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

8317

2015-2016 Regular Sessions

I N A S S E M B L Y

June 23, 2015

Introduced by M. of A. LUPARDO, GOTTFRIED -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the possession and use of cannabis oil; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Section 3360 of the public health law is amended by adding a new subdivision 18 to read as follows:

18. "LOW THC OIL" MEANS AN OIL THAT CONTAINS NOT MORE THAN FIVE PERCENT BY WEIGHT OF TETRAHYDROCANNABINOL AND AN AMOUNT OF CANNABIDIOL EQUAL TO OR GREATER THAN THE AMOUNT OF TETRAHYDROCANNABINOL. LOW THC OIL SHALL BE DEEMED TO BE MEDICAL MARIHUANA WITHOUT REGARD TO DETERMINATION OR APPROVAL BY THE COMMISSIONER.

S 2. Subdivision 3 of section 3361 of the public health law, as added by chapter 90 of the laws of 2014, is amended to read as follows:

3. (A) In making a certification, the practitioner shall consider the form of medical marihuana the patient should consume, including the method of consumption and any particular strain, variety, and quantity or percentage of marihuana or particular active ingredient, and appropriate dosage. The practitioner shall state in the certification any recommendation or limitation the practitioner makes, in his or her professional opinion, concerning the appropriate form or forms of medical marihuana and dosage.

(B) A PRACTITIONER MAY ISSUE A CERTIFICATION FOR THE USE OF LOW THC OIL.

S 3. Paragraphs (a), (c) and (d) of subdivision 1 of section 3362 of the public health law, as added by chapter 90 of the laws of 2014, are amended and a new paragraph (e) is added to read as follows:

(a) the marihuana that may be possessed by a certified patient shall not exceed a thirty day supply, OR A NINETY DAY SUPPLY IN THE CASE OF

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

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LOW THC OIL, of the dosage as determined by the practitioner, consistent with any guidance and regulations issued by the commissioner, provided that during the last seven days of any thirty day period, the certified patient may also possess up to such amount for the next thirty day period;

(c) the form or forms of medical marihuana that may be possessed by the certified patient or designated caregiver pursuant to a certification shall be in compliance with any recommendation or limitation by the practitioner as to the form or forms of medical marihuana or dosage for the certified patient in the certification; [and]

(d) the medical marihuana shall be kept in the original package in which it was dispensed under subdivision twelve of section thirty-three hundred sixty-four of this title OR OTHERWISE DISPENSED, except for the portion removed for immediate consumption for certified medical use by the certified patient[.]; AND

(E) WHERE THE CERTIFICATION SPECIFIES AND IS LIMITED TO USE OF THC OIL, POSSESSION OF LOW THC OIL SHALL BE LAWFUL UNDER THIS TITLE WITHOUT REGARD TO WHETHER IT WAS OBTAINED PURSUANT TO THIS TITLE.

S 4. This act shall take effect immediately; provided, however, that the amendments to title 5-A of article 33 of the public health law made by sections one, two and three of this act shall not affect the repeal of such title and shall be deemed repealed therewith; and provided further that the provisions of this act shall expire and be deemed repealed one year after it shall have become a law.