STATE OF NEW YORK

7410

2017-2018 Regular Sessions

IN ASSEMBLY

April 25, 2017

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

AN ACT to amend the public health law, in relation to access to federally approved cannabidiol medications

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

Section 1. Legislative findings. The legislature finds and declares that both children and adults with epilepsy are in desperate need of new treatment options, and cannabidiol (CBD) is showing potential as one of these treatments. If a cannabidiol medication is approved by the Food and Drug Administration and rescheduled by the Drug Enforcement Administration, patients should have rapid access to such an option. The availability of such a new prescription medication is intended to augment, not to restrict or otherwise amend, other cannabinoid treatment modalities currently available under state law.

§ 2. The public health law is amended by adding a new section 3309-b to read as follows:

§ 3309-b. Federal approval of cannabidiol investigational products. 1. If a cannabidiol (CBD) investigational product newly approved as a prescription medication pursuant to 21 U.S.C. § 360bb and 21 U.S.C. § 355 is controlled or decontrolled under a federal interim final rule issued pursuant to 21 U.S.C. § 811(j), similar control or decontrol of the product under this section shall become effective under state law within thirty days of the date of publication in the Federal Register of the interim final rule.

2. When a federal final rule is issued pursuant to 21 U.S.C. § 811(j) after interested persons had an opportunity to comment on a federal interim final rule, changes necessary to conform the control or decontrol of a cannabidiol (CBD) investigational product under subdivision one of this section to the federal final rule shall become effective

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

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within thirty days of the date of the publication in the Federal Register of the federal final rule.

3. Control or decontrol under this section in conformance with federal law may be altered by state statute or by an emergency or temporary rule issued by the commissioner to address an immediate danger to public health, safety or welfare.

4. Nothing in this section shall restrict or otherwise affect access to medical marihuana that is authorized under title five-A of this article.

5. Nothing in title five-A of this article or articles one hundred seventy-nine, two hundred twenty and two hundred twenty-one of the penal law shall restrict or otherwise affect the distribution, sale, prescribing and dispensing of a product that has been approved for marketing as a prescription medication by the Food and Drug Administration.

§ 3. This act shall take effect immediately.