 ING, DISTRIBUTING OR DISPENSING OF MARIHUANA BY A REGISTERED ORGANIZA-
41 TION UNDER THIS TITLE IN ACCORDANCE WITH ITS REGISTRATION UNDER SECTION
42 THIRTY-THREE HUNDRED SIXTY-FIVE OF THIS TITLE OR A RENEWAL THEREOF SHALL
43 BE LAWFUL UNDER THIS TITLE. A REGISTERED ORGANIZATION MAY TRANSFER
44 POSSESSION OF MARIHUANA TO, AND MAY RECOVER POSSESSION OF IT FROM, AN
45 ENTITY LICENSED BY THE DEPARTMENT UNDER SECTION THIRTY-THREE HUNDRED
46 TWENTY-FOUR OF THIS TITLE FOR PURPOSES OF CHEMICAL ANALYSIS.

47 3. (A) A REGISTERED ORGANIZATION MAY LAWFULLY, IN GOOD FAITH, SELL,
48 DELIVER, DISTRIBUTE OR DISPENSE MEDICAL MARIHUANA TO A CERTIFIED PATIENT
49 OR DESIGNATED CAREGIVER UPON PRESENTATION TO THE REGISTERED ORGANIZATION
50 OF A VALID REGISTRY IDENTIFICATION CARD FOR THAT CERTIFIED PATIENT OR
51 DESIGNATED CAREGIVER. WHEN PRESENTED WITH THE REGISTRY IDENTIFICATION
52 CARD, THE REGISTERED ORGANIZATION SHALL PROVIDE TO THE CERTIFIED PATIENT
53 OR DESIGNATED CAREGIVER A RECEIPT, WHICH SHALL STATE: THE NAME, ADDRESS,
54 AND REGISTRY IDENTIFICATION NUMBER OF THE REGISTERED ORGANIZATION; THE
55 REGISTRY IDENTIFICATION NUMBER OF THE CERTIFIED PATIENT AND THE DESIG-
56 NATED CAREGIVER (IF ANY); THE DATE THE MARIHUANA WAS SOLD; AND THE QUAN-

1 TITY OF MARIHUANA SOLD. THE REGISTERED ORGANIZATION SHALL RETAIN A COPY
2 OF THE REGISTRY IDENTIFICATION CARD AND THE RECEIPT FOR SIX YEARS.

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

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

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

16 (A) METHODS FOR ADMINISTERING MEDICAL MARIHUANA,

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

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

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

24 7. A REGISTERED ORGANIZATION SHALL DETERMINE THE QUALITY, SAFETY, AND
25 CLINICAL STRENGTH OF MEDICAL MARIHUANA MANUFACTURED OR DISPENSED BY THE
26 REGISTERED ORGANIZATION, AND SHALL PROVIDE DOCUMENTATION OF THAT QUALI-
27 TY, SAFETY AND CLINICAL STRENGTH TO THE DEPARTMENT AND TO ANY PERSON OR
28 ENTITY TO WHICH THE MEDICAL MARIHUANA IS SOLD OR DISPENSED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

54 (II) WHICH ACTIVITIES OF A REGISTERED ORGANIZATION ARE PERMITTED BY
55 THE REGISTRATION;

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

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

5 (E) UPON APPLICATION OF A REGISTERED ORGANIZATION, A REGISTRATION MAY
6 BE AMENDED TO ALLOW THE REGISTERED ORGANIZATION TO RELOCATE WITHIN THE
7 STATE OR TO ADD OR DELETE PERMITTED REGISTERED ORGANIZATION ACTIVITIES
8 OR FACILITIES. THE FEE FOR SUCH AMENDMENT SHALL BE TWO HUNDRED FIFTY
9 DOLLARS.

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

16 4. APPLICATIONS FOR RENEWAL OF REGISTRATIONS. (A) AN APPLICATION FOR
17 THE RENEWAL OF ANY REGISTRATION ISSUED UNDER THIS SECTION SHALL BE FILED
18 WITH THE DEPARTMENT NOT MORE THAN SIX MONTHS NOR LESS THAN FOUR MONTHS
19 PRIOR TO THE EXPIRATION THEREOF. A LATE-FILED APPLICATION FOR THE
20 RENEWAL OF A REGISTRATION MAY, IN THE DISCRETION OF THE COMMISSIONER, BE
21 TREATED AS AN APPLICATION FOR AN INITIAL LICENSE.

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (B) FOR PURPOSES OF THIS SECTION, PROOF THAT A REGISTERED ORGANIZA-
11 TION, DURING THE PERIOD OF ITS REGISTRATION, HAS FAILED TO MAINTAIN
12 EFFECTIVE CONTROL AGAINST DIVERSION OR HAS KNOWINGLY OR NEGLIGENTLY
13 FAILED TO COMPLY WITH APPLICABLE STATE LAWS RELATING TO THE ACTIVITIES
14 IN WHICH IT ENGAGES UNDER THE REGISTRATION, SHALL CONSTITUTE SUBSTANTIAL
15 EVIDENCE THAT THE APPLICANT WILL BE UNLIKELY TO MAINTAIN EFFECTIVE
16 CONTROL AGAINST DIVERSION OR WILL BE UNLIKELY TO COMPLY WITH THE APPLI-
17 CABLE STATE STATUTES DURING THE PERIOD OF PROPOSED RENEWAL.

18 6. THE DEPARTMENT MAY SUSPEND OR TERMINATE THE REGISTRATION OF A
19 REGISTERED ORGANIZATION, ON GROUNDS AND USING PROCEDURES UNDER THIS
20 ARTICLE RELATING TO A LICENSE, TO THE EXTENT CONSISTENT WITH THIS TITLE.
21 THE DEPARTMENT SHALL SUSPEND OR TERMINATE THE REGISTRATION IN THE EVENT
22 THAT A REGISTERED ORGANIZATION VIOLATES OR TERMINATES THE APPLICABLE
23 LABOR PEACE AGREEMENT. CONDUCT IN COMPLIANCE WITH THIS TITLE, BUT WHICH
24 MAY VIOLATE CONFLICTING FEDERAL LAW, SHALL NOT BE GROUNDS TO SUSPEND OR
25 TERMINATE A REGISTRATION.

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

28 8. THE DEPARTMENT SHALL BEGIN ISSUING REGISTRATIONS FOR REGISTERED
29 ORGANIZATIONS NO LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS
30 SECTION.

31 9. THE COMMISSIONER SHALL DETERMINE THE APPROPRIATE NUMBER OF REGIS-
32 TERED ORGANIZATIONS AND FACILITIES TO PROMOTE REASONABLE ACCESS TO
33 MEDICAL MARIHUANA IN THE INTEREST OF CERTIFIED PATIENTS AND THE PUBLIC.
34 DURING THE FIRST TWO YEARS AFTER THIS TITLE TAKES EFFECT, THE COMMIS-
35 SIONER SHALL REGISTER NO MORE THAN TEN REGISTERED ORGANIZATIONS THAT
36 MANUFACTURE MEDICAL MARIHUANA.

37 S 3366. REPORTS BY REGISTERED ORGANIZATIONS. 1. THE COMMISSIONER
38 SHALL, BY REGULATION, REQUIRE EACH REGISTERED ORGANIZATION TO FILE
39 REPORTS BY THE REGISTERED ORGANIZATION DURING A PARTICULAR PERIOD. THE
40 COMMISSIONER SHALL DETERMINE THE INFORMATION TO BE REPORTED AND THE
41 FORMS, TIME, AND MANNER OF THE REPORTING.

42 2. THE COMMISSIONER SHALL, BY REGULATION, REQUIRE EACH REGISTERED
43 ORGANIZATION TO ADOPT AND MAINTAIN SECURITY, TRACKING, RECORD KEEPING,
44 RECORD RETENTION AND SURVEILLANCE SYSTEMS, RELATING TO ALL MEDICAL MARI-
45 HUANA AT EVERY STAGE OF ACQUIRING, POSSESSION, MANUFACTURE, SALE, DELIV-
46 ERY, TRANSPORTING, DISTRIBUTING, OR DISPENSING BY THE REGISTERED ORGAN-
47 IZATION, SUBJECT TO REGULATIONS OF THE COMMISSIONER.

48 S 3367. EVALUATION; RESEARCH PROGRAMS; REPORT BY DEPARTMENT. 1. THE
49 COMMISSIONER MAY PROVIDE FOR THE ANALYSIS AND EVALUATION OF THE OPERA-
50 TION OF THIS TITLE. THE COMMISSIONER MAY ENTER INTO AGREEMENTS WITH ONE
51 OR MORE PERSONS, NOT-FOR-PROFIT CORPORATIONS OR OTHER ORGANIZATIONS, FOR
52 THE PERFORMANCE OF AN EVALUATION OF THE IMPLEMENTATION AND EFFECTIVENESS
53 OF THIS TITLE.

54 2. THE DEPARTMENT MAY DEVELOP, SEEK ANY NECESSARY FEDERAL APPROVAL
55 FOR, AND CARRY OUT RESEARCH PROGRAMS RELATING TO MEDICAL USE OF MARIHUA-

1 NA. PARTICIPATION IN ANY SUCH RESEARCH PROGRAM SHALL BE VOLUNTARY ON
2 THE PART OF PRACTITIONERS, PATIENTS, AND DESIGNATED CAREGIVERS.

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

7 S 3368. RELATION TO OTHER LAWS. 1. THE PROVISIONS OF THIS ARTICLE
8 SHALL APPLY TO THIS TITLE, EXCEPT THAT WHERE A PROVISION OF THIS TITLE
9 CONFLICTS WITH ANOTHER PROVISION OF THIS ARTICLE, THIS TITLE SHALL
10 APPLY.

11 2. NOTHING IN THIS TITLE SHALL BE CONSTRUED TO REQUIRE OR PROHIBIT AN
12 INSURER OR HEALTH PLAN UNDER THIS CHAPTER OR THE INSURANCE LAW TO
13 PROVIDE COVERAGE FOR MEDICAL MARIHUANA. NOTHING IN THIS TITLE SHALL BE
14 CONSTRUED TO REQUIRE COVERAGE FOR MEDICAL MARIHUANA UNDER ARTICLE TWEN-
15 TY-FIVE OF THIS CHAPTER OR ARTICLE FIVE OF THE SOCIAL SERVICES LAW.

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

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

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

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

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

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

52 6. EFFECT OF REGISTRY IDENTIFICATION CARD ISSUED BY ANOTHER JURISDIC-
53 TION. A REGISTRY IDENTIFICATION CARD, OR ITS EQUIVALENT, THAT IS ISSUED
54 UNDER THE LAWS OF ANOTHER STATE, DISTRICT, TERRITORY, COMMONWEALTH, OR
55 POSSESSION OF THE UNITED STATES THAT ALLOWS THE MEDICAL USE OF MARIHUANA
56 HAS THE SAME FORCE AND EFFECT AS A REGISTRY IDENTIFICATION CARD ISSUED

1 BY THE DEPARTMENT, SO LONG AS THE VISITING PATIENT'S CONDITION IS A
2 SERIOUS CONDITION, AS ATTESTED TO IN WRITING BY A PRACTITIONER. WHERE A
3 REGISTERED ORGANIZATION DISPENSES MEDICAL MARIHUANA TO A PATIENT UNDER
4 THIS SUBDIVISION, A COPY OF THE ATTESTATION SHALL BE PROVIDED TO THE
5 REGISTERED ORGANIZATION.

6 S 3369-A. REGULATIONS. 1. THE COMMISSIONER SHALL MAKE REGULATIONS TO
7 IMPLEMENT THIS TITLE.

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

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

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

37 8-A. MEDICAL MARIHUANA. AS USED IN ANY PROVISION OF THIS ARTICLE
38 RELATING TO THE PRESCRIPTION MONITORING PROGRAM REGISTRY, THE FOLLOWING
39 TERMS SHALL INCLUDE THE FOLLOWING IN RELATION TO MEDICAL MARIHUANA, IN
40 ADDITION TO THE MEANING EACH TERM WOULD OTHERWISE HAVE:

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

44 (B) "PHARMACY" INCLUDES A REGISTERED ORGANIZATION THAT IS AUTHORIZED
45 TO DISPENSE MEDICAL MARIHUANA UNDER TITLE FIVE-A OF THIS ARTICLE;
46 PROVIDED THAT A REGISTERED ORGANIZATION THAT IS NOT A FACILITY LICENSED
47 UNDER ARTICLE TWENTY-EIGHT OF THIS CHAPTER OR A PHARMACY UNDER ARTICLE
48 ONE HUNDRED THIRTY-SEVEN OF THE EDUCATION LAW SHALL NOT BE AUTHORIZED TO
49 CONSULT THE REGISTRY OR ACCESS PATIENT-SPECIFIC INFORMATION FROM THE
50 REGISTRY, INCLUDING UNDER SUBDIVISION THREE OF THIS SECTION AND SUBDIVI-
51 SION TWO OF SECTION THIRTY-THREE HUNDRED SEVENTY-ONE OF THIS ARTICLE,
52 BUT SHALL REPORT INFORMATION TO THE REGISTRY, INCLUDING UNDER SUBDIVI-
53 SION FOUR OF SECTION THIRTY-THREE HUNDRED THIRTY-THREE OF THIS ARTICLE.

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

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

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

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

9 ARTICLE 20-B

10 TAX ON MEDICAL MARIHUANA

11 SECTION 490. EXCISE TAX ON MEDICAL MARIHUANA.

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

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

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

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

29 3. TWENTY-FIVE PERCENT OF THE REVENUE RECEIVED BY THE DEPARTMENT SHALL
30 BE TRANSFERRED TO THE COUNTY IN WHICH THE MEDICAL MARIHUANA WAS MANUFAC-
31 TURED (IN THE CASE OF REVENUE RECEIVED UNDER PARAGRAPH (A) OF SUBDIVI-
32 SION TWO OF THIS SECTION) OR DISPENSED (IN THE CASE OF REVENUE RECEIVED
33 UNDER PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION). FOR PURPOSES OF
34 THE PREVIOUS SENTENCE, THE CITY OF NEW YORK SHALL BE DEEMED TO BE A
35 COUNTY. TWENTY-FIVE PERCENT OF THE REVENUE RECEIVED BY THE DEPARTMENT
36 SHALL BE TRANSFERRED TO THE CITY OR TOWN IN WHICH THE MEDICAL MARIHUANA
37 WAS MANUFACTURED (IN THE CASE OF REVENUE RECEIVED UNDER PARAGRAPH (A) OF
38 SUBDIVISION TWO OF THIS SECTION) OR DISPENSED (IN THE CASE OF REVENUE
39 RECEIVED UNDER PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION). FIVE
40 PERCENT OF THE REVENUE RECEIVED BY THE DEPARTMENT SHALL BE TRANSFERRED
41 TO THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, WHICH SHALL
42 USE THAT REVENUE FOR ADDITIONAL DRUG ABUSE PREVENTION, COUNSELING AND
43 TREATMENT SERVICES.

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

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

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

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

52 S 221.00 Marihuana; definitions.

53 Unless the context in which they are used clearly otherwise requires,
54 the terms occurring in this article shall have the same meaning ascribed
55 to them in article two hundred twenty of this chapter. ANY ACT THAT IS

1 LAWFUL UNDER TITLE FIVE-A OF ARTICLE THIRTY-THREE OF THE PUBLIC HEALTH
2 LAW IS NOT A VIOLATION OF THIS ARTICLE.

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