

The New York Medical Marijuana Program: Answers for Patients & Caregivers

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On July 7, 2014, Governor Cuomo signed a medical marijuana bill into law. After an eighteen month implementation process, New York's medical marijuana program was officially launched on January 7, 2016. Below is a summary of the provisions in the law that relate to patients and caregivers.

Who will be eligible to receive medical marijuana?

Patients must be residents of or be receiving treatment in New York State for the condition for which they are using medical marijuana as treatment. The patient's doctor must believe and be willing to certify that the patient will receive some therapeutic or palliative benefit from medical marijuana. Patients must also have a "serious condition" (as defined below) that the DOH considers treatable by medical marijuana.

What "serious conditions" are eligible for treatment with medical marijuana?

Under the new medical marijuana law, a serious condition is defined as: "having one of the following severe debilitating or life-threatening conditions: cancer, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, amyotrophic lateral sclerosis, Parkinson's disease, multiple sclerosis, damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity, epilepsy, inflammatory bowel disease, neuropathies, Huntington's disease, or as added by the commissioner; **and** (ii) any of the following conditions where it is clinically associated with, or a complication of, a condition under this paragraph or its treatment: cachexia or wasting syndrome; severe or chronic pain; severe nausea; seizures; severe or persistent muscle spasms; or such conditions as are added by the commissioner." The Commissioner has the ability to add other conditions at any time.

Can any doctor make a recommendation for medical marijuana?

No. The physician making the recommendation must be treating you for your eligible serious condition, and they must:

- Be licensed and practicing in New York State;
- Be qualified to treat the serious condition for which medical marijuana is being recommended;
- Have completed a 4 hour training course approved by the Department of Health (DOH);
- Have registered with the DOH as a recommending physician.

How can I obtain a medical marijuana recommendation from a doctor?

Patients should first ask their treating physician if s/he is registered with the Department of Health's Medical Marijuana Program. If your physician is not registered and does not plan to participate in the program, s/he can make a referral by accessing a database (called the Health Commerce System) that identifies a list of registered physicians who have consented to be listed, and their specialties. You may direct your physician to more information on registering with the program at this site:

http://www.health.ny.gov/regulations/medical_marijuana/practitioner/

How will I apply to become a patient receiving medical marijuana?

Individuals will need to first get a recommendation from a registered physician and then apply to become a certified medical marijuana patient. The application is done through DOH's online Patient Registration System, which can be accessed via a NY.gov account. Patients who do not have an account will need to create one by visiting <https://my.ny.gov/>. To register, log in to <https://my.ny.gov/>, click on "Health Applications" and then "Medical Marijuana Data Management System".

The application must include the patient's name, date of birth, and a doctor's signed certification. Patients will also need to provide photographic identification and proof of New York State residency. The doctor's certification must include a statement that the patient has a serious condition and is being treated by the doctor for that condition. The certification expires after one year or at a sooner date specified by a doctor and must be renewed for the patient to continue receiving medical marijuana. Patients with terminal illnesses will be able to remain certified until the end of their lives. Patients will need to pay a \$50 application fee, which can be waived if they are experiencing financial hardship. Financial hardship is determined by one of the following: Medicaid eligibility; Supplemental Security Income (SSI); Social Security Disability Income (SSDI) or any other Department-approved documentation. Upon completion of registration, patients will receive a Registry Identification Card in the mail. Patients need to have their registry ID cards with them in order to purchase medical marijuana from one of the twenty state-approved dispensaries, whenever in possession of medical marijuana.

What else do I need to know?

- Lost cards will require a \$25 fee for replacement.
- Patients should notify the DOH immediately of any changes in the patient's name, address or if s/he no longer has the serious medical condition.
- Patients may not transport medical marijuana products outside of New York State. Doing so risks criminalization under federal law.
- New York does not accept certifications or registry ID cards from other states.

What kind of medical marijuana will I be able to use and how will I be able to consume it?

The forms of medical marijuana, the approved methods of consumption, strain, variety, and strength, shall be determined and approved by the Commissioner before they can be sold. Smoking as a method of consumption is specifically excluded from 'certified medical use' in the statute. Allowable modes of administration include vaporizing, pills and tinctures. Edibles are not allowed at this time.

How much medical marijuana will I have access to as a certified patient?

No patients or caregiver can legally possess more than a 30 day supply as determined by the practitioner and consistent with any DOH regulations. Patients can get a refill of their medical marijuana during the last 7 days of their 30 day supply.

How much will medical marijuana cost?

The Health Commissioner determines the price for all medical marijuana products. Prices will vary based on the product, the patient's individual dosing levels recommended by their physician, and the total quantity purchased. The Compassionate Care Act allows licensed producers to provide discounted products and offer 'reduced priced programs'. As of this writing, no details are available.

Will a caregiver be allowed handle my medical marijuana for me?

Yes. A patient will be able to designate up to two caregivers during the patient registration process. After patients have registered successfully, caregivers may then do so to obtain a registry identification card. If the patient is under 21, s/he will not be allowed to designate caregivers other than a legal guardian or parent unless a case is made to DOH that no legal guardian or parent is available. No one can be a caregiver to more than 5 certified patients at one time. Caregivers will legally be allowed to possess up to a 30 day supply of marijuana on behalf of the designated patient if they are registered with DOH (marijuana must be in the proper form and dose for the specified patient). Any changes or terminations of caregivers must be conveyed to DOH immediately or the patient's registration card may be suspended.

Are patients, caregivers, and people in the medical marijuana industry protected from discrimination?

Under the law, patients, caregivers, practitioners, or employees of registered organizations “shall not be denied any right or privilege, including but not limited to, they 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.”

Patients, practitioners and employees of registered organizations are also protected under the human rights law (e.g., cannot be discriminated against in housing, employment, public accommodations). Patients, practitioners and employees of registered organizations are protected in custody and family law proceedings. Registry information will not be subject to public disclosure laws (i.e. it must be kept confidential).

Where can I get more information? How can I get involved?

- Contact the Department of Health at 866-811-7957 or mmp@health.ny.gov and alert them to problems you are having with the program.
- Contact your doctors and encourage them to enroll in New York's medical marijuana program. Find some resources you can share with your doctor at our website: <http://www.compassionatecareny.org/resources/>
- Get involved by visiting us at our website, following us on social media, or calling us to learn about coming events.
Website: www.compassionatecareny.org
Twitter: @CompassionateNY
Facebook: Compassionate Care NY
Phone: 347-781-5435