

# STATE OF NEW YORK

---

4560

2017-2018 Regular Sessions

## IN ASSEMBLY

February 3, 2017

---

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

AN ACT to amend the public health law, in relation to protections for the medical use of marihuana

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 2 of section 3369 of the public health law, as  
2 added by chapter 90 of the laws of 2014, is amended to read as follows:

3 2. Non-discrimination. Being a certified patient shall be deemed to be  
4 having a "disability" under article fifteen of the executive law (human  
5 rights law), section forty-c of the civil rights law, sections 240.00,  
6 485.00, and 485.05 of the penal law, and section 200.50 of the criminal  
7 procedure law. This subdivision shall not bar the enforcement of a policy  
8 prohibiting an employee from performing his or her employment duties  
9 while impaired by a controlled substance. The fact that a certified  
10 patient tests positive for marihuana in a drug test shall not be deter-  
11 minative of whether such certified patient is performing his or her  
12 employment duties while impaired by a controlled substance and shall not  
13 be the basis for a hiring decision or disciplinary action against a  
14 certified patient. This subdivision shall not require any person or  
15 entity to do any act that would put the person or entity in violation of  
16 federal law or cause it to lose a federal contract or funding.

17 § 2. This act shall take effect immediately; provided, however, the  
18 amendments to section 3369 of the public health law, made by section one  
19 of this act, shall not affect the repeal of such section and shall be  
20 deemed repealed therewith.

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

LBD03947-01-7