

# STATE OF NEW YORK

2566

2025-2026 Regular Sessions

## IN ASSEMBLY

January 17, 2025

Introduced by M. of A. McDONALD, LUPARDO, HUNTER -- 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 certif-

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 certif-~~  
5 ~~ication 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~~] the practitioner's  
12 professional opinion, concerning the appropriate form or forms of  
13 medical cannabis and dosage.

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

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

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

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

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

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

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

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

55 10. Prior to issuing a certification a practitioner must complete, at  
56 a minimum, a two-hour course as determined by the board in regulation.

1 For the purposes of this article a person's status as a practitioner is  
2 deemed to be a "license" for the purposes of section thirty-three  
3 hundred ninety of the public health law and shall be subject to the same  
4 revocation process.

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

13 § 2. This act shall take effect immediately.