

# STATE OF NEW YORK

2568

2023-2024 Regular Sessions

## IN SENATE

January 23, 2023

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the social services law, in relation to health coverage for medical marihuana

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

1 Section 1. Section 3368 of the public health law, as added by chapter  
2 90 of the laws of 2014, is amended to read as follows:  
3 § 3368. Relation to other laws. 1. (a) The provisions of this article  
4 shall apply to this title, except that where a provision of this title  
5 conflicts with another provision of this article, this title shall  
6 apply.  
7 (b) Medical marihuana shall not be deemed to be a "drug" for purposes  
8 of article one hundred thirty-seven of the education law. However,  
9 regardless of federal financial participation, medical marihuana, when  
10 dispensed under this title, shall be deemed to be (i) a "prescription  
11 drug" for purposes of coverage under medical assistance under title  
12 eleven of article five of the social services law (provided that the  
13 dispensing site is certified under subdivision eleven of section three  
14 hundred sixty-five-a of the social services law), title one-A of article  
15 twenty-five of this chapter, the insurance law, and the workers' compen-  
16 sation law; (ii) a "covered drug" for purposes of coverage under title  
17 three of article two of the elder law; and (iii) a "health care service"  
18 under section three hundred sixty-nine-gg of the social services law  
19 (unless the commissioner finds that this will result in the loss of  
20 federal financial participation in the program under that section).  
21 2. Nothing in this title shall be construed to require or prohibit an  
22 insurer or health plan under this chapter or the insurance law to  
23 provide coverage for medical marihuana, except that it shall be covered,  
24 as provided in subdivision one of this section, by any insurer or health  
25 plan under title eleven of article five of the social services law,

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

LBD06526-01-3

1 title one-A of article twenty-five of this chapter, the workers' compen-  
2 sation law, title three of article two of the elder law, and section  
3 three hundred sixty-nine-gg of the social services law. [~~Nothing in this~~  
4 ~~title shall be construed to require coverage for medical marihuana under~~  
5 ~~article twenty-five of this chapter or article five of the social~~  
6 ~~services law.]~~

7 § 2. Section 365-a of the social services law is amended by adding a  
8 new subdivision 11 to read as follows:

9 11. The commissioner may certify a dispensing site authorized under  
10 title five-A of article thirty-three the public health law as a medical  
11 assistance provider, solely for the purpose of dispensing medical mari-  
12 huana.

13 § 3. This act shall take effect on the first of April next succeeding  
14 the date on which it shall have become a law; provided that the amend-  
15 ments to section 3368 of the public health law made by section one of  
16 this act shall not affect the repeal of such section and shall expire  
17 and be deemed repealed therewith. Effective immediately, the addition,  
18 amendment and/or repeal of any rule or regulation necessary for the  
19 implementation of this act on its effective date are authorized to be  
20 made and completed on or before such effective date.