

STATE OF NEW YORK

219

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. BENJAMIN, KRUEGER -- read twice and ordered printed,
and when printed to be committed to the Committee on Education

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 develop-
mental disabilities while receiving services at a facility

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

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

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

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

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

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

21 a. require that the student be authorized to engage in the medical use
22 of medical marihuana and that the designated caregiver of a certified

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

LBD01760-01-9

1 patient be authorized to assist the student with the medical use of
2 marihuana pursuant to title five-A of article thirty-three of the public
3 health law;

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

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

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

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

18 4. Medical marihuana may be administered to a certified patient that
19 is a student while the student is on school grounds, aboard a school
20 bus, or attending school-sponsored events, provided that such adminis-
21 tration is consistent with the requirements of the policy adopted pursu-
22 ant to this section and the provisions of title five-A of article thir-
23 ty-three of the public health law.

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

26 § 13.44 Administration of medical marihuana at facilities.

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

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

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

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

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

52 c. expressly authorize designated caregivers to administer medical
53 marihuana to the person receiving services for persons with develop-
54 mental disabilities while the person is at the facility; and

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

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

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

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

13 5. "Designated caregiver" means the individual designated by a certi-
14 fied patient in a registry application. A certified patient may desig-
15 nate up to [~~two~~] three designated caregivers.

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