

# NEW YORK ASSEMBLY BILL 6357

## MEDICAL USE OF MARIJUANA

### LEGISLATING COMPASSION

**Introduced by Assemblymember Gottfried.** Co-Sponsors: Lupardo, Cahill, Clark, Cymbrowitz, Dinowitz, Hevesi, Lavine, Paulin, Peoples-Stokes, Rosenthal, Stevenson, Titone, Arroyo, Boyland, Bronson, Brook-Krasny, Cook, Crespo, DenDekker, Espinal, Fahy, Jaffee, Kavanagh, Lifton, O'Donnell, Otis, Rivera, Roberts, Skartados, Steck, Weprin, Zebrowski  
Analysis of version introduced March 26, 2013

#### **Who would be protected by the law?**

- Patients, caregivers, practitioners (nurse practitioners included), and medical cannabis providers. Patients, caregivers must be in possession of a valid card from the department in order for protections to apply.
- Affirmative Defense: patients/caregivers without a card but who are otherwise acting in accordance with the law may raise an affirmative defense if charged
- Minors may be patients if their parent/guardian grants informed consent and agrees to be their caregiver who is in control of the medicine.
- A caregiver can assist up to five (5) patients; each patient may designate two (2) caregivers (more if family members)

#### **What medical conditions would be eligible for medical cannabis (marijuana) therapy?**

- Severe debilitating or life-threatening conditions, including, but not limited to, cancer, glaucoma, HIV/AIDS, Parkinson's, MS, intractable spasticity, epilepsy, cachexia, wasting syndrome, Crohn's disease, PTSD, neuropathy, fibromyalgia, arthritis, lupus, and diabetes, or treatment complications (including, but not limited to) inability to tolerate food, nausea, vomiting, dysphoria, or pain, subject to limitation in regulation of the Commissioner of Health.

#### **How would patients safely access medical cannabis under the law?**

- Patients and caregivers may possess up to 2.5 ounces of medicine
- Patients/caregivers may purchase medicine from a dispensary, or they may receive medicine from another patient or caregiver if it is transferred for no cost (ie. transfers by gift are permitted)

#### **Would the law prevent discrimination against medical cannabis patients?**

- Explicit protections from discrimination in housing, employment, education, child custody, and organ transplants
- Patient registry has a degree of privacy protection but conceivably could be accessed by law enforcement in a manner that harasses law abiding patients, caregivers, and providers.

#### **What limitations apply to patients and caregivers under this bill?**

- No personal cultivation for caregivers or patients, indoor-only cultivation for dispensary providers
- Caregivers must be at least 21 years of age, exceptions may be made by the Department of Health on a case by case basis
- No use in public on in a motor vehicle (car, boat, or aircraft)
- Would create a \$250/lb tax, which would be approximately \$2 per 1/8th ounce of medicine
- Health insurers are neither required nor forbidden to cover medical cannabis therapy.
- No specific protections or new penalties imposed for DUID

