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

9747--A

Cal. No. 520

I N A S S E M B L Y

April 5, 2016

Introduced by M. of A. GOTTFRIED -- read once and referred to the Committee on Health -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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:

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

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

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

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

13. EACH REGISTERED ORGANIZATION SHALL BE PERMITTED TO DIRECTLY CONTACT PHYSICIANS LICENSED BY NEW YORK STATE AND PRACTICING WITHIN THE STATE FOR THE PURPOSES OF EDUCATION AND PROVIDING INFORMATION ABOUT THIS TITLE. ANY SUCH EDUCATION AND PROVISION OF INFORMATION SHALL NOT SATISFY

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

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THE REQUIREMENTS SET OUT IN PARAGRAPH (III) OF SUBDIVISION TWELVE OF SECTION THIRTY-THREE HUNDRED SIXTY OF THIS TITLE. The commissioner is authorized to make rules and regulations restricting the advertising and marketing of medical marihuana, which shall be consistent with the federal regulations governing prescription drug advertising and marketing.

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

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

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