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:

Section 1. Section 30 of the cannabis law is amended to read as follows:

§ 30. Certification of patients. 1. A patient certification may only be issued if:

(a) the patient has a condition, which shall be specified in the patient's health care record**, if applicable**;

(b) the practitioner by training or experience is qualified to treat the condition;

(c) the patient is under the practitioner's continuing care for the condition; [~~and~~] **or**

(d) in the practitioner's professional opinion and review of past treatments, the patient is likely to receive therapeutic or palliative benefit from the primary or adjunctive treatment with medical use of cannabis for the condition.

2. The certification shall include:

(a) the name, date of birth and address of the patient;

(b) a statement that the patient has a condition and the patient is under the practitioner's care for the condition;

(c) a statement attesting that [~~all requirements~~] **a requirement** of subdivision one of this section [~~have~~] **has** been satisfied;

(d) the date; and

(e) the name, address, telephone number, and the signature of the certifying practitioner.

The board may require by regulation that the certification shall be on a form provided by the office. The practitioner may state in the certif-

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

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

3. In making a certification, the practitioner may consider the form of medical cannabis the patient should consume, including the method of consumption and any particular strain, variety, and quantity or percentage of cannabis or particular active ingredient, and appropriate dosage. The practitioner may state in the certification any recommendation or limitation the practitioner makes, in his or her professional opinion, concerning the appropriate form or forms of medical cannabis and dosage.

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

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

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

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

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

(b) [~~if the practitioner states in the certification that in the practitioner's professional opinion the patient is terminally ill and that the certification shall not expire until the patient dies, then the registry identification card shall state that the patient is terminally ill and that the registration card shall not expire until the patient dies; (c) if the practitioner re-issues the certification to terminate the certification on an earlier date, then the registry identification card shall expire on that date and shall be promptly destroyed by the certified patient; (d) if the certification so provides, the registry identification card shall state any recommendation or limitation by the practitioner as to the form or forms of medical cannabis or dosage for the certified patient; and (e) the~~] **The** board [~~shall~~] **may** make regulations to implement this subdivision.

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

(b) The office shall create the form to be used for a special certification and shall make that form available to be downloaded from the office's website.

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

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

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

§ 2. This act shall take effect immediately.