

4406--B

2013-2014 Regular Sessions

I N S E N A T E

March 26, 2013

Introduced by Sens. SAVINO, AVELLA, BRESLIN, CARLUCCI, DILAN, HASSELL-THOMPSON, HOYLMAN, KLEIN, KRUEGER, MONTGOMERY, O'BRIEN, PARKER, PERKINS, 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 -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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1 people under article 17 of the state constitution and the tenth amend-
 2 ment of the United States constitution. Furthermore, the legislature
 3 finds that New York state has a significant and ongoing economic and
 4 non-regulatory interest in the financial viability of organizations that
 5 sell marihuana for medical use. The legislature finds that the financial
 6 viability of such organizations would be greatly diminished and threat-
 7 ened by labor-management conflict, such as a strike at a facility that
 8 cultivates marihuana, especially because of the need for enhanced secu-
 9 rity concerning the products. Replacements during a strike would be
 10 difficult to arrange and cause delay far more significant than a strike
 11 elsewhere. Accordingly, the legislature finds that the state has a
 12 substantial and compelling proprietary interest in this matter, and
 13 finds that labor peace is essential for any organization to conduct
 14 business relating to the sale of medical marihuana.

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

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

23 TITLE V-A

24 MEDICAL USE OF MARIHUANA

25 SECTION 3360. DEFINITIONS.
 26 3361. CERTIFICATION OF PATIENTS.
 27 3362. LAWFUL MEDICAL USE.
 28 3363. REGISTRY IDENTIFICATION CARDS.
 29 3364. REGISTERED ORGANIZATIONS.
 30 3365. REGISTERING OF REGISTERED ORGANIZATIONS.
 31 3366. REPORTS BY REGISTERED ORGANIZATIONS.
 32 3367. EVALUATION; RESEARCH PROGRAMS; REPORT BY DEPARTMENT.
 33 3368. RELATION TO OTHER LAWS.
 34 3369. PROTECTIONS FOR THE MEDICAL USE OF MARIHUANA.
 35 3369-A. REGULATIONS.
 36 3369-B. SEVERABILITY.

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

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

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

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

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

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

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

6 7. "SERIOUS CONDITION" MEANS A SEVERE DEBILITATING OR LIFE-THREATENING
7 CONDITION, INCLUDING, CANCER, POSITIVE STATUS FOR HUMAN IMMUNODEFICIENCY
8 VIRUS OR ACQUIRED IMMUNE DEFICIENCY SYNDROME, AMYOTROPHIC LATERAL SCLER-
9 OSIS, ALZHEIMER'S DISEASE, MUSCULAR DYSTROPHY, TRAUMATIC BRAIN INJURY
10 AND POST-CONCUSSION SYNDROME, DYSTONIA, PSORIASIS, PARKINSON'S DISEASE,
11 MULTIPLE SCLEROSIS, DAMAGE TO THE NERVOUS TISSUE OF THE SPINAL CORD WITH
12 OBJECTIVE NEUROLOGICAL INDICATION OF INTRACTABLE SPASTICITY, EPILEPSY,
13 CACHEXIA, WASTING SYNDROME, CROHN'S DISEASE, POST-TRAUMATIC STRESS
14 DISORDER, NEUROPATHY, RHEUMATOID ARTHRITIS, LUPUS, AND DIABETES, OR A
15 CONDITION ASSOCIATED WITH OR A COMPLICATION OF SUCH A CONDITION OR ITS
16 TREATMENT, OR ANY OTHER CONDITION THAT IS ADDED BY THE COMMISSIONER AND
17 THE ADVISORY COMMITTEE PURSUANT TO SECTION THIRTY-THREE HUNDRED
18 SIXTY-NINE-A OF THIS TITLE.

19 8. "MEDICAL MARIHUANA" MEANS MARIHUANA AS DEFINED IN SUBDIVISION TWEN-
20 TY-ONE OF SECTION THIRTY-THREE HUNDRED TWO OF THIS ARTICLE INTENDED FOR
21 A CERTIFIED MEDICAL USE, WHICH MAY INCLUDE, BUT IS NOT LIMITED TO, FORMS
22 THAT ARE EXTRACTS, VAPORIZABLE MATERIAL, OR PRODUCTS THAT ARE INFUSED OR
23 COMBINED WITH MARIHUANA.

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

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

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

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

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

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

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

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

1 BENEFIT FROM THE PRIMARY OR ADJUNCTIVE TREATMENT WITH MEDICAL USE OF
2 MARIHUANA FOR THE SERIOUS CONDITION, AND ANY SPECIFICATION OR LIMITATION
3 OF THE FORM OF MEDICAL MARIHUANA RECOMMENDED; (C) THE DATE; AND (D) THE
4 NAME, ADDRESS, FEDERAL REGISTRATION NUMBER, TELEPHONE NUMBER, AND THE
5 HANDWRITTEN SIGNATURE OF THE CERTIFYING PRACTITIONER. THE COMMISSIONER
6 MAY REQUIRE BY REGULATION THAT THE CERTIFICATION SHALL BE ON A FORM
7 PROVIDED BY THE DEPARTMENT IF THE COMMISSIONER DETERMINES THAT THE
8 DEPARTMENT IS MAKING CERTIFICATION FORMS ADEQUATELY AVAILABLE. THE PRAC-
9 TITIONER MAY STATE IN THE CERTIFICATION THAT, IN THE PRACTITIONER'S
10 PROFESSIONAL OPINION THE PATIENT WOULD BENEFIT FROM MEDICAL MARIHUANA
11 ONLY UNTIL A SPECIFIED DATE. THE PRACTITIONER MAY STATE IN THE CERTIF-
12 ICATION THAT, IN THE PRACTITIONER'S PROFESSIONAL OPINION THE PATIENT IS
13 TERMINALLY ILL AND THAT THE CERTIFICATION SHALL NOT EXPIRE UNTIL THE
14 PATIENT DIES.

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

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

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

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

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

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

40 (D) IF THE CERTIFICATION SO PROVIDES, ANY SPECIFICATION OR LIMITATION
41 OF THE FORM OF MEDICAL MARIHUANA RECOMMENDED.

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

47 (A) THE MARIHUANA THAT MAY BE POSSESSED BY A CERTIFIED PATIENT DOES
48 NOT EXCEED A TOTAL WEIGHT OF TWO AND ONE-HALF OUNCES OF MARIHUANA PER
49 THIRTY DAY PERIOD; AND

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

54 (C) THE FORM OF MARIHUANA THAT MAY BE POSSESSED BY THE CERTIFIED
55 PATIENT OR DESIGNATED CAREGIVER PURSUANT TO A CERTIFICATION SHALL BE IN
56 COMPLIANCE WITH ANY SPECIFICATION OR LIMITATION IN THE CERTIFICATION.

1 2. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION:

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

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

6 (C) MEDICAL MARIHUANA MAY NOT BE SMOKED BY ANYONE UNDER THE AGE OF
7 TWENTY-ONE. THIS SHALL NOT INCLUDE THE USE OF ANY VAPORIZED MEDICAL
8 MARIJUANA.

9 3. IT SHALL BE LAWFUL UNDER THIS ARTICLE TO GIVE OR DISPOSE OF MARI-
10 HUANA, OBTAINED UNDER THIS TITLE, FOR CERTIFIED MEDICAL USE, BETWEEN
11 CERTIFIED PATIENTS AND OTHER CERTIFIED PATIENTS, AND BETWEEN A DESIG-
12 NATED CAREGIVER AND THE DESIGNATED CAREGIVER'S CERTIFIED PATIENT WHERE
13 NOTHING OF VALUE IS TRANSFERRED IN RETURN, OR TO OFFER TO DO THE SAME.
14 THIS PROHIBITION ON TRANSFERRING OR OFFERING TO TRANSFER A THING OF
15 VALUE SHALL NOT:

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

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

23 S 3363. REGISTRY IDENTIFICATION CARDS. 1. THE DEPARTMENT SHALL ISSUE
24 REGISTRY IDENTIFICATION CARDS FOR CERTIFIED PATIENTS AND DESIGNATED
25 CAREGIVERS. A REGISTRY IDENTIFICATION CARD SHALL EXPIRE AS PROVIDED IN
26 SECTION THIRTY-THREE HUNDRED SIXTY-ONE OF THIS TITLE OR AS OTHERWISE
27 PROVIDED IN THIS SECTION. THE DEPARTMENT SHALL BEGIN ISSUING REGISTRY
28 IDENTIFICATION CARDS NO LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF
29 THIS SECTION. THE DEPARTMENT MAY SPECIFY A FORM FOR A REGISTRY APPLICA-
30 TION, IN WHICH CASE THE DEPARTMENT SHALL PROVIDE THE FORM ON REQUEST,
31 REPRODUCTIONS OF THE FORM MAY BE USED, AND THE FORM SHALL BE AVAILABLE
32 FOR DOWNLOADING FROM THE DEPARTMENT'S WEBSITE.

33 2. TO OBTAIN, AMEND OR RENEW A REGISTRY IDENTIFICATION CARD, A CERTI-
34 FIED PATIENT OR DESIGNATED CAREGIVER SHALL FILE A REGISTRY APPLICATION
35 WITH THE DEPARTMENT. THE REGISTRY APPLICATION OR RENEWAL APPLICATION
36 SHALL INCLUDE:

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

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

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

42 (II) THE DATE OF THE CERTIFICATION;

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

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

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

50 (VI) OTHER INDIVIDUAL IDENTIFYING INFORMATION REQUIRED BY THE DEPART-
51 MENT;

52 (C) IN THE CASE OF A CERTIFIED PATIENT, IF THE PATIENT DESIGNATES A
53 DESIGNATED CAREGIVER, THE NAME, ADDRESS, AND DATE OF BIRTH OF THE DESIG-
54 NATED CAREGIVER, AND OTHER INDIVIDUAL IDENTIFYING INFORMATION REQUIRED
55 BY THE DEPARTMENT; A CERTIFIED PATIENT MAY DESIGNATE UP TO TWO DESIG-
56 NATED CAREGIVERS; EXCEPT THAT A CERTIFIED PATIENT MAY DESIGNATE MORE

1 THAN TWO CAREGIVERS IF THE ADDITIONAL CAREGIVERS ARE MEMBERS OF THE
2 CERTIFIED PATIENT'S IMMEDIATE FAMILY OR PHYSICAL HOUSEHOLD;

3 (D) IN THE CASE OF A DESIGNATED CAREGIVER,
4 (I) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE DESIGNATED CAREGIVER;
5 (II) IF THE DESIGNATED CAREGIVER HAS A REGISTRY IDENTIFICATION CARD,
6 THE REGISTRY IDENTIFICATION NUMBER AND EXPIRATION DATE OF THAT REGISTRY
7 IDENTIFICATION CARD; AND

8 (III) OTHER INDIVIDUAL IDENTIFYING INFORMATION REQUIRED BY THE DEPART-
9 MENT;

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

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

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

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

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

21 (B) THE DESIGNATED CAREGIVER SHALL BE (I) A PARENT OR LEGAL GUARDIAN
22 OF THE CERTIFIED PATIENT, (II) A PERSON DESIGNATED BY A PARENT OR LEGAL
23 GUARDIAN, OR (III) AN APPROPRIATE PERSON APPROVED BY THE DEPARTMENT UPON
24 A SUFFICIENT SHOWING THAT NO PARENT OR LEGAL GUARDIAN IS APPROPRIATE OR
25 AVAILABLE.

26 4. NO PERSON MAY BE A DESIGNATED CAREGIVER IF THE PERSON IS UNDER
27 TWENTY-ONE YEARS OF AGE UNLESS A SUFFICIENT SHOWING IS MADE TO THE
28 DEPARTMENT THAT THE PERSON SHOULD BE PERMITTED TO SERVE AS A DESIGNATED
29 CAREGIVER.

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

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

37 7. IF THE APPLICATION OF A CERTIFIED PATIENT DESIGNATES AN INDIVIDUAL
38 AS A DESIGNATED CAREGIVER WHO IS NOT AUTHORIZED TO BE A DESIGNATED CARE-
39 GIVER, THAT PORTION OF THE APPLICATION SHALL BE DENIED BY THE DEPARTMENT
40 BUT THAT SHALL NOT AFFECT THE APPROVAL OF THE BALANCE OF THE APPLICA-
41 TION.

42 8. A REGISTRY IDENTIFICATION CARD SHALL:

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

45 (B) CONTAIN THE DATE OF ISSUANCE AND EXPIRATION DATE OF THE REGISTRY
46 IDENTIFICATION CARD;

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

50 (D) CONTAIN A PHOTOGRAPH OF THE INDIVIDUAL TO WHOM THE REGISTRY IDEN-
51 TIFICATION CARD IS BEING ISSUED, WHICH SHALL BE OBTAINED BY THE DEPART-
52 MENT IN A MANNER SPECIFIED BY THE COMMISSIONER IN REGULATIONS; PROVIDED,
53 HOWEVER, THAT IF THE DEPARTMENT REQUIRES CERTIFIED PATIENTS TO SUBMIT
54 PHOTOGRAPHS FOR THIS PURPOSE, THERE SHALL BE A REASONABLE ACCOMMODATION
55 OF CERTIFIED PATIENTS WHO ARE CONFINED TO THEIR HOMES DUE TO THEIR

1 MEDICAL CONDITIONS AND MAY THEREFORE HAVE DIFFICULTY PROCURING PHOTO-
2 GRAPHS;

3 (E) BE A SECURE DOCUMENT; AND

4 (F) PLAINLY STATE, IF THE CERTIFICATION SO PROVIDES, ANY SPECIFICATION
5 OR LIMITATION OF THE FORM OF MEDICAL MARIHUANA THAT IS RECOMMENDED.

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

11 10. IF A CERTIFIED PATIENT OR DESIGNATED CAREGIVER LOSES HIS OR HER
12 REGISTRY IDENTIFICATION CARD, HE OR SHE SHALL NOTIFY THE DEPARTMENT AND
13 SUBMIT A TEN DOLLAR FEE WITHIN TEN DAYS OF LOSING THE CARD TO MAINTAIN
14 THE REGISTRATION. THE DEPARTMENT MAY ESTABLISH HIGHER FEES FOR ISSUING
15 A NEW REGISTRY IDENTIFICATION CARD FOR SECOND AND SUBSEQUENT REPLACE-
16 MENTS FOR A LOST CARD, PROVIDED, THAT THE DEPARTMENT MAY WAIVE OR REDUCE
17 THE FEE IN CASES OF FINANCIAL HARDSHIP. WITHIN FIVE DAYS AFTER SUCH
18 NOTIFICATION AND PAYMENT, THE DEPARTMENT SHALL ISSUE A NEW REGISTRY
19 IDENTIFICATION CARD, WHICH MAY CONTAIN A NEW REGISTRY IDENTIFICATION
20 NUMBER, TO THE CERTIFIED PATIENT OR DESIGNATED CAREGIVER, AS THE CASE
21 MAY BE.

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

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

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

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

39 (B) ON AND AFTER THE REGISTRY IMPLEMENTATION DATE, UPON RECEIPT OF AN
40 APPLICATION FOR A REGISTRY IDENTIFICATION CARD, THE DEPARTMENT SHALL
41 SEND TO THE APPLICANT A LETTER ACKNOWLEDGING SUCH RECEIPT. WHILE THE
42 APPLICATION FOR A REGISTRY IDENTIFICATION CARD IS PENDING, A COPY OF THE
43 REGISTRY APPLICATION, TOGETHER WITH A COPY OF THE CERTIFICATION (IN THE
44 CASE OF A CERTIFIED PATIENT) AND A COPY OF THE LETTER OF RECEIPT FROM
45 THE DEPARTMENT, SHALL SERVE AS AND HAVE THE SAME EFFECT AS A REGISTRY
46 IDENTIFICATION CARD FOR THE CERTIFIED PATIENT OR DESIGNATED CAREGIVER,
47 PROVIDED THAT A CERTIFICATION AND APPLICATION SHALL NOT SERVE AS A VALID
48 REGISTRY IDENTIFICATION CARD AFTER THE INITIAL THIRTY DAY PERIOD UNDER
49 SUBDIVISION SIX OF THIS SECTION. THIS PARAGRAPH SHALL EXPIRE AND HAVE
50 NO EFFECT ONE YEAR AFTER THE REGISTRY IMPLEMENTATION DATE.

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

55 S 3364. REGISTERED ORGANIZATIONS. 1. A REGISTERED ORGANIZATION SHALL
56 BE:

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

6 2. THE ACQUIRING, POSSESSION, MANUFACTURE, SALE, DELIVERY, TRANSPORT-
7 ING, DISTRIBUTING OR DISPENSING OF MARIHUANA BY A REGISTERED ORGANIZA-
8 TION UNDER THIS TITLE IN ACCORDANCE WITH ITS REGISTRATION UNDER SECTION
9 THIRTY-THREE HUNDRED SIXTY-FIVE OF THIS TITLE OR A RENEWAL THEREOF SHALL
10 BE LAWFUL UNDER THIS TITLE. A REGISTERED ORGANIZATION MAY TRANSFER
11 POSSESSION OF MARIHUANA TO, AND MAY RECOVER POSSESSION OF IT FROM, AN
12 ENTITY LICENSED BY THE DEPARTMENT UNDER SECTION THIRTY-THREE HUNDRED
13 TWENTY-FOUR OF THIS TITLE FOR PURPOSES OF CHEMICAL ANALYSIS.

14 3. (A) A REGISTERED ORGANIZATION MAY LAWFULLY, IN GOOD FAITH, SELL,
15 DELIVER, DISTRIBUTE OR DISPENSE MEDICAL MARIHUANA TO A CERTIFIED PATIENT
16 OR DESIGNATED CAREGIVER UPON PRESENTATION TO THE REGISTERED ORGANIZATION
17 OF A VALID REGISTRY IDENTIFICATION CARD FOR THAT CERTIFIED PATIENT OR
18 DESIGNATED CAREGIVER. WHEN PRESENTED WITH THE REGISTRY IDENTIFICATION
19 CARD, THE REGISTERED ORGANIZATION SHALL PROVIDE TO THE CERTIFIED PATIENT
20 OR DESIGNATED CAREGIVER A RECEIPT, WHICH SHALL STATE: THE NAME, ADDRESS,
21 AND REGISTRY IDENTIFICATION NUMBER OF THE REGISTERED ORGANIZATION; THE
22 REGISTRY IDENTIFICATION NUMBER OF THE CERTIFIED PATIENT AND THE DESIG-
23 NATED CAREGIVER (IF ANY); THE DATE THE MARIHUANA WAS SOLD; AND THE QUAN-
24 TITY OF MARIHUANA SOLD. THE REGISTERED ORGANIZATION SHALL RETAIN A COPY
25 OF THE REGISTRY IDENTIFICATION CARD AND THE RECEIPT FOR SIX YEARS.

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

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

34 (B) WHEN DISPENSING MEDICAL MARIHUANA TO A CERTIFIED PATIENT OR DESIG-
35 NATED CAREGIVER, THE REGISTERED ORGANIZATION (I) SHALL NOT DISPENSE AN
36 AMOUNT SUCH THAT THE CERTIFIED PATIENT WILL HAVE BEEN DISPENSED MORE
37 THAN TWO AND A HALF OUNCES OF MEDICAL MARIHUANA IN THE PREVIOUS THIRTY
38 DAYS, COUNTING THE AMOUNT BEING DISPENSED, FROM ALL REGISTERED ORGANIZA-
39 TIONS, AND (II) SHALL VERIFY THE FOREGOING BY CONSULTING THE
40 PRESCRIPTION MONITORING PROGRAM REGISTRY UNDER SECTION THIRTY-THREE
41 HUNDRED FORTY-THREE-A OF THIS ARTICLE.

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

47 (A) METHODS FOR ADMINISTERING MEDICAL MARIHUANA,

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

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

52 6. REGISTERED ORGANIZATIONS SHALL NOT EMPLOY ANYONE WHO HAS BEEN
53 CONVICTED OF ANY FELONY OF OR RELATING TO POSSESSION OF DRUGS, NARCOT-
54 ICS, OR CONTROLLED SUBSTANCES.

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

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

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

12 10. MEDICAL MARIHUANA SHALL BE DISPENSED TO A CERTIFIED PATIENT OR
13 DESIGNATED CAREGIVER IN A SEALED AND PROPERLY LABELED PACKAGE. THE
14 LABELING SHALL CONTAIN: (A) THE PACKAGING DATE; (B) ANY APPLICABLE DATE
15 BY WHICH THE MEDICAL MARIHUANA SHOULD BE USED; AND (C) A WARNING STAT-
16 ING, "THIS PRODUCT IS FOR MEDICINAL USE ONLY. WOMEN SHOULD NOT CONSUME
17 DURING PREGNANCY OR WHILE BREASTFEEDING EXCEPT ON THE ADVICE OF THE
18 CERTIFYING HEALTH CARE PRACTITIONER, AND IN THE CASE OF BREASTFEEDING
19 MOTHERS, INCLUDING THE INFANT'S PEDIATRICIAN. THIS PRODUCT MIGHT IMPAIR
20 THE ABILITY TO DRIVE. KEEP OUT OF REACH OF CHILDREN."

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

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

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

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

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

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

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

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

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

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

55 (III) SUCH OTHER INFORMATION AS THE COMMISSIONER MAY REASONABLY
56 REQUIRE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46 (II) WHICH ACTIVITIES OF A REGISTERED ORGANIZATION ARE PERMITTED BY
47 THE REGISTRATION;

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

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

52 (E) UPON APPLICATION OF A REGISTERED ORGANIZATION, A REGISTRATION MAY
53 BE AMENDED TO ALLOW THE REGISTERED ORGANIZATION TO RELOCATE WITHIN THE
54 STATE OR TO ADD OR DELETE PERMITTED REGISTERED ORGANIZATION ACTIVITIES
55 OR FACILITIES. THE FEE FOR SUCH AMENDMENT SHALL BE TWO HUNDRED FIFTY
56 DOLLARS.

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

7 4. APPLICATIONS FOR RENEWAL OF REGISTRATIONS. (A) AN APPLICATION FOR
8 THE RENEWAL OF ANY REGISTRATION ISSUED UNDER THIS SECTION SHALL BE FILED
9 WITH THE DEPARTMENT NOT MORE THAN SIX MONTHS NOR LESS THAN FOUR MONTHS
10 PRIOR TO THE EXPIRATION THEREOF. A LATE-FILED APPLICATION FOR THE
11 RENEWAL OF A REGISTRATION MAY, IN THE DISCRETION OF THE COMMISSIONER, BE
12 TREATED AS AN APPLICATION FOR AN INITIAL LICENSE.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (B) FOR PURPOSES OF THIS SECTION, PROOF THAT A REGISTERED ORGANIZA-
2 TION, DURING THE PERIOD OF ITS REGISTRATION, HAS FAILED TO MAINTAIN
3 EFFECTIVE CONTROL AGAINST DIVERSION OR HAS KNOWINGLY OR NEGLIGENTLY
4 FAILED TO COMPLY WITH APPLICABLE STATE LAWS RELATING TO THE ACTIVITIES
5 IN WHICH IT ENGAGES UNDER THE REGISTRATION, SHALL CONSTITUTE SUBSTANTIAL
6 EVIDENCE THAT THE APPLICANT WILL BE UNLIKELY TO MAINTAIN EFFECTIVE
7 CONTROL AGAINST DIVERSION OR WILL BE UNLIKELY TO COMPLY WITH THE APPLI-
8 CABLE STATE STATUTES DURING THE PERIOD OF PROPOSED RENEWAL.

9 6. THE DEPARTMENT MAY SUSPEND OR TERMINATE THE REGISTRATION OF A
10 REGISTERED ORGANIZATION, ON GROUNDS AND USING PROCEDURES UNDER THIS
11 ARTICLE RELATING TO A LICENSE, TO THE EXTENT CONSISTENT WITH THIS TITLE.
12 THE DEPARTMENT SHALL SUSPEND OR TERMINATE THE REGISTRATION IN THE EVENT
13 THAT A REGISTERED ORGANIZATION VIOLATES OR TERMINATES THE APPLICABLE
14 LABOR PEACE AGREEMENT. CONDUCT IN COMPLIANCE WITH THIS TITLE, BUT WHICH
15 MAY VIOLATE CONFLICTING FEDERAL LAW, SHALL NOT BE GROUNDS TO SUSPEND OR
16 TERMINATE A REGISTRATION.

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

19 8. THE DEPARTMENT SHALL BEGIN ISSUING REGISTRATIONS FOR REGISTERED
20 ORGANIZATIONS NO LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS
21 SECTION.

22 9. THE COMMISSIONER SHALL DETERMINE THE APPROPRIATE NUMBER OF REGIS-
23 TERED ORGANIZATIONS AND FACILITIES TO PROMOTE REASONABLE ACCESS TO
24 MEDICAL MARIHUANA IN THE INTEREST OF CERTIFIED PATIENTS AND THE PUBLIC.
25 DURING THE FIRST TWO YEARS AFTER THIS TITLE TAKES EFFECT, THE COMMIS-
26 SIONER SHALL REGISTER NO MORE THAN TWENTY REGISTERED ORGANIZATIONS THAT
27 MANUFACTURE MEDICAL MARIHUANA.

28 S 3366. REPORTS BY REGISTERED ORGANIZATIONS. 1. THE COMMISSIONER
29 SHALL, BY REGULATION, REQUIRE EACH REGISTERED ORGANIZATION TO FILE
30 REPORTS BY THE REGISTERED ORGANIZATION DURING A PARTICULAR PERIOD. THE
31 COMMISSIONER SHALL DETERMINE THE INFORMATION TO BE REPORTED AND THE
32 FORMS, TIME, AND MANNER OF THE REPORTING.

33 2. THE COMMISSIONER SHALL, BY REGULATION, REQUIRE EACH REGISTERED
34 ORGANIZATION TO ADOPT AND MAINTAIN SECURITY, TRACKING, RECORD KEEPING,
35 RECORD RETENTION AND SURVEILLANCE SYSTEMS, RELATING TO ALL MEDICAL MARI-
36 HUANA AT EVERY STAGE OF ACQUIRING, POSSESSION, MANUFACTURE, SALE, DELIV-
37 ERY, TRANSPORTING, DISTRIBUTING, OR DISPENSING BY THE REGISTERED ORGAN-
38 IZATION, SUBJECT TO REGULATIONS OF THE COMMISSIONER.

39 S 3367. EVALUATION; RESEARCH PROGRAMS; REPORT BY DEPARTMENT. 1. THE
40 COMMISSIONER MAY PROVIDE FOR THE ANALYSIS AND EVALUATION OF THE OPERA-
41 TION OF THIS TITLE. THE COMMISSIONER MAY ENTER INTO AGREEMENTS WITH ONE
42 OR MORE PERSONS, NOT-FOR-PROFIT CORPORATIONS OR OTHER ORGANIZATIONS, FOR
43 THE PERFORMANCE OF AN EVALUATION OF THE IMPLEMENTATION AND EFFECTIVENESS
44 OF THIS TITLE.

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

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

53 S 3368. RELATION TO OTHER LAWS. 1. (A) THE PROVISIONS OF THIS ARTICLE
54 SHALL APPLY TO THIS TITLE, EXCEPT THAT WHERE A PROVISION OF THIS TITLE
55 CONFLICTS WITH ANOTHER PROVISION OF THIS ARTICLE, THIS TITLE SHALL
56 APPLY.

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

3 2. NOTHING IN THIS TITLE SHALL BE CONSTRUED TO REQUIRE OR PROHIBIT AN
4 INSURER OR HEALTH PLAN UNDER THIS CHAPTER OR THE INSURANCE LAW TO
5 PROVIDE COVERAGE FOR MEDICAL MARIHUANA. NOTHING IN THIS TITLE SHALL BE
6 CONSTRUED TO REQUIRE COVERAGE FOR MEDICAL MARIHUANA UNDER ARTICLE TWEN-
7 TY-FIVE OF THIS CHAPTER OR ARTICLE FIVE OF THE SOCIAL SERVICES LAW.

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

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

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

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

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

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

44 6. EFFECT OF REGISTRY IDENTIFICATION CARD ISSUED BY ANOTHER JURISDIC-
45 TION. A REGISTRY IDENTIFICATION CARD, OR ITS EQUIVALENT, THAT IS ISSUED
46 UNDER THE LAWS OF ANOTHER STATE, DISTRICT, TERRITORY, COMMONWEALTH, OR
47 POSSESSION OF THE UNITED STATES THAT ALLOWS THE MEDICAL USE OF MARIHUANA
48 HAS THE SAME FORCE AND EFFECT AS A REGISTRY IDENTIFICATION CARD ISSUED
49 BY THE DEPARTMENT, SO LONG AS THE VISITING PATIENT'S CONDITION IS A
50 SERIOUS CONDITION, AS ATTESTED TO IN WRITING BY A PRACTITIONER. WHERE A
51 REGISTERED ORGANIZATION DISPENSES MEDICAL MARIHUANA TO A PATIENT UNDER
52 THIS SUBDIVISION, A COPY OF THE ATTESTATION SHALL BE PROVIDED TO THE
53 REGISTERED ORGANIZATION.

54 S 3369-A. REGULATIONS. 1. THE COMMISSIONER SHALL MAKE REGULATIONS TO
55 IMPLEMENT THIS TITLE.

1 2. ADVISORY COMMITTEE. THERE IS HEREBY ESTABLISHED IN THE DEPARTMENT
2 AN ADVISORY COMMITTEE ON MEDICAL USE OF MARIHUANA (THE "ADVISORY COMMIT-
3 TEE") TO ADVISE THE COMMISSIONER ON MAKING REGULATIONS UNDER THIS TITLE
4 AND ON ANY MATTERS RELATING TO THE IMPLEMENTATION OF THIS TITLE AS THE
5 COMMISSIONER SHALL DETERMINE. THE ADVISORY COMMITTEE SHALL CONSIST OF
6 TWELVE MEMBERS. THE MEMBERS OF THE ADVISORY COMMITTEE SHALL BE APPOINTED
7 AS FOLLOWS: FIVE TO BE APPOINTED BY THE GOVERNOR, THREE TO BE APPOINTED
8 BY THE TEMPORARY PRESIDENT OF THE SENATE, THREE TO BE APPOINTED BY THE
9 SPEAKER OF THE ASSEMBLY, AND ONE TO BE APPOINTED BY THE ATTORNEY GENERAL
10 OF THE STATE OF NEW YORK. THE ADVISORY COMMITTEE SHALL INCLUDE BUT NOT
11 BE LIMITED TO: HEALTH CARE PRACTITIONERS, PATIENTS OR REPRESENTATIVES OF
12 PATIENTS WITH SERIOUS CONDITIONS, EXPERTS IN THE REGULATION OF
13 CONTROLLED SUBSTANCES FOR MEDICAL USE, MEDICAL MARIHUANA INDUSTRY
14 PROFESSIONALS AND LAW ENFORCEMENT. THE ADVISORY COMMITTEE SHALL BE
15 RESPONSIBLE FOR REVIEWING THE APPEAL OF ANY PATIENT OR CAREGIVER WHOSE
16 REGISTRY APPLICATION HAS BEEN DENIED BY THE DEPARTMENT. THE ADVISORY
17 COMMITTEE SHALL MAKE RECOMMENDATIONS REGARDING ANY SUCH APPEAL TO THE
18 COMMISSIONER, WHO SHALL MAKE THE FINAL DETERMINATION. THE ADVISORY
19 COMMITTEE SHALL ALSO BE RESPONSIBLE FOR MAKING RECOMMENDATIONS TO THE
20 COMMISSIONER ON EXPANDING OR RETRACTING THE CATEGORIES OF DISEASES TO BE
21 CONSIDERED SERIOUS CONDITIONS FOR PURPOSES OF THIS TITLE, AND THE
22 COMMISSIONER SHALL HAVE THE ABILITY TO EXPAND OR RETRACT THE CATEGORIES
23 OF DISEASES TO BE CONSIDERED SERIOUS CONDITIONS FOR PURPOSES OF THIS
24 TITLE. THE COMMISSIONER MAY ALSO FORM SUBCOMMITTEES OF THE ADVISORY
25 COMMITTEE. THE COMMISSIONER SHALL FORM A SUBCOMMITTEE TO ASSIST AND
26 ADVISE THE COMMISSIONER AND THE ADVISORY COMMITTEE ON CLINICAL MATTERS
27 RELATING TO MEDICAL MARIHUANA, INCLUDING BUT NOT LIMITED TO EXPANDING OR
28 RETRACTING THE CATEGORIES OF DISEASES TO BE CONSIDERED SERIOUS CONDI-
29 TIONS FOR PURPOSES OF THIS TITLE, THE MEMBERS OF WHICH SHALL PREDOMI-
30 NANTLY BE CLINICAL PROFESSIONALS IN APPROPRIATE AREAS OF EXPERTISE AND
31 SHALL ALSO INCLUDE REPRESENTATIVES OF PATIENTS AND THE GENERAL PUBLIC.
32 MEMBERS OF A SUBCOMMITTEE NEED NOT BE MEMBERS OF THE ADVISORY COMMITTEE.
33 MEMBERS OF THE ADVISORY COMMITTEE SHALL SERVE FOR A TERM OF FOUR YEARS.
34 MEMBERS OF A SUBCOMMITTEE SHALL SERVE AT THE PLEASURE OF THE COMMISSION-
35 ER. MEMBERS OF THE ADVISORY COMMITTEE OR A SUBCOMMITTEE MAY RECEIVE
36 REIMBURSEMENT BY THE DEPARTMENT FOR THEIR REASONABLE AND NECESSARY
37 EXPENSES INCURRED AS MEMBERS OF THE ADVISORY COMMITTEE OR A SUBCOMMIT-
38 TEE. A PUBLIC EMPLOYEE MAY BE A MEMBER OF THE ADVISORY COMMITTEE OR A
39 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 RATE OF SEVEN PERCENT OF THE RETAIL PRICE OF THE MEDICAL
 29 MARIHUANA DISPENSED.

30 3. TWENTY-TWO AND FIVE-TENTHS PERCENT OF THE REVENUE RECEIVED BY THE
 31 DEPARTMENT SHALL BE TRANSFERRED TO THE COUNTY IN WHICH THE MEDICAL MARI-
 32 HUANA WAS MANUFACTURED AND TWENTY-TWO AND FIVE-TENTHS PERCENT OF THE
 33 REVENUE RECEIVED BY THE DEPARTMENT SHALL BE TRANSFERRED TO THE COUNTY IN
 34 WHICH THE MEDICAL MARIHUANA WAS DISPENSED. FOR PURPOSES OF THE PREVIOUS
 35 SENTENCE, THE CITY OF NEW YORK SHALL BE DEEMED TO BE A COUNTY. FIVE
 36 PERCENT OF THE REVENUE RECEIVED BY THE DEPARTMENT SHALL BE TRANSFERRED
 37 TO THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, WHICH SHALL
 38 USE THAT REVENUE FOR ADDITIONAL DRUG ABUSE PREVENTION, COUNSELING AND
 39 TREATMENT SERVICES.

40 4. A REGISTERED ORGANIZATION THAT DISPENSES MEDICAL MARIHUANA SHALL
 41 PROVIDE TO THE DEPARTMENT INFORMATION ON WHERE THE MEDICAL MARIHUANA WAS
 42 DISPENSED AND WHERE THE MEDICAL MARIHUANA WAS MANUFACTURED. A REGISTERED
 43 ORGANIZATION THAT OBTAINS MARIHUANA FROM ANOTHER REGISTERED ORGANIZATION
 44 SHALL OBTAIN FROM SUCH REGISTERED ORGANIZATION INFORMATION ON WHERE THE
 45 MEDICAL MARIHUANA WAS MANUFACTURED.

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

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

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

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

54 S 221.00 Marihuana; definitions.

55 Unless the context in which they are used clearly otherwise requires,
 56 the terms occurring in this article shall have the same meaning ascribed

1 to them in article two hundred twenty of this chapter. ANY ACT THAT IS
2 LAWFUL UNDER TITLE FIVE-A OF ARTICLE THIRTY-THREE OF THE PUBLIC HEALTH
3 LAW IS NOT A VIOLATION OF THIS ARTICLE.
4 S 7. This act shall take effect immediately.