STATE OF NEW YORK

8191--A

IN SENATE

April 17, 2018

Introduced by Sens. BENJAMIN, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, the public health law and the mental hygiene law, in relation to permitting the administration of medical marihuana to students while at school and to individuals with developmental disabilities while receiving services at a facility

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

Section 1. This act shall be known as and may be cited as "Tanshin's Law".

§ 2. The education law is amended by adding a new section 923 to read as follows:

§ 923. Administration of medical marihuana. 1. All private and public schools shall be permitted to become designated caregivers of a certified patient as such terms are defined in section thirty-three hundred sixty of the public health law where such certified patient is a student of such school.

2. A board of education or chief school administrator of all public and nonpublic schools may develop and execute a policy authorizing any individual designated as a caregiver of a certified patient including, but not limited to such certified patient's school, if such school is a designated caregiver of the certified patient, as permitted by subdivision one of this section to administer medical marihuana to a certified patient who is a student while the student is on school grounds, aboard a school bus, or attending a school-sponsored event as authorized by title five-A of article thirty-three of the public health law.

3. A policy adopted pursuant to subdivision two of this section shall, at a minimum:

a. require that the student be authorized to engage in the medical use of medical marihuana and that the designated caregiver of a certified patient be authorized to assist the student with the medical use of

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

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marihuana pursuant to title five-A of article thirty-three of the public health law;

b. establish protocols for verifying the registration status and ongoing authorization concerning the medical use of marihuana pursuant to title five-A of article thirty-three of the public health law for the student and the designated caregiver;

c. expressly authorize a designated caregiver of a certified patient who is a student to administer medical marihuana to the student while the student is on school grounds, aboard a school bus, or attending a school-sponsored event;

d. identify locations on school grounds where medical marihuana may be administered; and

e. prohibit the administration of medical marihuana to a certified patient that is a student by smoking or vaporizing while the student is on school grounds, aboard a school bus, or attending a school-sponsored event.

4. Medical marihuana may be administered to a certified patient that is a student while the student is on school grounds, aboard a school bus, or attending school-sponsored events, provided that such administration is consistent with the requirements of the policy adopted pursuant to this section and the provisions of title five-A of article thirty-three of the public health law.

§ 3. The mental hygiene law is amended by adding a new section 13.44 to read as follows:

§ 13.44 Administration of medical marihuana at facilities.

1. A facility that offers services for individuals with developmental disabilities operated, licensed or certified by the office shall be permitted to become designated caregivers of a certified patient as such terms are defined in section thirty-three hundred sixty of the public health law where such certified patients receiving services at such facility.

2. The chief administrator of a facility that offers services for individuals with developmental disabilities operated, licensed or certified by the office may develop and execute a policy authorizing a designated caregiver authorized to assist a certified patient with the use of medical marihuana pursuant to title five-A of article thirty-three of the public health law to administer medical marihuana to a person who is receiving services for persons with developmental disabilities at such facility.

3. A policy adopted pursuant to subdivision two of this section shall, at a minimum:

a. require the person receiving services to be a certified patient authorized for the use of medical marihuana and that the designated caregiver be authorized to assist the person with the medical use of marihuana pursuant to title five-A of article thirty-three of the public health law;

b. establish protocols for verifying the registration status and ongoing authorization concerning the medical use of marihuana pursuant to title five-A of article thirty-three of the public health law for the certified patient and the designated caregiver;

c. expressly authorize designated caregivers to administer medical marihuana to the person receiving services for persons with developmental disabilities while the person is at the facility; and

d. identify locations at the facility where medical marihuana may be administered.

4. Medical marihuana may be administered to a certified patient receiving services for persons with developmental disabilities at a facility that offers such services which is operated, licensed or certified by the office while such person is at the facility, provided that such administration is consistent with the requirements of the policy adopted pursuant to this section and the provisions of title five-A of article thirty-three of the public health law.

5. Nothing in this section shall be construed to authorize medical marihuana to be smoked or vaporized in any place where smoking is prohibited pursuant to article thirteen-E of the public health law.

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

5. "Designated caregiver" means the individual designated by a certified patient in a registry application. A certified patient may designate up to [~~two~~] **three** designated caregivers.

§ 5. This act shall take effect immediately provided, however, that the amendments made to subdivision 5 of section 3360 of the public health law made by section four of this act shall not affect the repeal of such section and shall be deemed repealed therewith.