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I N S E N A T E

May 4, 2016

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to medical marihuana dispensing sites

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

1 Section 1. Subdivision 9 of section 3365 of the public health law, as
2 added by chapter 90 of the laws of 2014, is amended to read as follows:

3 9. (A) The commissioner shall register no more than five registered
4 organizations that manufacture medical marihuana with no more than
5 [four] EIGHT dispensing sites wholly owned and operated by such regis-
6 tered organization. The commissioner shall ensure that [such] registered
7 organizations and dispensing sites are geographically distributed across
8 the state. The [commission] COMMISSIONER may register additional regis-
9 tered organizations.

10 (B) THE COMMISSIONER SHALL, BY JANUARY FIRST, TWO THOUSAND SEVENTEEN,
11 REGISTER AT LEAST FIVE ADDITIONAL REGISTERED ORGANIZATIONS THAT MANUFAC-
12 TURE MEDICAL MARIHUANA, EACH OF WHICH MAY OPERATE NO MORE THAN EIGHT
13 DISPENSING SITES. IN DETERMINING WHICH APPLICANTS TO SELECT UNDER THIS
14 PARAGRAPH: (I) THE COMMISSIONER SHALL SEEK TO PROVIDE DISPENSARIES IN
15 UNDERSERVED AREAS; AND (II) WHERE AN APPLICANT WAS AN APPLICANT IN THE
16 COMMISSIONER'S INITIAL SELECTION PROCESS UNDER PARAGRAPH (A) OF THIS
17 SUBDIVISION, THE COMMISSIONER SHALL CONSIDER THE INFORMATION PROVIDED BY
18 THE APPLICANT IN THAT INITIAL PROCESS, TO THE EXTENT IT IS CURRENTLY
19 APPLICABLE, AND GIVE APPROPRIATE WEIGHT TO THE COMMISSIONER'S EVALUATION
20 OF THE APPLICANT IN THAT INITIAL PROCESS.

21 S 2. Subdivision 13 of section 3364 of the public health law, as added
22 by chapter 90 of the laws of 2014, is amended to read as follows:

23 13. EACH REGISTERED ORGANIZATION SHALL BE PERMITTED TO DIRECTLY
24 CONTACT PHYSICIANS LICENSED BY NEW YORK STATE AND PRACTICING WITHIN THE
25 STATE FOR THE PURPOSES OF EDUCATION AND PROVIDING INFORMATION ABOUT THIS
26 TITLE. ANY SUCH EDUCATION AND PROVISION OF INFORMATION SHALL NOT SATISFY
27 THE REQUIREMENTS SET OUT IN PARAGRAPH (III) OF SUBDIVISION TWELVE OF
28 SECTION THIRTY-THREE HUNDRED SIXTY OF THIS TITLE. The commissioner is

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

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1 authorized to make rules and regulations restricting the advertising and
2 marketing of medical marihuana, which shall be consistent with the
3 federal regulations governing prescription drug advertising and market-
4 ing.

5 S 3. Section 3364 of the public health law is amended by adding a new
6 subdivision 14 to read as follows:

7 14. WHERE ANY REGULATION OR ACTION OF THE COMMISSIONER LIMITS OR REGU-
8 LATES THE MEDICAL MARIHUANA PRODUCTS (REFERRED TO IN THIS SUBDIVISION AS
9 "BRANDS") THAT A REGISTERED ORGANIZATION MAY PRODUCE OR DISPENSE, BASED
10 IN WHOLE OR IN PART ON THE ACTIVE OR INACTIVE INGREDIENTS OR CONCEN-
11 TRATIONS THEREOF, A REGISTERED ORGANIZATION MAY ALSO PRODUCE OR DISPENSE
12 BRANDS PARTICULARLY FORMULATED FOR TREATMENT OF INTRACTABLE EPILEPSY,
13 NOTWITHSTANDING ANY NUMERICAL LIMIT OR RESTRICTION ON SUCH BRANDS, BUT
14 OTHERWISE CONFORMING WITH THIS TITLE.

15 S 4. This act shall take effect immediately; provided however that the
16 amendments to sections 3365 and 3364 of the public health law made by
17 this act shall not affect the expiration and repeal of such sections and
18 shall expire and be deemed repealed therewith.