

STATE OF NEW YORK

6329

2017-2018 Regular Sessions

IN SENATE

May 11, 2017

Introduced by Sen. KENNEDY -- 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 designated caregivers and the office for people with developmental disabilities

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

1 Section 1. Subdivision 5 of section 3360 of the public health law, as
2 added by chapter 90 of the laws of 2014, is amended to read as follows:

3 5. "Designated caregiver" means the individual designated by a certi-
4 fied patient in a registry application. A certified patient may desig-
5 nate up to two designated caregivers. Notwithstanding the foregoing, in
6 addition to the two designated caregivers listed in a registry applica-
7 tion, any employee of the office for people with developmental disabili-
8 ties, a voluntary agency providing services at a facility or program
9 certified or funded by the office for people with developmental disabil-
10 ities as part of their employment can be considered a designated care-
11 giver, without registration as provided for in this section, for a
12 certified patient who is a service recipient in said facility or
13 program. Any employee of the office for people with developmental disa-
14 bilities or a voluntary agency providing services at a facility or
15 program certified or funded by the office for people with developmental
16 disabilities may act as a designated caregiver for a certified patient
17 who is a service recipient in said facility or program independent of
18 nursing supervision and shall not be considered under the facility or
19 program nurse's control for said purpose.

20 § 2. Section 3368 of the public health law is amended by adding a new
21 subdivision 3 to read as follows:

22 3. Nothing herein mandates involvement in obtaining, storage or
23 distribution of medical marihuana for the office for people with devel-
24 opmental disabilities or a voluntary agency providing services at a

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

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1 facility or program certified or funded by the office for people with
2 developmental disabilities, any such involvement is permissive only.

3 § 3. This act shall take effect immediately; provided that the amend-
4 ments to title 5-a of article 33 of the public health law made by this
5 act shall not affect the repeal of such title and shall be deemed
6 repealed therewith.