

STATE OF NEW YORK

7795

2023-2024 Regular Sessions

IN ASSEMBLY

June 15, 2023

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Higher Education

AN ACT to amend the cannabis law, in relation to certification by pharmacists of patients using medical cannabis

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

- 1 Section 1. Section 30 of the cannabis law is amended to read as
2 follows:
3 § 30. Certification of patients. 1. A patient certification may only
4 be issued if:
5 (a) the patient has a condition, which shall be specified in the
6 patient's health care record, if applicable;
7 (b) the practitioner by training or experience is qualified to treat
8 the condition;
9 (c) the patient is under the practitioner's continuing care for the
10 condition; [~~and~~] or
11 (d) in the practitioner's professional opinion and review of past
12 treatments, the patient is likely to receive therapeutic or palliative
13 benefit from the primary or adjunctive treatment with medical use of
14 cannabis for the condition.
15 2. The certification shall include:
16 (a) the name, date of birth and address of the patient;
17 (b) a statement that the patient has a condition and the patient is
18 under the practitioner's care for the condition;
19 (c) a statement attesting that [~~all requirements~~] a requirement of
20 subdivision one of this section [~~have~~] has been satisfied;
21 (d) the date; and
22 (e) the name, address, telephone number, and the signature of the
23 certifying practitioner.
24 The board may require by regulation that the certification shall be on
25 a form provided by the office. The practitioner may state in the certifi-

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

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1 ication that, in the practitioner's professional opinion, the patient
2 would benefit from medical cannabis only until a specified date. [~~The
3 practitioner may state in the certification that, in the practitioner's
4 professional opinion, the patient is terminally ill and that the certifi-
5 cation shall not expire until the patient dies.~~]

6 3. In making a certification, the practitioner may consider the form
7 of medical cannabis the patient should consume, including the method of
8 consumption and any particular strain, variety, and quantity or percent-
9 age of cannabis or particular active ingredient, and appropriate dosage.

10 The practitioner may state in the certification any recommendation or
11 limitation the practitioner makes, in his or her professional opinion,
12 concerning the appropriate form or forms of medical cannabis and dosage.

13 4. Every practitioner shall make a reasonable effort to consult the
14 prescription monitoring program registry prior to making or issuing a
15 certification, for the purpose of reviewing a patient's controlled
16 substance history. For purposes of this section, a practitioner may
17 authorize a designee to consult the prescription monitoring program
18 registry on his or her behalf, provided that such designation is in
19 accordance with section thirty-three hundred forty-three-a of the public
20 health law.

21 5. The practitioner shall give the certification to the certified
22 patient, and place a copy in the patient's health care record if the
23 patient is under the practitioner's continuing care.

24 6. No practitioner shall issue a certification under this section for
25 themselves.

26 7. A registry identification card based on a certification shall not
27 expire [~~one year after the date the certification is signed by the prac-
28 titioner~~], except as provided for in subdivision eight of this section.

29 8. (a) If the practitioner states in the certification that, in the
30 practitioner's professional opinion, the patient would benefit from
31 medical cannabis only until a specified earlier date, then the registry
32 identification card shall expire on that date; and

33 (b) [~~if the practitioner states in the certification that in the prac-
34 titioner's professional opinion the patient is terminally ill and that
35 the certification shall not expire until the patient dies, then the
36 registry identification card shall state that the patient is terminally
37 ill and that the registration card shall not expire until the patient
38 dies; (c) if the practitioner re-issues the certification to terminate
39 the certification on an earlier date, then the registry identification
40 card shall expire on that date and shall be promptly destroyed by the
41 certified patient; (d) if the certification so provides, the registry
42 identification card shall state any recommendation or limitation by the
43 practitioner as to the form or forms of medical cannabis or dosage for
44 the certified patient; and (e) the~~] The board [~~shall~~] may make regu-
45 lations to implement this subdivision.

46 9. (a) A certification may be a special certification if, in addition
47 to the other requirements for a certification, the practitioner certi-
48 fies in the certification that the patient's condition is progressive
49 and degenerative or that delay in the patient's certified medical use of
50 cannabis poses a risk to the patient's life or health.

51 (b) The office shall create the form to be used for a special certifi-
52 cation and shall make that form available to be downloaded from the
53 office's website.

54 10. Prior to issuing a certification a practitioner must complete, at
55 a minimum, a two-hour course as determined by the board in regulation.
56 For the purposes of this article a person's status as a practitioner is

1 deemed to be a "license" for the purposes of section thirty-three
2 hundred ninety of the public health law and shall be subject to the same
3 revocation process.

4 11. Notwithstanding any other law, rule, or regulation, any pharmacist
5 employed by a registered organization and responsible for supervising
6 the dispensing of medical cannabis within a cannabis dispensing facility
7 shall be deemed an authorized practitioner able to recommend and certify
8 patients upon consultation within such dispensing facility provided that
9 such pharmacist has completed the two-hour course required by this
10 section and registered with the office. The fee for such a certifi-
11 cation shall not exceed twenty-five dollars.

12 § 2. This act shall take effect immediately.