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

3282

2015-2016 Regular Sessions

I N S E N A T E

February 4, 2015

Introduced by Sen. LARKIN -- 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 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:

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

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

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

(A) THE ALLOWABLE LEVELS OF CBD AND THC THAT MAY BE CONTAINED WITHIN 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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(B) THE SPECIFIC FORMS OF MEDICAL MARIHUANA THAT ARE TO BE DISTRIBUTED UNDER THE EMERGENCY PROGRAM, PROVIDED THAT THE PRODUCTS DISTRIBUTED UNDER THE AUSPICES OF THE PROGRAM SHALL CONFORM TO THE LIMITS ON MEDICAL MARIHUANA PRODUCTS ESTABLISHED IN THIS TITLE; AND

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

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

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

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