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S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

April 14, 2009

Introduced by M. of A. GOTTFRIED, BRADLEY, CAHILL, CLARK, CYMBROWITZ, DINOWITZ, O'DONNELL, PAULIN, PEOPLES, LIFTON, KAVANAGH, COOK, SPANO, DenDEKKER, SKARTADOS, CALHOUN -- Multi-Sponsored by -- M. of A. ALFANO, AUBRY, BOYLAND, BRENNAN, BROOK-KRASNY, GALEF, GLICK, HIKIND, HOYT, JACOBS, JAFFEE, KELLNER, V. LOPEZ, LUPARDO, MAISEL, MARKEY, MAYERSOHN, McENENY, MILLER, MILLMAN, PHEFFER, POWELL, PRETLOW, N. RIVERA, ROBINSON, ROSENTHAL, SCARBOROUGH, SCHIMEL, SCOZZAFAVA, SWEENEY, TOWNS, WALKER, WEISENBERG, WRIGHT -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the general business law, in relation to medical use of marihuana

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative findings and intent. The legislature finds that  
2 thousands of New Yorkers have serious medical conditions that can be  
3 improved by medically-approved use of marihuana. The law should not  
4 stand between them and treatment necessary for life and health. This  
5 legislation follows the well-established public policy that a controlled  
6 substance can have a legitimate medical use. Many controlled substances  
7 that are legal for medical use (such as morphine and steroids) are ille-  
8 gal for any other use. The purposes of article 33 of the public health  
9 law include allowing legitimate use of controlled substances in health  
10 care, including palliative care. This policy and this legislation do not  
11 in any way diminish New York state's strong public policy and laws  
12 against illegal drug use, nor should it be deemed in any manner to advo-  
13 cate, authorize, promote, or legally or socially accept the use of mari-  
14 huana for children or adults, for any non-medical use. This legislation  
15 is an appropriate exercise of the state's legislative power to protect  
16 the health of its people under article 17 of the state constitution and  
17 the tenth amendment of the United States constitution.

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

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1 It is the legislative intent that this act be implemented consistently  
2 with these findings and principles, through a reasonable and workable  
3 system with appropriate oversight, evaluation and continuing research.

4 S 2. Article 33 of the public health law is amended by adding a new  
5 title 5-A to read as follows:

6 TITLE V-A

7 MEDICAL USE OF MARIHUANA

8 SECTION 3360. DEFINITIONS.

9 3361. CERTIFICATION OF PATIENTS.

10 3362. POSSESSION.

11 3363. REGISTRY IDENTIFICATION CARDS.

12 3364. REGISTERED ORGANIZATIONS.

13 3365. REGISTERING OF REGISTERED ORGANIZATIONS.

14 3366. REPORTS BY REGISTERED ORGANIZATIONS.

15 3367. FEDERAL AUTHORITY; REGISTERED ORGANIZATION IMPLEMENTATION  
16 AND EFFECT.

17 3368. EVALUATION; RESEARCH PROGRAMS; REPORT BY DEPARTMENT.

18 3369. RELATION TO OTHER LAWS.

19 S 3360. DEFINITIONS. AS USED IN THIS TITLE, THE FOLLOWING TERMS SHALL  
20 HAVE THE FOLLOWING MEANINGS, UNLESS THE CONTEXT CLEARLY REQUIRES OTHER-  
21 WISE:

22 1. "CERTIFIED MEDICAL USE" MEANS THE ACQUISITION, POSSESSION, MANUFAC-  
23 TURE, USE, DELIVERY, TRANSFER, TRANSPORTATION, OR ADMINISTRATION OF  
24 MEDICAL MARIHUANA BY A CERTIFIED PATIENT OR DESIGNATED CAREGIVER FOR USE  
25 AS PART OF THE TREATMENT OF THE PATIENT'S SERIOUS CONDITION SPECIFIED IN  
26 A CERTIFICATION UNDER SECTION THIRTY-THREE HUNDRED SIXTY-ONE OF THIS  
27 TITLE, INCLUDING ENABLING THE PATIENT TO TOLERATE TREATMENT FOR THE  
28 SERIOUS CONDITION.

29 2. "CERTIFIED PATIENT" MEANS A PATIENT WHO IS CERTIFIED UNDER SECTION  
30 THIRTY-THREE HUNDRED SIXTY-ONE OF THIS TITLE.

31 3. "CERTIFICATION" MEANS A CERTIFICATION, MADE UNDER SECTION  
32 THIRTY-THREE HUNDRED SIXTY-ONE OF THIS TITLE.

33 4. "DESIGNATED CAREGIVER" MEANS THE INDIVIDUAL DESIGNATED BY A CERTI-  
34 FIED PATIENT IN A REGISTRY APPLICATION.

35 5. "PUBLIC PLACE" MEANS A PUBLIC PLACE AS DEFINED IN SECTION 240.00 OF  
36 THE PENAL LAW, A MOTOR VEHICLE AS DEFINED IN SECTION ONE HUNDRED TWEN-  
37 TY-FIVE OF THE VEHICLE AND TRAFFIC LAW, AN AIRCRAFT AS DEFINED IN  
38 SECTION TWO HUNDRED FORTY OF THE GENERAL BUSINESS LAW OR A VESSEL AS  
39 DEFINED IN SECTION TWO OF THE NAVIGATION LAW.

40 6. "SERIOUS CONDITION" MEANS A SEVERE DEBILITATING OR LIFE-THREATENING  
41 CONDITION, OR A CONDITION ASSOCIATED WITH OR A COMPLICATION OF SUCH A  
42 CONDITION OR ITS TREATMENT (INCLUDING BUT NOT LIMITED TO INABILITY TO  
43 TOLERATE FOOD, NAUSEA, VOMITING, DYSPHORIA OR PAIN).

44 7. "MEDICAL MARIHUANA" MEANS MARIHUANA AS DEFINED IN SUBDIVISION TWEN-  
45 TY-ONE OF SECTION THIRTY-THREE HUNDRED TWO OF THIS ARTICLE ACQUIRED,  
46 POSSESSED, MANUFACTURED, USED, DELIVERED, TRANSFERRED, TRANSPORTED, OR  
47 ADMINISTERED BY A CERTIFIED PATIENT OR DESIGNATED CAREGIVER FOR A CERTI-  
48 FIED MEDICAL USE.

49 8. "REGISTERED ORGANIZATION" MEANS A REGISTERED ORGANIZATION UNDER  
50 SECTIONS THIRTY-THREE HUNDRED SIXTY-FOUR AND THIRTY-THREE HUNDRED  
51 SIXTY-FIVE OF THIS TITLE.

52 9. "REGISTRY APPLICATION" MEANS AN APPLICATION PROPERLY COMPLETED AND  
53 FILED WITH THE DEPARTMENT BY A CERTIFIED PATIENT UNDER SECTION  
54 THIRTY-THREE HUNDRED SIXTY-THREE OF THIS TITLE.

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1 10. "REGISTRY IDENTIFICATION CARD" MEANS A DOCUMENT THAT IDENTIFIES A  
2 CERTIFIED PATIENT OR DESIGNATED CAREGIVER, AS PROVIDED UNDER SECTION  
3 THIRTY-THREE HUNDRED SIXTY-THREE OF THIS TITLE.

4 11. "USABLE MARIHUANA" MEANS MARIHUANA CONSISTING OF THE HARVESTED  
5 LEAVES AND FLOWERS OF THE PLANT OF THE GENUS CANNABIS, BUT DOES NOT  
6 INCLUDE ANY FOOD THAT IS NOT MARIHUANA.

7 12. "UNUSABLE MARIHUANA" MEANS SEEDS, STALKS, SEEDLINGS, AND UNUSABLE

8 ROOTS. "SEEDLING" MEANS A MARIHUANA PLANT THAT HAS NO FLOWERS, IS LESS  
9 THAN TWELVE INCHES IN HEIGHT, AND IS LESS THAN TWELVE INCHES IN DIAM-  
10 ETER.

11 S 3361. CERTIFICATION OF PATIENTS. 1. A PATIENT CERTIFICATION MAY ONLY  
12 BE ISSUED IF A PRACTITIONER CERTIFIES THAT: (A) THE PATIENT HAS A SERI-  
13 OUS CONDITION, WHICH SHALL BE SPECIFIED IN THE PATIENT'S HEALTH CARE  
14 RECORD; (B) THE PATIENT IS UNDER THE PRACTITIONER'S CARE FOR THE SERIOUS  
15 CONDITION; AND (C) IN THE PRACTITIONER'S PROFESSIONAL OPINION, THE  
16 PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE  
17 PRIMARY OR ADJUNCTIVE TREATMENT WITH MEDICAL USE OF MARIHUANA FOR THE  
18 SERIOUS CONDITION.

19 2. THE CERTIFICATION SHALL BE IN WRITING AND INCLUDE (A) THE NAME,  
20 DATE OF BIRTH AND ADDRESS OF THE PATIENT; (B) A STATEMENT THAT THE  
21 PATIENT HAS A SERIOUS CONDITION; THE PATIENT IS UNDER THE PRACTITIONER'S  
22 CARE FOR THE SERIOUS CONDITION AND, IN THE PRACTITIONER'S PROFESSIONAL  
23 OPINION, THE PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE  
24 BENEFIT FROM THE PRIMARY OR ADJUNCTIVE TREATMENT WITH MEDICAL USE OF  
25 MARIHUANA FOR THE SERIOUS CONDITION; (C) THE DATE; AND (D) THE NAME,  
26 ADDRESS, FEDERAL REGISTRATION NUMBER, TELEPHONE NUMBER, AND THE HAND-  
27 WRITTEN SIGNATURE OF THE CERTIFYING PRACTITIONER. THE COMMISSIONER MAY  
28 REQUIRE BY REGULATION THAT THE CERTIFICATION SHALL BE ON A FORM PROVIDED  
29 BY THE DEPARTMENT IF THE COMMISSIONER DETERMINES THAT THE DEPARTMENT IS  
30 MAKING CERTIFICATION FORMS ADEQUATELY AVAILABLE.

31 3. THE PRACTITIONER SHALL GIVE THE CERTIFICATION TO THE CERTIFIED  
32 PATIENT, AND PLACE A COPY IN THE PATIENT'S HEALTH CARE RECORD.

33 4. NO PRACTITIONER SHALL ISSUE A CERTIFICATION UNDER THIS SECTION FOR  
34 HIMSELF OR HERSELF.

35 5. A REGISTRY IDENTIFICATION CARD BASED ON A CERTIFICATION SHALL  
36 EXPIRE ONE YEAR AFTER THE DATE THE CERTIFICATION IS SIGNED BY THE PRAC-  
37 TITIONER; EXCEPT THAT WHERE A CERTIFIED PATIENT HAS A REGISTRY IDENTIFI-  
38 CATION CARD BASED ON A CURRENT VALID CERTIFICATION, A NEW REGISTRY IDEN-  
39 TIFICATION CARD BASED ON A NEW CERTIFICATION SHALL EXPIRE ONE YEAR AFTER  
40 THE EXPIRATION OF THE REGISTRY IDENTIFICATION CARD BASED ON THE CURRENT  
41 VALID CERTIFICATION. HOWEVER, IF THE PRACTITIONER STATES IN THE CERTIF-  
42 ICATION THAT HE OR SHE BELIEVES THE PATIENT WOULD BENEFIT FROM MEDICAL  
43 MARIHUANA ONLY UNTIL A SPECIFIED EARLIER DATE, THEN THE REGISTRY IDEN-  
44 TIFICATION CARD SHALL EXPIRE ON THAT DATE.

45 S 3362. POSSESSION. 1. THE POSSESSION, ACQUISITION, MANUFACTURE, USE,  
46 DELIVERY, TRANSFER, TRANSPORTATION, OR ADMINISTRATION OF MEDICAL MARI-  
47 HUANA BY A CERTIFIED PATIENT OR DESIGNATED CAREGIVER POSSESSING A VALID  
48 REGISTRY IDENTIFICATION CARD, FOR CERTIFIED MEDICAL USE, SHALL BE LAWFUL  
49 UNDER THIS TITLE; PROVIDED THAT THE MARIHUANA THAT MAY BE POSSESSED BY A  
50 CERTIFIED PATIENT AND SUCH CERTIFIED PATIENT'S DESIGNATED CAREGIVER DOES  
51 NOT, IN TOTAL EXCEED TWELVE PLANTS AND A TOTAL AGGREGATE WEIGHT OF TWO  
52 AND ONE-HALF OUNCES OF USABLE MARIHUANA. A CERTIFIED PATIENT OR DESIG-  
53 NATED CAREGIVER POSSESSING A VALID REGISTRY IDENTIFICATION CARD MAY ALSO  
54 LAWFULLY POSSESS A REASONABLE AMOUNT OF UNUSABLE MARIHUANA, INCLUDING UP  
55 TO TWELVE SEEDLINGS, WHICH SHALL NOT BE COUNTED TOWARD THE LIMITS IN  
56 THIS SECTION. THE PLANTS SHALL BE KEPT IN A CLOSET, ROOM, GREENHOUSE OR  
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1 OTHER ENCLOSED AREA EQUIPPED WITH LOCKS OR OTHER SECURITY DEVICES THAT  
2 PERMIT ACCESS ONLY BY THE CERTIFIED PATIENT OR DESIGNATED CAREGIVER,  
3 UNLESS THEY ARE BEING TRANSPORTED BECAUSE THE CERTIFIED PATIENT IS  
4 MOVING OR IF THEY ARE BEING TRANSPORTED TO A DESIGNATED CAREGIVER'S OR A  
5 CERTIFIED PATIENT'S PROPERTY. A DESIGNATED CAREGIVER MAY POSSESS THE  
6 QUANTITIES REFERRED TO IN THIS SUBDIVISION FOR EACH CERTIFIED PATIENT  
7 FOR WHOM THE CAREGIVER POSSESSES A VALID REGISTRY IDENTIFICATION CARD,  
8 UP TO FIVE CERTIFIED PATIENTS.

9 2. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION: (A) POSSESSION OF  
10 MARIHUANA SHALL NOT BE LAWFUL UNDER THIS TITLE IF IT IS CONSUMED OR  
11 DISPLAYED IN A PUBLIC PLACE; (B) MEDICAL MARIHUANA MAY NOT BE SMOKED IN  
12 ANY PLACE WHERE TOBACCO MAY NOT BE SMOKED UNDER ARTICLE THIRTEEN-E OF  
13 THIS CHAPTER; (C) EXCEPT THAT IN A HEALTH CARE FACILITY, MEDICAL MARI-

14 HUANA MAY BE SMOKED BY A PATIENT OF THE FACILITY, SUBJECT TO OTHER  
15 PROVISIONS OF THIS TITLE, IN AN AREA, AND UNDER CIRCUMSTANCES, PERMITTED  
16 BY THE FACILITY, PROVIDED THAT THE PATIENT DOES NOT SMOKE IN THE PRES-  
17 ENCE OF PATIENTS WHO ARE NOT CERTIFIED UNDER THIS TITLE.

18 3. IT SHALL BE LAWFUL UNDER THIS ARTICLE TO GIVE OR DISPOSE OF MARI-  
19 HUANA TO A CERTIFIED PATIENT OR DESIGNATED CAREGIVER FOR A CERTIFIED  
20 MEDICAL USE WHERE NOTHING OF VALUE IS TRANSFERRED IN RETURN, OR TO OFFER  
21 TO DO THE SAME. THIS PROHIBITION ON TRANSFERRING OR OFFERING TO TRANS-  
22 FER A THING OF VALUE SHALL NOT (A) APPLY TO SALE OF MEDICAL MARIHUANA TO  
23 OR BY A REGISTERED ORGANIZATION UNDER THIS ARTICLE; NOR (B) PREVENT A  
24 DESIGNATED CAREGIVER FROM BEING REIMBURSED FOR ACTIVITIES RELATING TO  
25 CARING FOR A CERTIFIED PATIENT, INCLUDING, BUT NOT LIMITED TO,  
26 REIMBURSEMENT FOR LEGITIMATE EXPENSES RELATING TO THE MANUFACTURE OF  
27 MEDICAL MARIHUANA OR THE PURCHASE OF MEDICAL MARIHUANA FROM A REGISTERED  
28 ORGANIZATION UNDER SECTION THIRTY-THREE HUNDRED SIXTY-SIX OF THIS TITLE.

29 4. NO SCHOOL, EMPLOYER OR LANDLORD SHALL REFUSE TO ENROLL, EMPLOY OR  
30 LEASE TO OR OTHERWISE PENALIZE A PERSON SOLELY FOR HIS OR HER STATUS AS  
31 A CERTIFIED PATIENT OR DESIGNATED CAREGIVER; PROVIDED, HOWEVER, THAT  
32 NOTHING IN THIS PARAGRAPH REQUIRES A SCHOOL, EMPLOYER OR LANDLORD TO  
33 MAKE ANY ADDITIONAL ACCOMMODATIONS.

34 S 3363. REGISTRY IDENTIFICATION CARDS. 1. THE DEPARTMENT SHALL ISSUE  
35 REGISTRY IDENTIFICATION CARDS FOR CERTIFIED PATIENTS AND DESIGNATED  
36 CAREGIVERS. A REGISTRY IDENTIFICATION CARD SHALL EXPIRE AS PROVIDED IN  
37 SECTION THIRTY-THREE HUNDRED SIXTY-ONE OF THIS TITLE OR AS OTHERWISE  
38 PROVIDED IN THIS SECTION. THE DEPARTMENT SHALL BEGIN ISSUING REGISTRY  
39 IDENTIFICATION CARDS NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE  
40 EFFECTIVE DATE OF THIS SECTION. THE DEPARTMENT MAY SPECIFY A FORM FOR A  
41 REGISTRY APPLICATION, IN WHICH CASE THE DEPARTMENT SHALL PROVIDE THE  
42 FORM ON REQUEST, REPRODUCTIONS OF THE FORM MAY BE USED, AND THE FORM  
43 SHALL BE AVAILABLE FOR DOWNLOADING FROM THE DEPARTMENT'S WEBSITE.

44 2. TO OBTAIN OR RENEW A REGISTRY IDENTIFICATION CARD, A CERTIFIED  
45 PATIENT SHALL FILE A REGISTRY APPLICATION WITH THE DEPARTMENT. THE  
46 REGISTRY APPLICATION OR RENEWAL APPLICATION SHALL INCLUDE:

47 (A) A COPY OF THE PATIENT'S CERTIFICATION (A NEW WRITTEN CERTIFICATION  
48 SHALL BE PROVIDED WITH A RENEWAL APPLICATION);

49 (B) (I) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE PATIENT; (II) THE  
50 DATE OF THE CERTIFICATION; (III) IF THE PATIENT HAS A REGISTRY IDENTIFI-  
51 CATION CARD BASED ON A CURRENT VALID CERTIFICATION, THE REGISTRY IDEN-  
52 TIFICATION NUMBER AND EXPIRATION DATE OF THAT REGISTRY IDENTIFICATION  
53 CARD; (IV) THE SPECIFIED DATE UNTIL WHICH THE PATIENT WOULD BENEFIT FROM  
54 MEDICAL MARIHUANA, IF THE CERTIFICATION STATES SUCH A DATE; (V) THE  
55 NAME, ADDRESS, FEDERAL REGISTRATION NUMBER, AND TELEPHONE NUMBER OF THE  
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1 CERTIFYING PRACTITIONER; AND (VI) OTHER INDIVIDUAL IDENTIFYING INFORMA-  
2 TION REQUIRED BY THE DEPARTMENT;

3 (C) IF THE PATIENT DESIGNATES A DESIGNATED CAREGIVER, THE NAME,  
4 ADDRESS, AND DATE OF BIRTH OF THE DESIGNATED CAREGIVER, AND OTHER INDI-  
5 VIDUAL IDENTIFYING INFORMATION REQUIRED BY THE DEPARTMENT; A CERTIFIED  
6 PATIENT MAY DESIGNATE UP TO TWO DESIGNATED CAREGIVERS;

7 (D) A STATEMENT THAT A FALSE STATEMENT MADE IN THE APPLICATION IS  
8 PUNISHABLE UNDER SECTION 210.45 OF THE PENAL LAW;

9 (E) THE DATE OF THE APPLICATION AND THE SIGNATURE OF THE CERTIFIED  
10 PATIENT; AND

11 (F) A REASONABLE APPLICATION FEE, AS DETERMINED BY THE DEPARTMENT;  
12 PROVIDED, THAT THE DEPARTMENT MAY WAIVE OR REDUCE THE FEE IN CASES OF  
13 FINANCIAL HARDSHIP.

14 3. WHERE A CERTIFIED PATIENT IS UNDER THE AGE OF EIGHTEEN:

15 (A) THE APPLICATION FOR A REGISTRY IDENTIFICATION CARD SHALL BE MADE  
16 BY AN APPROPRIATE PERSON OVER TWENTY-ONE YEARS OF AGE. THE APPLICATION  
17 SHALL STATE FACTS DEMONSTRATING THAT THE PERSON IS APPROPRIATE.

18 (B) THE DESIGNATED CAREGIVER SHALL BE (I) A PARENT OR LEGAL GUARDIAN  
19 OF THE CERTIFIED PATIENT, (II) A PERSON DESIGNATED BY A PARENT OR LEGAL  
20 GUARDIAN, OR (III) AN APPROPRIATE PERSON APPROVED BY THE DEPARTMENT UPON

21 A SUFFICIENT SHOWING THAT NO PARENT OR LEGAL GUARDIAN IS APPROPRIATE OR  
22 AVAILABLE.

23 4. NO PERSON MAY BE A DESIGNATED CAREGIVER IF THE PERSON IS UNDER  
24 TWENTY-ONE YEARS OF AGE UNLESS A SUFFICIENT SHOWING IS MADE TO THE  
25 DEPARTMENT THAT THE PERSON SHOULD BE PERMITTED TO SERVE AS A DESIGNATED  
26 CAREGIVER.

27 5. NO PERSON MAY BE A DESIGNATED CAREGIVER FOR MORE THAN FIVE CERTI-  
28 FIED PATIENTS AT ONE TIME. A DESIGNATED CAREGIVER SHALL CARRY A SEPARATE  
29 REGISTRY IDENTIFICATION CARD FOR EACH CERTIFIED PATIENT FOR WHOM HE OR  
30 SHE IS A DESIGNATED CAREGIVER. EACH REGISTRY IDENTIFICATION CARD SHALL  
31 CONTAIN THE SAME REGISTRY IDENTIFICATION NUMBER SPECIFIED IN THIS  
32 SECTION.

33 6. THE DEPARTMENT SHALL ISSUE SEPARATE REGISTRY IDENTIFICATION CARDS  
34 FOR THE CERTIFIED PATIENT AND THE DESIGNATED CAREGIVER (IF ONE IS DESIG-  
35 NATED IN THE REGISTRY APPLICATION) WITHIN THIRTY DAYS OF RECEIVING A  
36 COMPLETE APPLICATION UNDER THIS SECTION, UNLESS IT DETERMINES THAT THE  
37 APPLICATION IS INCOMPLETE OR FACIALLY INACCURATE, IN WHICH CASE IT SHALL  
38 PROMPTLY NOTIFY THE APPLICANT.

39 7. IF THE DEPARTMENT DOES NOT APPROVE THE DESIGNATION OF AN INDIVID-  
40 UAL AS A DESIGNATED CAREGIVER, THAT SHALL NOT AFFECT THE APPROVAL OF THE  
41 APPLICATION AS TO THE CERTIFIED PATIENT.

42 8. A REGISTRY IDENTIFICATION CARD SHALL CONTAIN:

43 (A) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE CERTIFIED PATIENT AND  
44 THE DESIGNATED CAREGIVER (IF ONE IS DESIGNATED IN THE REGISTRY APPLICA-  
45 TION);

46 (B) THE DATE OF ISSUANCE AND EXPIRATION DATE OF THE REGISTRY IDENTIFI-  
47 CATION CARD;

48 (C) A REGISTRY IDENTIFICATION NUMBER FOR THE CERTIFIED PATIENT AND A  
49 REGISTRY IDENTIFICATION NUMBER FOR THE DESIGNATED CAREGIVER (IF ONE IS  
50 DESIGNATED IN THE REGISTRY APPLICATION); AND

51 (D) A PHOTOGRAPH OF THE INDIVIDUAL TO WHOM THE REGISTRY IDENTIFICATION  
52 CARD IS BEING ISSUED, WHICH SHALL BE OBTAINED BY THE DEPARTMENT IN A  
53 MANNER SPECIFIED BY THE COMMISSIONER IN REGULATIONS; PROVIDED, HOWEVER,  
54 THAT IF THE DEPARTMENT REQUIRED CERTIFIED PATIENTS TO SUBMIT PHOTOGRAPHS  
55 FOR THIS PURPOSE, THERE SHALL BE A REASONABLE ACCOMMODATION OF CERTIFIED  
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1 PATIENTS WHO ARE CONFINED TO THEIR HOMES DUE TO THEIR MEDICAL CONDITIONS  
2 AND MAY THEREFORE HAVE DIFFICULTY PROCURING PHOTOGRAPHS.

3 9. A CERTIFIED PATIENT OR DESIGNATED CAREGIVER WHO HAS BEEN ISSUED A  
4 REGISTRY IDENTIFICATION CARD SHALL NOTIFY THE DEPARTMENT OF ANY CHANGE  
5 IN HIS OR HER NAME OR ADDRESS OR, WITH RESPECT TO THE PATIENT, OR IF HE  
6 OR SHE CEASES TO HAVE THE SERIOUS CONDITION NOTED ON THE CERTIFICATION,  
7 WITHIN TEN DAYS OF SUCH CHANGE.

8 10. THE DEPARTMENT SHALL MAINTAIN A CONFIDENTIAL LIST OF THE PERSONS  
9 TO WHOM IT HAS ISSUED REGISTRY IDENTIFICATION CARDS. INDIVIDUAL IDENTI-  
10 FYING INFORMATION OBTAINED BY THE DEPARTMENT UNDER THIS TITLE SHALL BE  
11 CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER ARTICLE SIX OF THE PUBLIC  
12 OFFICERS LAW. NOTWITHSTANDING THIS SUBDIVISION, THE DEPARTMENT MAY NOTI-  
13 FY ANY APPROPRIATE LAW ENFORCEMENT AGENCY OF INFORMATION RELATING TO ANY  
14 VIOLATION OR SUSPECTED VIOLATION OF THIS TITLE.

15 11. THE DEPARTMENT SHALL VERIFY TO LAW ENFORCEMENT PERSONNEL IN AN  
16 APPROPRIATE CASE WHETHER A REGISTRY IDENTIFICATION CARD IS VALID.

17 12. IF A CERTIFIED PATIENT OR DESIGNATED CAREGIVER WILLFULLY VIOLATES  
18 ANY PROVISION OF THIS TITLE AS DETERMINED BY THE DEPARTMENT, HIS OR HER  
19 REGISTRY IDENTIFICATION CARD MAY BE REVOKED. THIS IS IN ADDITION TO ANY  
20 OTHER PENALTY THAT MAY APPLY.

21 13. TEMPORARY REGISTRY IDENTIFICATION CARDS. (A) REGISTRY IMPLEMENTA-  
22 TION DATE. AS USED IN THIS SUBDIVISION, THE "REGISTRY IMPLEMENTATION  
23 DATE" IS THE DATE DETERMINED BY THE COMMISSIONER WHEN THE DEPARTMENT IS  
24 READY TO RECEIVE AND EXPEDITIOUSLY ACT ON APPLICATIONS FOR REGISTRY  
25 IDENTIFICATION CARDS UNDER THIS SECTION. THE COMMISSIONER SHALL GIVE AT  
26 LEAST SIXTY DAYS PRIOR WRITTEN PUBLIC NOTICE OF THE REGISTRY IDENTIFICA-  
27 TION DATE, BY PUBLICATION IN THE STATE REGISTER.

28 (B)(I) CERTIFIED PATIENT. A COPY OF THE CERTIFIED PATIENT'S CERTIF-  
29 ICATION SHALL TEMPORARILY SERVE AS AND HAVE THE SAME EFFECT AS HIS OR  
30 HER REGISTRY IDENTIFICATION CARD. IT SHALL EXPIRE AS A REGISTRY IDEN-  
31 TIFICATION CARD ON THE EARLIER OF THE EXPIRATION DATE OF THE CERTIF-  
32 ICATION OR SIXTY DAYS AFTER THE REGISTRY IMPLEMENTATION DATE.

33 (II) DESIGNATED CAREGIVER. A COPY OF THE CERTIFIED PATIENT'S CERTIF-  
34 ICATION, TOGETHER WITH A COPY OF A WRITTEN STATEMENT SIGNED BY THE  
35 CERTIFIED PATIENT CONTAINING THE SAME INFORMATION AS AN APPLICATION FOR  
36 A REGISTRY IDENTIFICATION CARD UNDER THIS SECTION DESIGNATING A PERSON  
37 AS THE CERTIFIED PATIENT'S DESIGNATED CAREGIVER, SHALL TEMPORARILY SERVE  
38 AS AND HAVE THE SAME EFFECT AS A REGISTRY IDENTIFICATION CARD FOR THE  
39 DESIGNATED CAREGIVER. IN THE CASE OF A CERTIFIED PATIENT UNDER EIGHTEEN  
40 YEARS OF AGE, THE STATEMENT SHALL BE SIGNED BY A PERSON AUTHORIZED TO  
41 MAKE AN APPLICATION UNDER THIS SECTION FOR THE CERTIFIED PATIENT. IT  
42 SHALL EXPIRE AS A REGISTRY IDENTIFICATION CARD ON THE EARLIER OF THE  
43 EXPIRATION DATE OF THE CERTIFICATION OR SIXTY DAYS AFTER THE REGISTRY  
44 IMPLEMENTATION DATE.

45 (C) ON AND AFTER THE REGISTRY IMPLEMENTATION DATE, UPON RECEIPT OF AN  
46 APPLICATION FOR A REGISTRY IDENTIFICATION CARD, THE DEPARTMENT SHALL  
47 SEND TO THE APPLICANT A LETTER ACKNOWLEDGING SUCH RECEIPT. WHILE THE  
48 APPLICATION FOR A REGISTRY IDENTIFICATION CARD IS PENDING, A COPY OF THE  
49 REGISTRY APPLICATION, TOGETHER WITH A COPY OF THE CERTIFICATION AND A  
50 COPY OF THE LETTER OF RECEIPT FROM THE DEPARTMENT, SHALL SERVE AS AND  
51 HAVE THE SAME EFFECT AS A REGISTRY IDENTIFICATION CARD FOR THE CERTIFIED  
52 PATIENT AND DESIGNATED CAREGIVER IF ANY, PROVIDED THAT A CERTIFICATION  
53 AND APPLICATION SHALL NOT SERVE AS A VALID REGISTRY IDENTIFICATION CARD  
54 AFTER THE INITIAL THIRTY DAY PERIOD UNDER SUBDIVISION SIX OF THIS  
55 SECTION. THIS PARAGRAPH SHALL EXPIRE AND HAVE NO EFFECT ONE YEAR AFTER  
56 THE REGISTRY IMPLEMENTATION DATE.

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1 S 3364. REGISTERED ORGANIZATIONS. 1. A REGISTERED ORGANIZATION SHALL  
2 BE:

3 (A) A PHARMACY;

4 (B) A FACILITY LICENSED UNDER ARTICLE TWENTY-EIGHT OF THIS CHAPTER;

5 (C) A NOT-FOR-PROFIT CORPORATION ORGANIZED FOR THE PURPOSE OF ACQUIR-  
6 ING, POSSESSING, MANUFACTURING, SELLING, DELIVERING, TRANSPORTING OR  
7 DISTRIBUTING MARIHUANA FOR CERTIFIED MEDICAL USE;

8 (D) THE DEPARTMENT;

9 (E) A LOCAL HEALTH DEPARTMENT; OR

10 (F) A REGISTERED PRODUCER, WHICH SHALL BE A PERSON OR ENTITY, WITH  
11 APPROPRIATE EXPERTISE IN AGRICULTURE, REGISTERED FOR THE PURPOSE OF  
12 ACQUIRING OR MANUFACTURING MARIHUANA AND SELLING, DELIVERING, TRANSPORT-  
13 ING, OR DISTRIBUTING IT TO ANOTHER REGISTERED ORGANIZATION; A CERTIFIED  
14 PRODUCER SHALL NOT SELL, DELIVER OR DISTRIBUTE MARIHUANA TO A CERTIFIED  
15 PATIENT OR DESIGNATED CAREGIVER FOR THAT PERSON'S USE.

16 2. THE ACQUIRING, POSSESSION, MANUFACTURE, SALE, DELIVERY, TRANSPORT-  
17 ING OR DISTRIBUTING OF MARIHUANA BY A REGISTERED ORGANIZATION UNDER THIS  
18 TITLE IN ACCORDANCE WITH ITS REGISTRATION UNDER SECTION THIRTY-THREE  
19 HUNDRED SIXTY-FIVE OF THIS TITLE OR A RENEWAL THEREOF SHALL BE LAWFUL  
20 UNDER THIS TITLE.

21 3. A REGISTERED ORGANIZATION (OTHER THAN A REGISTERED PRODUCER) MAY  
22 LAWFULLY, IN GOOD FAITH, SELL, DELIVER OR DISTRIBUTE MEDICAL MARIHUANA  
23 TO A CERTIFIED PATIENT OR DESIGNATED CAREGIVER UPON PRESENTATION TO THE  
24 REGISTERED ORGANIZATION OF A VALID REGISTRY IDENTIFICATION CARD FOR THAT  
25 CERTIFIED PATIENT OR DESIGNATED CAREGIVER. WHEN PRESENTED WITH THE  
26 REGISTRY IDENTIFICATION CARD, THE REGISTERED ORGANIZATION SHALL PROVIDE  
27 TO THE CERTIFIED PATIENT OR DESIGNATED CAREGIVER A RECEIPT, WHICH SHALL  
28 STATE: THE NAME, ADDRESS, AND REGISTRY IDENTIFICATION NUMBER OF THE  
29 REGISTERED ORGANIZATION; THE NAME AND ADDRESS OF THE CERTIFIED PATIENT  
30 AND THE DESIGNATED CAREGIVER (IF ANY); AND THE QUANTITY OF MARIHUANA  
31 SOLD. THE REGISTERED ORGANIZATION SHALL RETAIN A COPY OF THE REGISTRY  
32 IDENTIFICATION CARD AND THE RECEIPT.

33 4. NO REGISTERED ORGANIZATION MAY SELL, DELIVER OR DISTRIBUTE TO ANY

34 CERTIFIED PATIENT OR DESIGNATED CAREGIVER A QUANTITY OF MEDICAL MARIHUANA  
35 NA LARGER THAN THAT INDIVIDUAL WOULD BE ALLOWED TO POSSESS UNDER THIS  
36 TITLE.

37 5. WHEN A REGISTERED ORGANIZATION SELLS, DELIVERS OR DISTRIBUTES  
38 MEDICAL MARIHUANA TO A CERTIFIED PATIENT OR DESIGNATED CAREGIVER, IT  
39 SHALL PROVIDE TO THAT INDIVIDUAL A SAFETY INSERT, WHICH WILL BE DEVELOPED  
40 AND APPROVED BY THE COMMISSIONER AND INCLUDE, BUT NOT BE LIMITED  
41 TO, INFORMATION ON: (A) METHODS FOR ADMINISTERING MEDICAL MARIHUANA, (B)  
42 ANY POTENTIAL DANGERS STEMMING FROM THE USE OF MEDICAL MARIHUANA, AND  
43 (C) HOW TO RECOGNIZE WHAT MAY BE PROBLEMATIC USAGE OF MEDICAL MARIHUANA  
44 AND OBTAIN APPROPRIATE SERVICES OR TREATMENT FOR PROBLEMATIC USAGE.

45 S 3365. REGISTERING OF REGISTERED ORGANIZATIONS. 1. APPLICATION FOR  
46 INITIAL REGISTRATION. (A) AN APPLICANT FOR REGISTRATION AS A REGISTERED  
47 ORGANIZATION UNDER SECTION THIRTY-THREE HUNDRED SIXTY-FOUR OF THIS TITLE  
48 SHALL FURNISH TO THE DEPARTMENT A DESCRIPTION OF THE ACTIVITIES IN WHICH  
49 IT INTENDS TO ENGAGE AS A REGISTERED ORGANIZATION AND ANY INFORMATION  
50 THE DEPARTMENT SHALL REASONABLY REQUIRE AND EVIDENCE THAT THE APPLICANT:

51 (I) AND ITS MANAGING OFFICERS ARE OF GOOD MORAL CHARACTER;

52 (II) POSSESSES OR HAS THE RIGHT TO USE SUFFICIENT LAND, BUILDINGS AND  
53 EQUIPMENT TO PROPERLY CARRY ON THE ACTIVITY DESCRIBED IN THE APPLICATION;  
54

55 (III) IS ABLE TO MAINTAIN EFFECTIVE CONTROL AGAINST DIVERSION OF THE  
56 MARIHUANA; AND

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1 (IV) IS ABLE TO COMPLY WITH ALL APPLICABLE STATE LAWS AND REGULATIONS  
2 RELATING TO THE ACTIVITIES IN WHICH IT INTENDS TO ENGAGE UNDER THE  
3 REGISTRATION.

4 (B) THE APPLICATION SHALL ESTABLISH THE APPLICANT'S STATUS UNDER PARAGRAPH  
5 (A), (B), (C), (D) OR (E) OF SUBDIVISION ONE OF SECTION  
6 THIRTY-THREE HUNDRED SIXTY-FOUR OF THIS TITLE.

7 (C) THE APPLICATION SHALL INCLUDE THE NAME, RESIDENCE ADDRESS AND  
8 TITLE OF EACH OF THE OFFICERS AND DIRECTORS AND THE NAME AND RESIDENCE  
9 ADDRESS OF ANY PERSON OR ENTITY THAT IS A MEMBER OF THE APPLICANT. EACH  
10 SUCH PERSON, IF AN INDIVIDUAL, OR LAWFUL REPRESENTATIVE IF A LEGAL ENTITY,  
11 SHALL SUBMIT AN AFFIDAVIT WITH THE APPLICATION SETTING FORTH:

12 (I) ANY POSITION OF MANAGEMENT OR OWNERSHIP DURING THE PRECEDING TEN  
13 YEARS OF A TEN PER CENTUM OR GREATER INTEREST IN ANY OTHER BUSINESS,  
14 LOCATED IN OR OUTSIDE THIS STATE, MANUFACTURING OR DISTRIBUTING DRUGS;

15 (II) WHETHER SUCH PERSON OR ANY SUCH BUSINESS HAS BEEN CONVICTED,  
16 FINED, CENSURED OR HAD A REGISTRATION SUSPENDED OR REVOKED IN ANY ADMINISTRATIVE  
17 OR JUDICIAL PROCEEDING RELATING TO OR ARISING OUT OF THE MANUFACTURE,  
18 DISTRIBUTION, SALE, OR POSSESSION OF DRUGS; AND

19 (III) SUCH OTHER INFORMATION AS THE COMMISSIONER MAY REASONABLY  
20 REQUIRE.

21 (D) THE APPLICANT SHALL BE UNDER A CONTINUING DUTY TO REPORT TO THE  
22 DEPARTMENT ANY CHANGE IN FACTS OR CIRCUMSTANCES REFLECTED IN THE APPLICATION  
23 OR ANY NEWLY DISCOVERED OR OCCURRING FACT OR CIRCUMSTANCE WHICH  
24 IS REQUIRED TO BE INCLUDED IN THE APPLICATION.

25 2. GRANTING OF REGISTRATION. (A) THE COMMISSIONER SHALL GRANT A REGISTRATION  
26 OR AMENDMENT TO A REGISTRATION UNDER THIS SECTION IF HE OR SHE  
27 IS SATISFIED THAT:

28 (I) THE APPLICANT WILL BE ABLE TO MAINTAIN EFFECTIVE CONTROL AGAINST  
29 DIVERSION OF MARIHUANA;

30 (II) THE APPLICANT WILL BE ABLE TO COMPLY WITH ALL APPLICABLE STATE  
31 LAWS;

32 (III) THE APPLICANT AND ITS OFFICERS ARE READY, WILLING AND ABLE TO  
33 PROPERLY CARRY ON THE MANUFACTURING OR DISTRIBUTING ACTIVITY FOR WHICH A  
34 REGISTRATION IS SOUGHT;

35 (IV) THE APPLICANT POSSESSES OR HAS THE RIGHT TO USE SUFFICIENT LAND,  
36 BUILDINGS AND EQUIPMENT TO PROPERLY CARRY ON THE ACTIVITY DESCRIBED IN  
37 THE APPLICATION;

38 (V) IT IS IN THE PUBLIC INTEREST THAT SUCH REGISTRATION BE GRANTED;  
39 AND

40 (VI) THE APPLICANT AND ITS MANAGING OFFICERS ARE OF GOOD MORAL CHARAC-  
41 TER.  
42 (B) IF THE COMMISSIONER IS NOT SATISFIED THAT THE APPLICANT SHOULD BE  
43 ISSUED A REGISTRATION, HE OR SHE SHALL NOTIFY THE APPLICANT IN WRITING  
44 OF THOSE FACTORS UPON WHICH FURTHER EVIDENCE IS REQUIRED. WITHIN THIRTY  
45 DAYS OF THE RECEIPT OF SUCH NOTIFICATION, THE APPLICANT MAY SUBMIT ADDI-  
46 TIONAL MATERIAL TO THE COMMISSIONER OR DEMAND A HEARING OR BOTH.  
47 (C) THE FEE FOR A REGISTRATION UNDER THIS SECTION SHALL BE ONE THOU-  
48 SAND TWO HUNDRED DOLLARS; PROVIDED HOWEVER, IF THE REGISTRATION IS  
49 ISSUED FOR A PERIOD GREATER THAN TWO YEARS THE FEE SHALL BE INCREASED,  
50 PRO RATA, FOR EACH ADDITIONAL MONTH OF VALIDITY.  
51 (D) REGISTRATIONS ISSUED UNDER THIS SECTION SHALL BE EFFECTIVE ONLY  
52 FOR AND SHALL SPECIFY:  
53 (I) THE NAME AND ADDRESS OF THE REGISTERED ORGANIZATION; AND  
54 (II) WHICH ACTIVITIES OF A REGISTERED ORGANIZATION ARE PERMITTED BY  
55 THE REGISTRATION.

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1 (E) UPON APPLICATION OF A REGISTERED ORGANIZATION, A REGISTRATION MAY  
2 BE AMENDED TO ALLOW THE REGISTERED ORGANIZATION TO RELOCATE WITHIN THE  
3 STATE OR TO ADD OR DELETE PERMITTED REGISTERED ORGANIZATION ACTIVITIES.  
4 THE FEE FOR SUCH AMENDMENT SHALL BE TWO HUNDRED FIFTY DOLLARS.  
5 3. A REGISTRATION ISSUED UNDER THIS SECTION SHALL BE VALID FOR TWO  
6 YEARS FROM THE DATE OF ISSUE, EXCEPT THAT IN ORDER TO FACILITATE THE  
7 RENEWALS OF SUCH REGISTRATIONS, THE COMMISSIONER MAY UPON THE INITIAL  
8 APPLICATION FOR A REGISTRATION, ISSUE SOME REGISTRATIONS WHICH MAY  
9 REMAIN VALID FOR A PERIOD OF TIME GREATER THAN TWO YEARS BUT NOT EXCEED-  
10 ING AN ADDITIONAL ELEVEN MONTHS.  
11 4. APPLICATIONS FOR RENEWAL OF REGISTRATIONS. (A) AN APPLICATION FOR  
12 THE RENEWAL OF ANY REGISTRATION ISSUED UNDER THIS SECTION SHALL BE FILED  
13 WITH THE DEPARTMENT NOT MORE THAN SIX MONTHS NOR LESS THAN FOUR MONTHS  
14 PRIOR TO THE EXPIRATION THEREOF. A LATE-FILED APPLICATION FOR THE  
15 RENEWAL OF A REGISTRATION MAY, IN THE DISCRETION OF THE COMMISSIONER, BE  
16 TREATED AS AN APPLICATION FOR AN INITIAL LICENSE.  
17 (B) THE APPLICATION FOR RENEWAL SHALL INCLUDE SUCH INFORMATION  
18 PREPARED IN THE MANNER AND DETAIL AS THE COMMISSIONER MAY REQUIRE,  
19 INCLUDING BUT NOT LIMITED TO:  
20 (I) ANY MATERIAL CHANGE IN THE CIRCUMSTANCES OR FACTORS LISTED IN  
21 SUBDIVISION ONE OF THIS SECTION; AND  
22 (II) EVERY KNOWN CHARGE OR INVESTIGATION, PENDING OR CONCLUDED DURING  
23 THE PERIOD OF THE REGISTRATION, BY ANY GOVERNMENTAL AGENCY WITH RESPECT  
24 TO:  
25 (1) EACH INCIDENT OR ALLEGED INCIDENT INVOLVING THE THEFT, LOSS, OR  
26 POSSIBLE DIVERSION OF MARIHUANA MANUFACTURED OR DISTRIBUTED BY THE  
27 APPLICANT; AND  
28 (2) COMPLIANCE BY THE APPLICANT WITH THE LAWS OF THE STATE WITH  
29 RESPECT TO ANY SUBSTANCE LISTED IN SECTION THIRTY-THREE HUNDRED SIX OF  
30 THIS ARTICLE.  
31 (C) AN APPLICANT FOR RENEWAL SHALL BE UNDER A CONTINUING DUTY TO  
32 REPORT TO THE DEPARTMENT ANY CHANGE IN FACTS OR CIRCUMSTANCES REFLECTED  
33 IN THE APPLICATION OR ANY NEWLY DISCOVERED OR OCCURRING FACT OR CIRCUM-  
34 STANCE WHICH IS REQUIRED TO BE INCLUDED IN THE APPLICATION.  
35 (D) IF THE COMMISSIONER IS NOT SATISFIED THAT THE APPLICANT IS ENTI-  
36 TLED TO A RENEWAL OF THE REGISTRATION, HE OR SHE SHALL WITHIN FORTY-FIVE  
37 DAYS AFTER THE FILING OF THE APPLICATION SERVE UPON THE APPLICANT OR HIS  
38 OR HER ATTORNEY OF RECORD IN PERSON OR BY REGISTERED OR CERTIFIED MAIL  
39 AN ORDER DIRECTING THE APPLICANT TO SHOW CAUSE WHY HIS OR HER APPLICA-  
40 TION FOR RENEWAL SHOULD NOT BE DENIED. THE ORDER SHALL SPECIFY IN DETAIL  
41 THE RESPECTS IN WHICH THE APPLICANT HAS NOT SATISFIED THE COMMISSIONER  
42 THAT THE REGISTRATION SHOULD BE RENEWED.  
43 (E) WITHIN THIRTY DAYS OF SERVICE OF SUCH ORDER, THE APPLICANT MAY  
44 EITHER SUBMIT ADDITIONAL MATERIAL TO THE COMMISSIONER OR DEMAND A HEAR-  
45 ING OR BOTH. IF A HEARING IS DEMANDED, THE COMMISSIONER SHALL FIX A DATE  
46 FOR A HEARING NOT SOONER THAN FIFTEEN DAYS NOR LATER THAN THIRTY DAYS

47 AFTER RECEIPT OF THE DEMAND, UNLESS SUCH TIME LIMITATION IS WAIVED BY  
48 THE APPLICANT.

49 5. GRANTING OF RENEWAL OF REGISTRATIONS. (A) THE COMMISSIONER SHALL  
50 RENEW A REGISTRATION UNLESS HE OR SHE DETERMINES AND FINDS THAT THE  
51 APPLICANT:

52 (I) IS UNLIKELY TO MAINTAIN OR BE ABLE TO MAINTAIN EFFECTIVE CONTROL  
53 AGAINST DIVERSION; OR

54 (II) IS UNLIKELY TO COMPLY WITH ALL STATE LAWS APPLICABLE TO THE  
55 ACTIVITIES IN WHICH IT MAY ENGAGE UNDER THE REGISTRATION.

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1 (B) FOR PURPOSES OF THIS SECTION, PROOF THAT A REGISTERED ORGANIZA-  
2 TION, DURING THE PERIOD OF ITS REGISTRATION, HAS FAILED TO MAINTAIN  
3 EFFECTIVE CONTROL AGAINST DIVERSION OR HAS KNOWINGLY OR NEGLIGENTLY  
4 FAILED TO COMPLY WITH APPLICABLE STATE LAWS RELATING TO THE ACTIVITIES  
5 IN WHICH IT ENGAGES UNDER THE REGISTRATION, SHALL CONSTITUTE SUBSTANTIAL  
6 EVIDENCE THAT THE APPLICANT WILL BE UNLIKELY TO MAINTAIN EFFECTIVE  
7 CONTROL AGAINST DIVERSION OR WILL BE UNLIKELY TO COMPLY WITH THE APPLI-  
8 CABLE STATE STATUTES DURING THE PERIOD OF PROPOSED RENEWAL.

9 6. THE DEPARTMENT MAY SUSPEND OR TERMINATE THE REGISTRATION OF A  
10 REGISTERED ORGANIZATION, ON GROUNDS AND USING PROCEDURES UNDER THIS  
11 ARTICLE RELATING TO A LICENSE, TO THE EXTENT CONSISTENT WITH THIS TITLE.

12 S 3366. REPORTS BY REGISTERED ORGANIZATIONS. THE COMMISSIONER SHALL,  
13 BY REGULATION, REQUIRE EACH REGISTERED ORGANIZATION THAT SELLS, DELIVERS  
14 OR DISTRIBUTES MEDICAL MARIHUANA TO A CERTIFIED PATIENT OR DESIGNATED  
15 CAREGIVER TO FILE REPORTS OF ALL SUCH SALES, DELIVERIES OR DISTRIBUTIONS  
16 BY THE REGISTERED ORGANIZATION DURING A PARTICULAR PERIOD, ON FORMS  
17 PROVIDED BY THE DEPARTMENT. REPORTS SHALL BE NOT MORE FREQUENTLY THAN  
18 EVERY SIX MONTHS, EXCEPT THAT WITHIN THE FIRST YEAR AFTER THIS TITLE HAS  
19 TAKEN EFFECT REPORTS SHALL BE REQUIRED NOT MORE FREQUENTLY THAN EVERY  
20 THREE MONTHS. EACH REPORT SHALL INCLUDE FOR EACH SUCH SALE, DELIVERY OR  
21 DISTRIBUTION: THE DATE, THE QUANTITY SOLD, DELIVERED OR DISTRIBUTED; THE  
22 NAME AND ADDRESS OF THE CERTIFYING PRACTITIONER; AND THE NAME, ADDRESS  
23 AND REGISTRY IDENTIFICATION NUMBER OF THE CERTIFIED PATIENT AND THE  
24 DESIGNATED CAREGIVER (IF ANY).

25 S 3367. FEDERAL AUTHORITY; REGISTERED ORGANIZATION IMPLEMENTATION AND  
26 EFFECT. 1. THE COMMISSIONER SHALL APPLY TO THE UNITED STATES GOVERNMENT  
27 FOR PERMISSION TO IMPLEMENT SECTIONS THIRTY-THREE HUNDRED SIXTY-FOUR,  
28 THIRTY-THREE HUNDRED SIXTY-FIVE AND THIRTY-THREE HUNDRED SIXTY-SIX OF  
29 THIS TITLE.

30 2. SECTIONS THIRTY-THREE HUNDRED SIXTY-FOUR, THIRTY-THREE HUNDRED  
31 SIXTY-FIVE AND THIRTY-THREE HUNDRED SIXTY-SIX OF THIS TITLE SHALL BE  
32 IMPLEMENTED ONLY UPON (I) RECEIPT OF SUCH PERMISSION FROM AN APPROPRIATE  
33 AGENCY OF THE UNITED STATES GOVERNMENT ADVISING THAT THE IMPLEMENTATION  
34 OF SUCH SECTIONS SHALL BE LAWFUL UNDER FEDERAL LAW, OR (II) A CHANGE IN  
35 FEDERAL LAW THAT PERMITS SUCH SECTIONS TO BE IMPLEMENTED WITHOUT ANY  
36 VIOLATION OF FEDERAL LAW. WITHIN ONE YEAR AFTER SUCH PERMISSION IS  
37 RECEIVED OR SUCH CHANGE IN FEDERAL LAW IS ENACTED AND TAKES EFFECT, THE  
38 DEPARTMENT SHALL PROMULGATE SUCH RULES AND REGULATIONS AS NECESSARY TO  
39 IMPLEMENT SUCH SECTIONS. IMPLEMENTATION OF SUCH SECTIONS SHALL COMMENCE  
40 ON A DATE DETERMINED BY THE COMMISSIONER, WITH NOT LESS THAN TWO MONTHS  
41 PUBLIC NOTICE.

42 S 3368. EVALUATION; RESEARCH PROGRAMS; REPORT BY DEPARTMENT. 1. THE  
43 COMMISSIONER MAY PROVIDE FOR THE ANALYSIS AND EVALUATION OF THE OPERA-  
44 TION OF THIS TITLE. THE COMMISSIONER MAY ENTER INTO AGREEMENTS WITH ONE  
45 OR MORE PERSONS, NOT-FOR-PROFIT CORPORATIONS OR OTHER ORGANIZATIONS, FOR  
46 THE PERFORMANCE OF AN EVALUATION OF THE IMPLEMENTATION AND EFFECTIVENESS  
47 OF THIS TITLE.

48 2. THE DEPARTMENT MAY DEVELOP, SEEK ANY NECESSARY FEDERAL APPROVAL  
49 FOR, AND CARRY OUT RESEARCH PROGRAMS RELATING TO MEDICAL USE OF MARIHUA-  
50 NA. PARTICIPATION IN ANY SUCH RESEARCH PROGRAM SHALL BE VOLUNTARY ON  
51 THE PART OF PRACTITIONERS, PATIENTS, AND DESIGNATED CAREGIVERS.

52 3. THE DEPARTMENT SHALL REPORT EVERY TWO YEARS, BEGINNING ONE YEAR  
53 AFTER THE EFFECTIVE DATE OF THIS TITLE, TO THE GOVERNOR AND THE LEGISLA-

1 S 3369. RELATION TO OTHER LAWS. 1. THE PROVISIONS OF THIS ARTICLE  
2 SHALL APPLY TO THIS TITLE, EXCEPT THAT WHERE A PROVISION OF THIS TITLE  
3 CONFLICTS WITH ANOTHER PROVISION OF THIS ARTICLE, THIS TITLE SHALL  
4 APPLY.

5 2. NOTHING IN THIS TITLE SHALL BE CONSTRUED TO REQUIRE OR PROHIBIT AN  
6 INSURER OR HEALTH PLAN UNDER THE INSURANCE LAW OR THE PUBLIC HEALTH LAW  
7 TO PROVIDE COVERAGE FOR MEDICAL MARIHUANA. NOTHING IN THIS TITLE SHALL  
8 BE CONSTRUED TO REQUIRE COVERAGE FOR MEDICAL MARIHUANA UNDER ARTICLE  
9 TWENTY-FIVE OF THIS CHAPTER OR ARTICLE FIVE OF THE SOCIAL SERVICES LAW.

10 3. A PERSON OR ENTITY SHALL NOT BE SUBJECT TO CRIMINAL OR CIVIL  
11 LIABILITY OR PROFESSIONAL DISCIPLINE FOR ACTING REASONABLY AND IN GOOD  
12 FAITH PURSUANT TO THIS TITLE.

13 S 3. Section 853 of the general business law is amended by adding a  
14 new subdivision 3 to read as follows:

15 3. THIS ARTICLE SHALL NOT APPLY TO ANY SALE, FURNISHING OR POSSESSION  
16 WHICH IS FOR A LAWFUL PURPOSE UNDER TITLE FIVE-A OF ARTICLE THIRTY-THREE  
17 OF THE PUBLIC HEALTH LAW.

18 S 4. This act shall take effect sixty days after it shall become a  
19 law; provided that the commissioner of health may make regulations and  
20 issue forms provided for in this act before such effective date, except  
21 that regulations necessary to implement sections 3364, 3365 and 3366 of  
22 the public health law, as added by section two of this act, shall not be  
23 promulgated except as set forth in section 3367 of the public health  
24 law, as added by section two of this act.