

3460

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 23, 2015

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

AN ACT to amend the public health law, in relation to an emergency program to provide cannabidiol access to patients with epilepsy or other serious conditions

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

1     Section 1. Legislative intent. The legislature hereby finds and  
2 declares it necessary to establish an emergency program to provide  
3 appropriate medical marihuana for certain persons with epilepsy or other  
4 serious conditions before the full medical marihuana program has been  
5 established. New Yorkers suffering from severe epilepsy or other seri-  
6 ous conditions cannot wait the year or more that it may take for medical  
7 marihuana programs established by that legislation to be operational. In  
8 particular, these individuals need access to medical marihuana contain-  
9 ing high amounts of the cannabinoid cannabidiol (CBD) as soon as possi-  
10 ble, so that they are not forced to seek treatment out-of-state at great  
11 personal expense.

12     S 2. The public health law is amended by adding a new section 3369-f  
13 to read as follows:

14     S 3369-F. EMERGENCY CANNABIDIOL (CBD) ACCESS PROGRAM. 1. THE COMMIS-  
15 SIONER SHALL ESTABLISH AN EMERGENCY CANNABIDIOL (CBD) ACCESS PROGRAM AND  
16 PROMULGATE ANY REGULATIONS NEEDED TO ESTABLISH THE PROGRAM WITHIN THIRTY  
17 DAYS OF THE EFFECTIVE DATE OF THIS SECTION. THE EMERGENCY CBD ACCESS  
18 PROGRAM SHALL BE TASKED WITH PROVIDING PERSONS WITH EPILEPSY OR OTHER  
19 SERIOUS CONDITIONS DEFINED UNDER THIS TITLE AS DETERMINED BY THE COMMIS-  
20 SIONER ACCESS TO MEDICAL MARIHUANA CONTAINING A HIGH AMOUNT OF CBD AND A  
21 LOW AMOUNT OF TETRAHYDROCANNABINOL (THC). THE REGULATIONS PROMULGATED BY  
22 THE COMMISSIONER SHALL ESTABLISH, BUT ARE NOT LIMITED TO ESTABLISHING:

23     (A) THE ALLOWABLE LEVELS OF CBD AND THC THAT MAY BE CONTAINED WITHIN  
24 THE MEDICAL MARIHUANA DISTRIBUTED UNDER THE PROGRAM;

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

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1 (B) THE SPECIFIC FORMS OF MEDICAL MARIHUANA THAT ARE TO BE DISTRIBUTED  
2 UNDER THE EMERGENCY PROGRAM, PROVIDED THAT THE PRODUCTS DISTRIBUTED  
3 UNDER THE AUSPICES OF THE PROGRAM SHALL CONFORM TO THE LIMITS ON MEDICAL  
4 MARIHUANA PRODUCTS ESTABLISHED IN THIS TITLE; AND

5 (C) A TEMPORARY PATIENT CERTIFICATION PROCESS FOR PERSONS WITH EPILEP-  
6 SY OR OTHER SERIOUS CONDITIONS DEFINED UNDER THIS TITLE AS DETERMINED BY  
7 THE COMMISSIONER AND THEIR CAREGIVERS WHO WISH TO POSSESS AND ADMINISTER  
8 MEDICAL MARIHUANA, INCLUDING STANDARDS FOR THE MEDICAL DOCUMENTATION  
9 THAT MUST BE PRESENTED TO RECEIVE A TEMPORARY MEDICAL MARIHUANA PERMIT.

10 2. ANY RULES ESTABLISHED BY THE COMMISSIONER GOVERNING THE LAWFUL  
11 POSSESSION AND USE OF MEDICAL MARIHUANA BY A PATIENT WITH EPILEPSY OR  
12 OTHER SERIOUS CONDITIONS DEFINED UNDER THIS TITLE AS DETERMINED BY THE  
13 COMMISSIONER OR THEIR CAREGIVER UNDER THIS PROGRAM SHALL CONFORM WITH  
14 THOSE ESTABLISHED IN THIS TITLE.

15 3. WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS SECTION, THE  
16 COMMISSIONER SHALL CONTRACT WITH ONE OR MORE REGISTERED ORGANIZATIONS  
17 FOR THE PURPOSES OF ACQUIRING, POSSESSING, MANUFACTURING, SELLING,  
18 DELIVERING, TRANSPORTING, DISTRIBUTING OR DISPENSING MEDICAL MARIHUANA  
19 PRODUCTS FOR USE BY PATIENTS WITH A TEMPORARY MEDICAL MARIHUANA PERMIT.  
20 THE COMMISSIONER SHALL HAVE THE ABILITY TO WAIVE ANY OF THE REQUIREMENTS  
21 FOR REGISTERED ORGANIZATIONS ESTABLISHED IN THIS TITLE FOR THE PURPOSES  
22 OF PROVIDING MEDICAL MARIHUANA ON AN EMERGENCY BASIS UNDER THIS PROGRAM.

23 S 3. This act shall take effect immediately and shall expire and be  
24 deemed repealed upon the commissioner of health's certification that the  
25 medical marihuana products being made available on an emergency basis  
26 through this program are available through the medical marihuana program  
27 established by chapter 90 of the laws of 2014, or its successor;  
28 provided that the commissioner of health shall notify the legislative  
29 bill drafting commission of such certification.