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:

Section 1. Legislative findings and intent. The legislature finds that thousands of New Yorkers have serious medical conditions that can be improved by medically-approved use of marihuana. The law should not stand between them and treatment necessary for life and health. This legislation follows the well-established public policy that a controlled substance can have a legitimate medical use. Many controlled substances that are legal for medical use (such as morphine and steroids) are illegal for any other use. The purposes of article 33 of the public health law include allowing legitimate use of controlled substances in health care, including palliative care. This policy and this legislation do not in any way diminish New York state's strong public policy and laws against illegal drug use, nor should it be deemed in any manner to advocate, authorize, promote, or legally or socially accept the use of marihuana for children or adults, for any non-medical use. This legislation is an appropriate exercise of the state's legislative power to protect the health of its people under article 17 of the state constitution and 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 with these findings and principles, through a reasonable and workable system with appropriate oversight, evaluation and continuing research.

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

   TITLE V-A

   MEDICAL USE OF MARIHUANA

   SECTION 3360. DEFINITIONS.

   3361. CERTIFICATION OF PATIENTS.

   3362. LAWFUL MEDICAL USE.

   3363. REGISTRY IDENTIFICATION CARDS AND HARDSHIP REGISTRATION.

   3364. REGISTERED ORGANIZATIONS.

   3365. REGISTERING OF REGISTERED ORGANIZATIONS.
15 3366. REPORTS BY REGISTERED ORGANIZATIONS.
16 3367. EVALUATION; RESEARCH PROGRAMS; REPORT BY DEPARTMENT.
17 3368. REGISTERED ORGANIZATION ASSESSMENTS.
18 3369. RELATION TO OTHER LAWS.
19 3369-A. PROTECTIONS FOR THE MEDICAL USE OF MARIHUANA.
20 3369-B. SEVERABILITY.
21 S 3360. DEFINITIONS. AS USED IN THIS TITLE, THE FOLLOWING TERMS SHALL
22 HAVE THE FOLLOWING MEANINGS, UNLESS THE CONTEXT CLEARLY REQUIRES OTHER-
23 WISE:
24 1. "CERTIFIED MEDICAL USE" MEANS THE ACQUISITION, POSSESSION, USE, DELIVERY, TRANSFER, TRANSPORTATION, OR ADMINISTRATION OF MARI-
25 HUANA BY A CERTIFIED PATIENT OR DESIGNATED CAREGIVER FOR USE AS PART OF THE
26 TREATMENT OF THE PATIENT'S SERIOUS CONDITION SPECIFIED IN A CERTIF-
27 ICATION UNDER SECTION THIRTY-THREE HUNDRED SIXTY-ONE OF THIS TITLE, INCLUDING ENABLING THE PATIENT TO TOLERATE TREATMENT FOR THE SERIOUS
28 CONDITION.
29 2. "CARING FOR" MEANS TREATING OR COUNSELING A PATIENT, IN THE COURSE OF WHICH THE PRACTITIONER HAS COMPLETED A FULL ASSESSMENT OF THE
30 PATIENT'S MEDICAL HISTORY AND CURRENT MEDICAL CONDITION.
31 3. "CERTIFIED PATIENT" MEANS A PATIENT WHO IS CERTIFIED UNDER SECTION THIRTY-THREE HUNDRED SIXTY-ONE OF THIS TITLE.
32 4. "CERTIFICATION" MEANS A CERTIFICATION, MADE UNDER SECTION THIRTY-THREE HUNDRED SIXTY-ONE OF THIS TITLE.
33 5. "DESIGNATED CAREGIVER" MEANS THE INDIVIDUAL DESIGNATED BY A CERTI-
34 FIED PATIENT IN A REGISTRY APPLICATION.
35 6. "HARDSHIP REGISTRATION" MEANS A HARDSHIP REGISTRATION ISSUED UNDER SECTION THIRTY-THREE HUNDRED SIXTY-THREE OF THIS TITLE.
36 7. "PUBLIC PLACE" MEANS A PUBLIC PLACE AS DEFINED IN SECTION 240.00 OF 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 SECTION TWO HUNDRED FORTY OF THE GENERAL BUSINESS LAW OR A VESSEL AS DEFINED IN SECTION TWO OF THE NAVIGATION LAW.
38 8. "SERIOUS CONDITION" MEANS A SEVERE DEBILITATING OR LIFE-THREATENING CONDITION, OR A CONDITION ASSOCIATED WITH OR A COMPLICATION OF SUCH A CONDITION OR ITS TREATMENT (INCLUDING BUT NOT LIMITED TO INABILITY TO TOLERATE FOOD, NAUSEA, VOMITING, DYSPHORIA OR PAIN).
39 9. "MEDICAL MARIHUANA" MEANS MARIHUANA AS DEFINED IN SUBDIVISION TWEN-
40 TY-ONE OF SECTION THIRTY-THREE HUNDRED TWO OF THIS ARTICLE INTENDED FOR A CERTIFIED MEDICAL USE.
41 10. "REGISTERED ORGANIZATION" MEANS A REGISTERED ORGANIZATION UNDER SECTIONS THIRTY-THREE HUNDRED SIXTY-FOUR AND THIRTY-THREE HUNDRED SIXTY-FIVE OF THIS TITLE.
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11. "REGISTRY APPLICATION" MEANS AN APPLICATION PROPERLY COMPLETED AND FILED WITH THE DEPARTMENT BY A CERTIFIED PATIENT UNDER SECTION THIRTY-THREE HUNDRED SIXTY-THREE OF THIS TITLE.
43 12. "REGISTRY IDENTIFICATION CARD" MEANS A DOCUMENT THAT IDENTIFIES A CERTIFIED PATIENT OR DESIGNATED CAREGIVER, AS PROVIDED UNDER SECTION THIRTY-THREE HUNDRED SIXTY-THREE OF THIS TITLE.
44 13. "PRACTITIONER" MEANS A PRACTITIONER WHO IS A PHYSICIAN, PHYSICIAN ASSISTANT, OR NURSE PRACTITIONER, ACTING WITHIN THE PRACTITIONER'S LAWFUL SCOPE OF PRACTICE.
45 S 3361. CERTIFICATION OF PATIENTS. 1. A PATIENT CERTIFICATION MAY ONLY BE ISSUED IF A PRACTITIONER WHO IS CARING FOR THE PATIENT FOR A SERIOUS CONDITION CERTIFIES THAT: (A) THE PATIENT HAS A SERIOUS CONDITION, WHICH SHALL BE SPECIFIED IN THE PATIENT'S HEALTH CARE RECORD; (B) THE PATIENT IS UNDER THE PRACTITIONER'S CARE FOR THE SERIOUS CONDITION; AND (C) IN THE PRACTITIONER'S PROFESSIONAL OPINION, THE PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE PRIMARY OR ADJUNCTIVE TREATMENT WITH MEDICAL USE OF MARIHUANA FOR THE SERIOUS CONDITION.
46 2. THE CERTIFICATION SHALL BE IN WRITING AND INCLUDE (A) THE NAME, DATE OF BIRTH AND ADDRESS OF THE PATIENT; (B) A STATEMENT THAT THE PATIENT HAS A SERIOUS CONDITION; THE PATIENT IS UNDER THE PRACTITIONER'S CARE FOR THE SERIOUS CONDITION AND, IN THE PRACTITIONER'S PROFESSIONAL OPINION, THE PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE PRIMARY OR ADJUNCTIVE TREATMENT WITH MEDICAL USE OF MARIHUANA BY A CERTIFIED PATIENT OR DESIGNATED CAREGIVER FOR USE AS PART OF THE TREATMENT OF THE PATIENT'S SERIOUS CONDITION SPECIFIED IN A CERTIFICATION UNDER SECTION THIRTY-THREE HUNDRED SIXTY-ONE OF THIS TITLE, INCLUDING ENABLING THE PATIENT TO TOLERATE TREATMENT FOR THE SERIOUS CONDITION.
47 3. THE CERTIFICATION SHALL BE IN WRITING AND INCLUDE (A) THE NAME, DATE OF BIRTH AND ADDRESS OF THE PATIENT; (B) A STATEMENT THAT THE PATIENT HAS A SERIOUS CONDITION; THE PATIENT IS UNDER THE PRACTITIONER'S CARE FOR THE SERIOUS CONDITION; AND (C) IN THE PRACTITIONER'S PROFESSIONAL OPINION, THE PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE PRIMARY OR ADJUNCTIVE TREATMENT WITH MEDICAL USE OF MARIHUANA BY A CERTIFIED PATIENT OR DESIGNATED CAREGIVER FOR USE AS PART OF THE TREATMENT OF THE PATIENT'S SERIOUS CONDITION SPECIFIED IN A CERTIFICATION UNDER SECTION THIRTY-THREE HUNDRED SIXTY-ONE OF THIS TITLE.
48 4. THE CERTIFICATION SHALL BE IN WRITING AND INCLUDE (A) THE NAME, DATE OF BIRTH AND ADDRESS OF THE PATIENT; (B) A STATEMENT THAT THE PATIENT HAS A SERIOUS CONDITION; THE PATIENT IS UNDER THE PRACTITIONER'S CARE FOR THE SERIOUS CONDITION; AND (C) IN THE PRACTITIONER'S PROFESSIONAL OPINION, THE PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE PRIMARY OR ADJUNCTIVE TREATMENT WITH MEDICAL USE OF MARIHUANA BY A CERTIFIED PATIENT OR DESIGNATED CAREGIVER FOR USE AS PART OF THE TREATMENT OF THE PATIENT'S SERIOUS CONDITION SPECIFIED IN A CERTIFICATION UNDER SECTION THIRTY-THREE HUNDRED SIXTY-ONE OF THIS TITLE.
49 5. A REGISTRY IDENTIFICATION CARD BASED ON A CERTIFICATION SHALL EXPIRE ONE YEAR AFTER THE DATE THE CERTIFICATION IS SIGNED BY THE PRACTITIONER; EXCEPT THAT WHERE A CERTIFIED PATIENT HAS A REGISTRY IDENTIFICATION CARD BASED ON A CURRENT VALID CERTIFICATION, A NEW REGISTRY IDENTIFICATION CARD BASED ON A NEW CERTIFICATION SHALL EXPIRE ONE YEAR AFTER THE EXPIRATION OF THE REGISTRY IDENTIFICATION CARD BASED ON THE CURRENT
VALID CERTIFICATION. HOWEVER, IF THE PRACTITIONER STATES IN THE CERTIF-
ICATION THAT HE OR SHE BELIEVES THE PATIENT WOULD BENEFIT FROM MEDICAL
MARIHUANA ONLY UNTIL A SPECIFIED EARLIER DATE, THEN THE REGISTRY IDEN-
IFICATION CARD SHALL EXPIRE ON THAT DATE.

1. THE LAWFUL USE OF MARIHUANA, POSSESSION, ACQUISITION, USE, DELIVERY, TRANSFER, TRANSPORTATION, OR ADMINISTRATION OF MEDICAL MARI-
HUANA BY A CERTIFIED PATIENT OR DESIGNATED CAREGIVER POSsessing A VALID
REGISTRY IDENTIFICATION CARD, FOR CERTIFIED MEDICAL USE, SHALL BE LAWFUL
UNDER THIS TITLE; PROVIDED THAT:

(A) THE MARIHUANA THAT MAY BE POSSESSED BY A CERTIFIED PATIENT DOES
NOT EXCEED A TOTAL AGGREGATE WEIGHT OF TWO AND ONE-HALF OUNCES OF MARI-
HUANA, IN ADDITION TO ANY AMOUNT LAWFULLY POSSESSED UNDER SUBDIVISION
TWO OF THIS SECTION; AND

(B) THE MARIHUANA THAT MAY BE POSSESSED BY A DESIGNATED CAREGIVER
DOES NOT EXCEED THE QUANTITIES REFERRED TO IN PARAGRAPH (A) OF THIS SUBDIVI-
SION.

REGISTRY IDENTIFICATION CARD, UP TO FIVE CERTIFIED PATIENTS.

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2. (A) THIS SUBDIVISION APPLIES WHERE THE CERTIFIED PATIENT (I) LIVES
MORE THAN TWENTY MILES FROM A REGISTERED ORGANIZATION THAT IS ABLE TO
PROVIDE MEDICAL MARIHUANA TO THE CERTIFIED PATIENT OR (II) IS ISSUED A
HARDSHIP REGISTRATION.

(B) IT SHALL BE LAWFUL FOR A CERTIFIED PATIENT OR DESIGNATED CAREGIVER
POSsessing A VALID REGISTRY IDENTIFICATION CARD TO MANUFACTURE AND
POSsess MARIHUANA FOR USE BY THE CERTIFIED PATIENT UNDER THIS
SUBDIVISION. THE MARIHUANA MANUFACTURED BY A CERTIFIED PATIENT AT ANY
TIME SHALL NOT EXCEED A TOTAL AGGREGATE OF TWELVE PLANTS. IT SHALL BE
LAWFUL FOR A CERTIFIED PATIENT TO POSsess THE MARIHUANA PRODUCED BY AND
HARVESTED FROM THE PLANTS POSSESSED BY THE CERTIFIED PATIENT OR THE
PATIENT’S DESIGNATED CAREGIVER UNDER THIS SUBDIVISION. A DESIGNATED

CAREGIVER MAY MANUFACTURE AND POSsess THE QUANTITIES REFERRED TO IN THIS
SUBDIVISION FOR EACH CERTIFIED PATIENT UNDER THIS SUBDIVISION FOR WHOM
THE CAREGIVER POSsesses A VALID REGISTRY IDENTIFICATION CARD OR HARDSHIP
REGISTRATION, AS THE CASE MAY BE, UP TO THREE CERTIFIED PATIENTS.

3. NOTWITHSTANDING SUBDIVISION ONE OR TWO OF THIS SECTION: (A)
POSSESSION OR MANUFACTURE OF MARIHUANA SHALL NOT BE LAWFUL UNDER THIS
TITLE IF IT IS CONSUMED, GROWN OR DISPLAYED IN A PUBLIC PLACE; (B) MEDICAL MARIHUANA MAY NOT BE SMOKED IN ANY PLACE WHERE TOBACCO MAY NOT
BE SMOKED UNDER ARTICLE THIRTEEN-E OF THIS CHAPTER; (C) EXCEPT THAT IT IS NOT ALLOWED TO BE SMOKED IN A HEALTH CARE FACILITY, MEDICAL MARIHUANA MAY BE SMOKED BY A PATIENT OR THE FACILITY, SUBJECT TO OTHER PROVISIONS OF THIS TITLE, IN AN AREA, AND
UNDER CIRCUMSTANCES, PERMITTED BY THE FACILITY, PROVIDED THAT THE
PATIENT DOES NOT SMOKE IN THE PRESENCE OF PATIENTS WHO ARE NOT CERTIFIED
UNDER THIS TITLE.

4. IT SHALL BE LAWFUL UNDER THIS ARTICLE TO GIVE OR DISPOSE OF MARI-
HUANA, OBTAINED UNDER THIS TITLE, FOR CERTIFIED MEDICAL USE, BETWEEN
CERTIFIED PATIENTS AND OTHER CERTIFIED PATIENTS, AND BETWEEN A DESIG-
NATED CAREGIVER AND THE DESIGNATED CAREGIVER’S CERTIFIED PATIENT WHERE
NOTHING OF VALUE IS TRANSFERRED IN RETURN, OR TO OFFER TO DO THE SAME.
THIS PROHIBITION ON TRANSFERRING OR OFFERING TO TRANSFER A THING OF
VALUE SHALL NOT APPLY TO SALE OF MARIHUANA TO OR BY A REGISTERED OR-
GANIZATION UNDER SECTION THIRTY-THREE HUNDRED SIXTY-SIX OF THIS TITLE; NOR (B) PREVENT A DESIGNATED

CAREGIVER FROM BEING REIMBURSED FOR REASONABLE COSTS OR ACTIVITIES
RELATING TO CARING FOR A CERTIFIED PATIENT, INCLUDING, BUT NOT LIMITED
TO, REIMBURSEMENT FOR LEGITIMATE EXPENSES RELATING TO THE MANUFACTURE OF
MEDICAL MARIHUANA OR THE PURCHASE OF MEDICAL MARIHUANA FROM A REGISTERED
ORGANIZATION UNDER SECTION THIRTY-THREE HUNDRED SIXTY-ONE OF THIS TITLE OR AS
OWNED UNDER SECTION THIRTY-THREE HUNDRED SIXTY-ONE OF THIS TITLE.

S 3363. REGISTRY IDENTIFICATION CARDS AND HARDSHIP REGISTRATIONS. 1. THE DEPARTMENT SHALL ISSUE REGISTRY IDENTIFICATION CARDS AND HARDSHIP
REGISTRATIONS FOR CERTIFIED PATIENTS AND DESIGNATED CAREGIVERS. A REGIS-
TRY IDENTIFICATION CARD AND HARDSHIP REGISTRATION SHALL EXPIRE AS
PROVIDED IN SECTION THIRTY-THREE HUNDRED SIXTY-ONE OF THIS TITLE OR AS
OTHERWISE PROVIDED IN THIS SECTION. THE DEPARTMENT SHALL BEGIN ISSUING
REGISTRY IDENTIFICATION CARDS AND HARDSHIP REGISTRATIONS NO LATER THAN
ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION. THE DEPARTMENT MAY
SPECIFY A FORM FOR A REGISTRY OR HARDSHIP APPLICATION, IN WHICH CASE THE
DEPARTMENT SHALL PROVIDE THE FORM ON REQUEST, REPRODUCTIONS OF THE FORM
MAY BE USED, AND THE FORM SHALL BE AVAILABLE FOR DOWNLOADING FROM THE
DEPARTMENT'S WEBSITE.

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

(A) THE ORIGINAL PATIENT’S CERTIFICATION (A NEW WRITTEN CERTIFICATION
SHALL BE PROVIDED WITH A RENEWAL APPLICATION);

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(B) (I) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE PATIENT; (II) THE
DATE OF THE CERTIFICATION; (III) IF THE PATIENT HAS A REGISTRY IDENTIFI-
CATION CARD BASED ON A CURRENT VALID CERTIFICATION, THE REGISTRY IDEN-
TIFICATION NUMBER AND EXPIRATION DATE OF THAT REGISTRY IDENTIFICATION
CARD; (IV) THE SPECIFIED DATE UNTIL WHICH THE PATIENT WOULD BENEFIT FROM
MEDICAL MARIHUANA, IF THE CERTIFICATION STATES SUCH A DATE; (V) THE
THE DEPARTMENT MAY ESTABLISH HIGHER FEES FOR ISSUING A NEW REGISTRY LOSING THE CARD OR HARDSHIP REGISTRATION TO MAINTAIN THE REGISTRATION.

NOTIFY THE DEPARTMENT AND SUBMIT A TEN DOLLAR FEE WITHIN TEN DAYS OF REGISTRY IDENTIFICATION CARD OR HARDSHIP REGISTRATION, HE OR SHE SHALL

11. IF A CERTIFIED PATIENT OR DESIGNATED CAREGIVER LOSES HIS OR HER

CHANGE.

THEN CEASES TO BE A SIGNIFICANT HARDSHIP, WITHIN TEN DAYS OF SUCH

NOTED ON THE CERTIFICATION, OR, IN THE CASE OF A HARDSHIP REGISTRATION,

TO THE PATIENT, OR IF HE OR SHE CEASES TO HAVE THE SERIOUS CONDITION

DEPARTMENT OF ANY CHANGE IN HIS OR HER NAME OR ADDRESS OR, WITH RESPECT

REGISTRY IDENTIFICATION OR HARDSHIP REGISTRATION CARD SHALL NOTIFY THE

10. A CERTIFIED PATIENT OR DESIGNATED CAREGIVER WHO HAS BEEN ISSUED A

PRESENTS A SIGNIFICANT HARDSHIP FOR THE CERTIFIED PATIENT TO OBTAIN

PATIENTS AND THEIR DESIGNATED CAREGIVERS IN CIRCUMSTANCES WHERE IT

PUNISHABLE UNDER SECTION 210.45 OF THE PENAL LAW;

THE DATE OF APPLICATION AND THE SIGNATURE OF THE CERTIFIED

PROVIDED, THAT THE DEPARTMENT MAY WAIVE OR REDUCE THE FEE IN CASES OF

THE APPLICATION SHALL STATE FACTS ESTABLISHING THE SIGNIFICANT HARDSHIP

TITLE. THE PROCEDURE FOR OBTAINING AND RENEWING A HARDSHIP REGISTRATION

MARIHUANA FROM A REGISTERED ORGANIZATION, INCLUDING, BUT NOT LIMITED TO,

ABLE TRANSPORTATION. A HARDSHIP REGISTRATION SHALL ALLOW THE CERTIFIED

FINANCIAL HARDSHIP, PHYSICAL DISABILITY, OR INABILITY TO OBTAIN REASON-

MARIHUANA FROM A REGISTERED ORGANIZATION, INCLUDING, BUT NOT LIMITED TO,

HARDSHIP REGISTRATION TO MAINTAIN THE REGISTRATION.

NOTIFY THE DEPARTMENT AND SUBMIT A TEN DOLLAR FEE WITHIN TEN DAYS OF SUCH

12. A CERTIFIED PATIENT OR DESIGNATED CAREGIVER WHO HAS BEEN ISSUED A

REGISTRATION IDENTIFICATION CARD FOR EACH CERTIFIED PATIENT FOR WHOM HE OR

SHE IS A DESIGNATED CAREGIVER. EACH REGISTRY IDENTIFICATION CARD SHALL

IF THE DEPARTMENT REQUIRED CERTIFIED PATIENTS TO SUBMIT PHOTOGRAPHS

THAT IF THE DEPARTMENT REQUIRED CERTIFIED PATIENTS TO SUBMIT PHOTOGRAPHS

WHICH SHALL BE OBTAINED BY THE DEPARTMENT IN A MANNER SPECIFIED BY THE COMMISSIONER IN REGULATIONS; PROVIDED, HOWEVER, THAT IF THE DEPARTMENT REQUIRED CERTIFIED PATIENTS TO SUBMIT PHOTOGRAPHS FOR THIS PURPOSE, THERE SHALL BE A REASONABLE ACCOMMODATION OF CERTIFIED PATIENTS WHO ARE CONFINED TO THEIR HOMES DUE TO THEIR MEDICAL CONDITIONS AND MAY THEREFORE HAVE DIFFICULTY PROCURING PHOTOGRAPHS.

THE DEPARTMENT SHALL ISSUE SEPARATE REGISTRY IDENTIFICATION CARDS FOR THE CERTIFIED PATIENT AND THE DESIGNATED CAREGIVER (IF ONE IS DESIGNATED IN THE REGISTRY APPLICATION); AND

56. DESIGNATED IN THE REGISTRY APPLICATION); AND

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

54. (C) A REGISTRY IDENTIFICATION NUMBER FOR THE CERTIFIED PATIENT AND A REGISTRY IDENTIFICATION NUMBER FOR THE DESIGNATED CAREGIVER (IF ONE IS DESIGNATED IN THE REGISTRY APPLICATION); (B) THE DATE OF ISSUANCE AND EXPIRATION DATE OF THE REGISTRY IDENTIFICATION CARD;

53. (A) THE NAME OF THE CERTIFIED PATIENT AND THE DESIGNATED CAREGIVER (IF ONE IS DESIGNATED IN THE REGISTRY APPLICATION);

52. (B) THE REGISTRY IDENTIFICATION NUMBER FOR THE CERTIFIED PATIENT (IF ONE IS DESIGNATED IN THE REGISTRY APPLICATION); AND

51. (A) THE NAME OF THE CERTIFIED PATIENT AND THE DESIGNATED CAREGIVER (IF ONE IS DESIGNATED IN THE REGISTRY APPLICATION);

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

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

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

7. IF THE DEPARTMENT DOES NOT APPROVE THE DESIGNATION OF AN INDIVIDUAL AS A DESIGNATED CAREGIVER, THAT SHALL NOT AFFECT THE APPROVAL OF THE APPLICATION AS TO THE CERTIFIED PATIENT.

8. A REGISTRY IDENTIFICATION CARD SHALL CONTAIN:

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

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

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

25. (B) THE DESIGNATED CAREGIVER SHALL BE (I) A PARENT OR LEGAL GUARDIAN OF THE CERTIFIED PATIENT, (II) A PERSON DESIGNATED BY A PARENT OR LEGAL GUARDIAN, OR (III) AN APPROPRIATE PERSON APPROVED BY THE DEPARTMENT UPON A SUFFICIENT SHOWING THAT NO PARENT OR LEGAL GUARDIAN IS APPROPRIATE OR AVAILABLE.

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

28. REGISTRY IDENTIFICATION CARD OR HARDSHIP REGISTRATION, HE OR SHE SHALL

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

31. THE DEPARTMENT MAY ESTABLISH HIGHER FEES FOR ISSUING A NEW REGISTRY

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

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

6. THE DEPARTMENT SHALL ISSUE SEPARATE REGISTRY IDENTIFICATION CARDS FOR THE CERTIFIED PATIENT AND THE DESIGNATED CAREGIVER (IF ONE IS DESIGNATED IN THE REGISTRY APPLICATION); AND

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

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

30. WHERE A CERTIFIED PATIENT IS UNDER THE AGE OF EIGHTEEN:
16. IF THE DEPARTMENT FAILS TO BEGIN ISSUING REGISTRY IDENTIFICATION CARDS OR HARDSHIP REGISTRATIONS NO LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION, A PATIENT'S CERTIFICATION SHALL SERVE AS THE REGISTRY IDENTIFICATION CARD AND HARDSHIP REGISTRATION FOR BOTH THE PATIENT AND THE PATIENT'S DESIGNATED CAREGIVER.

17. THE DEPARTMENT SHALL MAINTAIN A CONFIDENTIAL LIST OF THE PERSONS TO WHOM IT HAS ISSUED REGISTRY IDENTIFICATION CARDS AND HARDSHIP REGISTRATIONS. INDIVIDUAL IDENTIFYING INFORMATION OBTAINED BY THE DEPARTMENT UNDER THIS TITLE SHALL BE CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER ARTICLE SIX OF THE PUBLIC OFFICERS LAW. NOTWITHSTANDING THIS SUBDIVISION, THE DEPARTMENT MAY NOTIFY ANY APPROPRIATE LAW ENFORCEMENT AGENCY OF INFORMATION RELATING TO ANY VIOLATION OR SUSPECTED VIOLATION OF THIS TITLE.

18. THE DEPARTMENT SHALL VERIFY TO LAW ENFORCEMENT PERSONNEL IN AN APPROPRIATE CASE WHETHER A REGISTRY IDENTIFICATION CARD OR HARDSHIP REGISTRATION IS VALID.

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

15. (A) REGISTRY IMPLEMENTATION DATE. AS USED IN THIS SUBDIVISION, THE "REGISTRY IMPLEMENTATION DATE" IS THE DATE DETERMINED BY THE COMMISSIONER WHEN THE DEPARTMENT IS READY TO RECEIVE AND EXPEDITIOUSLY ACT ON APPLICATIONS FOR REGISTRY IDENTIFICATION CARDS UNDER THIS SECTION.

16. IF THE DEPARTMENT FAILS TO BEGIN ISSUING REGISTRY IDENTIFICATION CARDS OR HARDSHIP REGISTRATIONS NO LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION, A PATIENT'S CERTIFICATION SHALL SERVE AS THE REGISTRY IDENTIFICATION CARD AND HARDSHIP REGISTRATION FOR BOTH THE PATIENT AND THE PATIENT'S DESIGNATED CAREGIVER.

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

(A) A PHARMACY;

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

(C) A NOT-FOR-PROFIT CORPORATION ORGANIZED FOR THE PURPOSE OF ACQUIRING, MANUFACTURING, SELLING, DELIVERING, TRANSPORTING OR DISTRIBUTING MARIHUANA FOR CERTIFIED MEDICAL USE; OR

(D) A REGISTERED PRODUCER, WHICH SHALL BE A PERSON OR ENTITY, WITH APPROPRIATE EXPERTISE IN AGRICULTURE, REGISTERED FOR THE PURPOSE OF ACQUIRING OR MANUFACTURING MARIHUANA AND SELLING, DELIVERING, TRANSPORTING, OR DISTRIBUTING IT TO ANOTHER REGISTERED ORGANIZATION; A CERTIFIED PRODUCER SHALL NOT SELL, DELIVER OR DISTRIBUTE MARIHUANA TO A CERTIFIED PATIENT OR DESIGNATED CAREGIVER FOR THAT PERSON'S USE.

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


4. NO REGISTERED ORGANIZATION MAY SELL, DELIVER OR DISTRIBUTE TO ANY CERTIFIED PATIENT OR DESIGNATED CAREGIVER A QUANTITY OF MEDICAL MARIHUANA LARGER THAN THAT INDIVIDUAL WOULD BE ALLOWED TO POSSESS UNDER THIS TITLE.

5. WHEN A REGISTERED ORGANIZATION SELLS, DELIVERS OR DISTRIBUTES MEDICAL MARIHUANA TO A CERTIFIED PATIENT OR DESIGNATED CAREGIVER, IT SHALL PROVIDE TO THAT INDIVIDUAL A SAFETY INSERT, WHICH WILL BE DEVELOPED, A. 7347--A 7
S 3365. Registering of registered organizations. 1. Application for initial registration. (a) An applicant for registration as a registered organization under section thirty-three hundred sixty-four of this title shall furnish to the department a description of the activities in which it intends to engage as a registered organization and any information the department shall reasonably require and evidence that the applicant:

(i) and its managing officers are of good moral character;

(ii) possesses or has the right to use sufficient land, buildings and equipment to properly carry on the activity described in the application;

(iii) is able to maintain effective control against diversion of the marijuana; and

(iv) is able to comply with all applicable state laws and regulations relating to the activities in which it intends to engage under the registration.

(b) The application shall establish the applicant's status under paragraph (a), (b), (c) or (d) of subdivision one of section thirty-three hundred sixty-four of this title, or its intention to qualify under paragraph (c) or (d) of subdivision one of section thirty-three hundred sixty-four of this title.

(c) The application shall include the name, residence address and title of each of the officers and directors and the name and residence address of any person or entity that is a member of the applicant. Each such person, if an individual, or lawful representative if a legal entity, shall submit an affidavit with the application setting forth:

(i) any position of management or ownership during the preceding ten years of a ten per centum or greater interest in any other business, located in or outside this state, manufacturing or distributing drugs;

(ii) whether such person or any such business has been convicted, fined, censured or had a registration suspended or revoked in any administrative or judicial proceeding relating to or arising out of the manufacture, distribution, sale, or possession of drugs; and

(iii) such other information as the commissioner may reasonably require.

(d) The applicant shall be under a continuing duty to report to the department any change in facts or circumstances reflected in the application or any newly discovered or occurring fact or circumstance which is required to be included in the application.

2. Granting of registration. (a) The commissioner shall grant a registration or amendment to a registration under this section if he or she is satisfied that:

(i) the applicant will be able to maintain effective control against diversion of marijuana;

(ii) the applicant will be able to comply with all applicable state laws;

(iii) the applicant and its officers are ready, willing and able to properly carry on the manufacturing or distributing activity for which a registration is sought;

(iv) the applicant possesses or has the right to use sufficient land, buildings and equipment to properly carry on the activity described in the application;

(b) if the commissioner is not satisfied that the applicant should be issued a registration, he or she shall notify the applicant in writing of those factors upon which further evidence is required. within thirty days of the receipt of such notification, the applicant may submit additional material to the commissioner or demand a hearing, or both.

(c) the fee for a registration under this section shall be a reason-

(d) if the registration is issued for a period greater than two years the fee shall be increased, pro rata, for each additional month of validity.

(e) the registrations issued under this section shall be effective only for and shall specify:

(i) the name and address of the registered organization; and

(ii) which activities of a registered organization are permitted by the registration.

(f) upon application of a registered organization, a registration may be amended to allow the registered organization to relocate within the
STATE OR TO ADD OR DELETE PERMITTED REGISTERED ORGANIZATION ACTIVITIES.

THE FEE FOR SUCH AMENDMENT SHALL BE TWO HUNDRED FIFTY DOLLARS.

3. A REGISTRATION ISSUED UNDER THIS SECTION SHALL BE VALID FOR TWO YEARS FROM THE DATE OF ISSUE, EXCEPT THAT IN ORDER TO FACILITATE THE REGISTRATION OF THE APPLICANT THE COMMISSIONER MAY, UPON THE INITIAL APPLICATION FOR A RESTORATION OF REGISTRATIONS, ISSUE SOME REGISTRATIONS WHICH MAY REMAIN VALID FOR A PERIOD OF TIME GREATER THAN TWO YEARS BUT NOT EXCEEDING AN ADDITIONAL ELEVEN MONTHS.

4. APPLICATIONS FOR RENEWAL OF REGISTRATIONS. (A) AN APPLICATION FOR THE RENEWAL OF ANY REGISTRATION ISSUED UNDER THIS SECTION SHALL BE FILED WITH THE DEPARTMENT NO LATER THAN SIX MONTHS NOR LESS THAN FOUR MONTHS PRIOR TO THE EXPIRATION THEREOF. A LATE-FILED APPLICATION FOR THE RENEWAL OF A REGISTRATION MAY, IN THE DISCRETION OF THE COMMISSIONER, BE TREATED AS AN APPLICATION FOR AN INITIAL LICENSE.

(B) THE APPLICATION FOR RENEWAL SHALL INCLUDE SUCH INFORMATION PREPARED IN THE MANNER AND DETAIL AS THE COMMISSIONER MAY REQUIRE, INCLUDING BUT NOT LIMITED TO:

(I) ANY MATERIAL CHANGE IN THE CIRCUMSTANCES OR FACTORS LISTED IN SUBDIVISION ONE OF THIS SECTION; AND

(II) EVERY KNOWN CHARGE OR INVESTIGATION, PENDING OR CONCLUDED DURING THE PERIOD OF THE REGISTRATION, BY ANY GOVERNMENTAL AGENCY WITH RESPECT TO:

(A) EACH INCIDENT OR ALLEGED INCIDENT INVOLVING THE THEFT, LOSS, OR POSSIBLE DIVERSION OF MARIHUANA MANUFACTURED OR DISTRIBUTED BY THE APPLICANT; AND

(II) COMPLIANCE BY THE APPLICANT WITH THE LAWS OF THE STATE WITH RESPECT TO ANY SUBSTANCE LISTED IN SECTION THIRTY-THREE HUNDRED SIX OF THIS ARTICLE.

(C) AN APPLICANT FOR RENEWAL SHALL BE UNDER A CONTINUING DUTY TO REPORT TO THE DEPARTMENT ANY CHANGE IN FACTS OR CIRCUMSTANCES REFLECTED IN THE APPLICATION OR ANY NEWLY DISCOVERED OR OCCURRING FACT OR CIRCUMSTANCE WHICH IS REQUIRED TO BE INCLUDED IN THE APPLICATION.

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1. (D) IF THE COMMISSIONER IS NOT SATISFIED THAT THE APPLICANT IS ENTITLED TO A RENEWAL OF THE REGISTRATION, HE OR SHE SHALL WITHIN FORTY-FIVE DAYS AFTER THE FILING OF THE APPLICATION SERVE UPON THE APPLICANT OR HIS OR HER ATTORNEY OF RECORD IN PERSON OR BY REGISTERED OR CERTIFIED MAIL AN ORDER DIRECTING THE APPLICANT TO SHOW CAUSE WHY HIS OR HER APPLICATION FOR RENEWAL SHOULD NOT BE DENIED. THE ORDER SHALL SPECIFY IN DETAIL THE RESPECTS IN WHICH THE APPLICANT HAS NOT SATISFIED THE COMMISSIONER THAT THE REGISTRATION SHOULD BE RENEWED.

(E) WITHIN THIRTY DAYS OF SERVICE OF SUCH ORDER, THE APPLICANT MAY SUBMIT ADDITIONAL MATERIAL TO THE COMMISSIONER OR DEMAND A HEARING OR BOTH. IF A HEARING IS DEMANDED THE COMMISSIONER SHALL FIX A DATE FOR HEARING NOT SOONER THAN FIFTEEN DAYS NOR LATER THAN THIRTY DAYS AFTER RECEIPT OF THE DEMAND, UNLESS SUCH TIME LIMITATION IS WAIVED BY THE APPLICANT.

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

(1) IS UNLIKELY TO MAINTAIN OR BE ABLE TO MAINTAIN EFFECTIVE CONTROL AGAINST DIVERSION; OR

(2) IS UNLIKELY TO COMPLY WITH ALL STATE LAWS APPLICABLE TO THE ACTIVITIES IN WHICH IT MAY ENGAGE UNDER THE REGISTRATION; OR

(3) IS AN APPLICANT UNDER PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION THIRTY-THREE HUNDRED SIXTY-FOUR OF THIS TITLE, IN WHICH CASE THE COMMISSIONER MAY CONSIDER WHETHER THE NUMBER OF REGISTERED ORGANIZATIONS IN AN AREA IS ADEQUATE OR EXCESSIVE TO REASONABLY SERVE THE AREA.

(B) FOR PURPOSES OF THIS SECTION, PROOF THAT A REGISTERED ORGANIZATION, DURING THE PERIOD OF ITS REGISTRATION, HAS FAILED TO MAINTAIN EFFECTIVE CONTROL AGAINST DIVERSION OR HAS KNOWNLY OR NEGLIGENTLY FAILED TO COMPLY WITH APPLICABLE STATE LAWS RELATING TO THE ACTIVITIES IN WHICH IT ENGAGES UNDER THE REGISTRATION, SHALL CONSTITUTE SUBSTANTIAL EVIDENCE THAT THE APPLICANT WILL BE UNLIKELY TO MAINTAIN EFFECTIVE CONTROL AGAINST DIVERSION OR WILL BE UNLIKELY TO COMPLY WITH THE APPLICABLE STATE STATUTES DURING THE PERIOD OF PROPOSED RENEWAL.

(C) IF THE COMMISSIONER SUSPENDS OR TERMINATES THE REGISTRATION OF A REGISTERED ORGANIZATION, ON GROUNDS AND USING PROCEDURES UNDER THIS ARTICLE RELATING TO A LICENSE, TO THE EXTENT CONSISTENT WITH THIS TITLE, CONDUCT IN COMPLIANCE WITH THIS TITLE, BUT WHICH MAY VIOLATE CONFLICTING FEDERAL LAW, SHALL NOT BE GROUNDS TO SUSPEND OR TERMINATE A REGISTRATION.

7. A REGISTERED ORGANIZATION IS ENTITLED TO ALL OF THE RIGHTS, PROTECTIONS, AND PROCEDURES PROVIDED TO A LICENSEE UNDER THIS ARTICLE.

8. THE DEPARTMENT SHALL BEGIN ISSUING REGISTRATIONS FOR REGISTERED ORGANIZATIONS NO LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION.

§ 3366. REPORTS BY REGISTERED ORGANIZATIONS. 1. THE COMMISSIONER SHALL, BY REGULATION, REQUIRE EACH REGISTERED ORGANIZATION THAT SELLS, DELIVERS OR DISTRIBUTES MEDICAL MARIHUANA TO A CERTIFIED PATIENT OR DESIGNATED CAREGIVER TO FILE REPORTS OF ALL SUCH SALES, DELIVERIES OR DISTRIBUTIONS BY THE REGISTERED ORGANIZATION DURING A PARTICULAR PERIOD.

2. THE COMMISSIONER SHALL, BY REGULATION, REQUIRE EACH REGISTERED PRODUCER TO FILE REPORTS OF ALL SALES, DELIVERIES OR DISTRIBUTIONS OF MEDICAL MARIHUANA BY THE REGISTERED PRODUCER DURING A PARTICULAR PERIOD.

ON FORMS PROVIDED BY THE DEPARTMENT. REPORTS SHALL BE NOT MORE FREQUENTLY THAN EVERY MONTH. EACH REPORT SHALL INCLUDE FOR EACH SUCH SALE, DELIVERY OR DISTRIBUTION: THE DATE, THE QUANTITY SOLD, DELIVERED OR DISTRIBUTED; AND THE NAME AND ADDRESS OF THE REGISTERED ORGANIZATION TO WHICH THE SALE, DELIVERY OR DISTRIBUTION WAS MADE.

S 3367. EVALUATION; RESEARCH PROGRAMS; REPORT BY DEPARTMENT. 1. THE COMMISSIONER MAY PROVIDE FOR THE ANALYSIS AND EVALUATION OF THE OPERATION OF THIS TITLE. THE COMMISSIONER MAY ENTER INTO AGREEMENTS WITH ONE OR MORE PERSONS, NOT-FOR-PROFIT CORPORATIONS OR OTHER ORGANIZATIONS, FOR THE PERFORMANCE OF AN EVALUATION OF THE IMPLEMENTATION AND EFFECTIVENESS OF THIS TITLE.

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

S 3368. REGISTERED ORGANIZATION ASSESSMENTS. 1. EACH REGISTERED ORGANIZATION TO THE COMMISSIONER OR HIS OR HER DESIGNEE ON A SCHEDULE TO BE DETERMINED BY THE COMMISSIONER.

2. THE GROSS RECEIPTS TAX OWED BY A REGISTERED ORGANIZATION UNDER SECTION TWENTY-EIGHT HUNDRED SEVEN-D OF THIS CHAPTER, ATTRIBUTABLE TO THE SALE, DELIVERY OR DISTRIBUTION OF MEDICAL MARIHUANA UNDER THIS TITLE, SHALL BE DEDUCTIBLE BY THE REGISTERED ORGANIZATION FROM ANY GROSS RECEIPTS ASSESSMENT OWED BY IT UNDER THIS TITLE.

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

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

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

S 3369-A. PROTECTIONS FOR THE MEDICAL USE OF MARIHUANA. 1. CERTIFIED PATIENTS, DESIGNATED CAREGIVERS, PRACTITIONERS, REGISTERED ORGANIZATIONS AND THE EMPLOYEES OF REGISTERED ORGANIZATIONS SHALL NOT BE SUBJECT TO ARREST, PROSECUTION, OR PENALTY IN ANY MANNER, OR DENIED ANY RIGHT OR PRIVILEGE, INCLUDING BUT NOT LIMITED TO CIVIL PENALTY OR DISCIPLINARY ACTION, BY A BUSINESS OR OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR BUREAU, SOLELY FOR THE CERTIFIED MEDICAL USE OR MANUFACTURE OF MARIHUANA, OR FOR ANY OTHER ACTION OR CONDUCT IN ACCORDANCE WITH THIS TITLE.

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STATE OR LOCAL LAW ENFORCEMENT AGENCIES SHALL NOT COOPERATE WITH OR PROVIDE ASSISTANCE TO THE GOVERNMENT OF THE UNITED STATES OR ANY AGENCY THEREOF IN ENforcing THE CONTROLLED SUBSTANCES ACT, 21 U.S.C. S 801 ET. SEQ., SOLELY FOR ACTIONS AND CONDUCT CONSISTENT WITH THIS TITLE, EXCEPT AS PURSUANT TO A VALID COURT ORDER.

6. AFFIRMATIVE DEFENSE. A PATIENT AND A PATIENT’S CAREGIVER WHO HAVE FAILED TO OBTAIN A REGISTRY IDENTIFICATION CARD MAY ASSERT AN AFFIRMATIVE DEFENSE TO ANY PROSECUTION UNDER STATE LAW FOR ACTIONS AND CONDUCT THAT IS OTHERWISE CONSISTENT WITH THE CERTIFIED MEDICAL USE OF MARIHUANA AS DEFINED UNDER THIS TITLE.

3. INCIDENTAL AMOUNT OF MARIHUANA. ANY INCIDENTAL AMOUNT OF SEEDS, STALKS, AND INSEEDABLE ROOTS SHALL NOT BE INCLUDED IN THE AMOUNTS SPECIFIED IN SUBDIVISIONS ONE AND TWO OF SECTION THIRTY-THREE HUNDRED SIXTY-TWO OF THIS TITLE.

4. SCHOOL, EMPLOYER, OR LANDLORD MAY NOT DISCRIMINATE. A SCHOOL, EMPLOYER, OR LANDLORD MAY NOT REFUSE TO ENROLL OR EMPLOY OR LEASE TO OR
OTHERWISE PENALIZE A PERSON SOLELY FOR THAT PERSON'S STATUS AS A CERTIFIED PATIENT OR DESIGNATED CAREGIVER UNLESS FAILING TO DO SO WOULD PUT THE SCHOOL, EMPLOYER, OR LANDLORD IN VIOLATION OF FEDERAL LAW OR CAUSE IT TO LOSE A FEDERAL CONTRACT OR FUNDING.

5. PERSON MAY NOT BE DENIED MEDICAL CARE, INCLUDING ORGAN TRANSPLANT. FOR THE PURPOSES OF MEDICAL CARE, INCLUDING ORGAN TRANSPLANTS, A CERTIFIED PATIENT'S MEDICAL USE OF MARIHUANA SHALL NOT CONSTITUTE THE USE OF AN ILLICIT SUBSTANCE AND MAY ONLY BE CONSIDERED WITH RESPECT TO EVIDENCE BASED CLINICAL CRITERIA.

6. PERSON MAY NOT BE DENIED CUSTODY OR VISITATION OF MINOR. A PERSON SHALL NOT BE DENIED CUSTODY OR VISITATION OF A MINOR FOR ACTING IN ACCORDANCE WITH THIS TITLE UNLESS THE PERSON'S BEHAVIOR IS SUCH THAT IT CREATES AN UNREASONABLE DANGER TO THE MINOR THAT CAN BE CLEARLY ARTICULATED AND SUBSTANTIATED.

7. EFFECT OF REGISTRY IDENTIFICATION CARD ISSUED BY ANOTHER JURISDICTION. A REGISTRY IDENTIFICATION CARD, OR ITS EQUIVALENT, THAT IS ISSUED UNDER THE LAWS OF ANOTHER STATE, DISTRICT, TERRITORY, COMMONWEALTH, OR POSSESSION OF THE UNITED STATES THAT ALLOWS THE MEDICAL USE OF MARIHUANA BY A VISITING CERTIFIED PATIENT FROM NEW YORK HAS THE SAME FORCE AND EFFECT AS A REGISTRY IDENTIFICATION CARD ISSUED BY THE DEPARTMENT, SO LONG AS THE VISITING PATIENT'S SERIOUS CONDITION WOULD QUALIFY FOR THE CERTIFIED MEDICAL USE OF MARIHUANA UNDER THIS TITLE.

S 3369-B. SEVERABILITY. IF ANY PROVISION OF THIS TITLE OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS TITLE WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS TITLE ARE SEVERABLE.

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

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

S 4. This act shall take effect immediately.