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About The Compassionate Care Act: New York State's Medical Marijuana Program

You may be eligible for the medical use of marijuana to treat a serious illness. New York State's Medical Marijuana Program allows patients who suffer from designated serious conditions who also have a condition clinically associated with, or a complication of, the serious condition to be certified by their physicians to receive marijuana for medical use.

I am proud to have been the Senate sponsor of New York State's Medical Marijuana Program, which became law in 2014 and came into effect in January 2016. I have prepared this information sheet to help patients determine whether they are able to receive medical marijuana and help them navigate the steps required by the law. I have also included information for patients to share with their physicians to help the physicians understand the requirements of the law.

What are the serious qualifying 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, or Huntington's disease; and
- any of the following conditions where it is clinically associated with, or a complication of, any of the above conditions under their treatment: cachexia or wasting syndrome; severe or chronic pain; severe nausea; seizures; or severe or persistent muscle spasms.

The Health Department may add additional conditions to the list in the future.

What is the first step to obtaining medical marijuana?

You should first speak with your treating physician about the medical use of marijuana. If your physician determines that this is an appropriate treatment for you and

he or she is registered with the State Department of Health's Medical Marijuana Program, he or she may issue you a certification for medical marijuana.

If your treating physician is not part of the Medical Marijuana Program, he or she can then refer you to a physician who is.

What do I do after I receive a certification from a physician?

Once you possess a certification from a registered physician, you must register with the Medical Marijuana program through the State Department of Health's Online Patient Registration System. There is \$50 application fee, billed to you at a later date, unless you obtain a waiver for financial hardship. You can submit your application for registration using the Department's online system that is accessed through NY.gov. If you don't have a NY.gov account, you will need to visit <https://my.ny.gov/> and click the "Don't have an Account?" button to create a personal NY.gov ID. Patients with a NY.gov account can login to <https://my.ny.gov/>, click the "Health Applications" icon, and then click the "Medical Marijuana Data Management System" link to register.

After your registration is processed, you will be mailed a Registry Identification Card by the Health Department. It should come within three business days of the Department's approval. Once you have received this card, you may visit a dispensing facility (see below) to obtain medical marijuana products.

Patient registration expires when the certification that was issued by the physician expires.

Patients must have the Registry Identification Card and their certification in order to purchase medical marijuana products. Patients must always carry their Registry Identification Card whenever they possess medical marijuana products.

How do I register with the program as a caregiver?

Patients may designate up to two caregivers during the registration process who may obtain medical marijuana products for them.

A patient who is registered with the program must first designate you as a caregiver during the patient registration process. Upon approval of the patient's registration, the caregiver(s) may register. The patient will have access to instructions for caregiver registration. To register with the Department as a designated caregiver, you must be a New York State resident and have a valid NYS Driver's License or New York State Non-Driver ID card. There is a non-refundable application fee of \$50 for caregivers that is billed at a later date. The Health Department may waive or reduce the caregiver application fee in cases of financial hardship.

May I register on behalf of a minor or person who is otherwise incapable of consenting to medical treatment?

Yes, if the applicant for a Registry Identification Card is under the age of 18 or a person who is otherwise incapable of consenting to medical treatment, the application must be submitted by an appropriate person over 21 years of age. The applicant must designate one or two caregivers who must be among the following: 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 available or appropriate.

What forms and dosage amounts of medical marijuana are allowed?

The Health Commissioner must approve any form of medical marijuana. Approved forms include liquids and oil for vaporization or administration via inhaler as well as oral capsules. Smoking is not permitted. The total amount of medical marijuana that can be dispensed may not exceed a 30 day supply.

Where are the dispensaries?

- PharmaCann, LLC (manufacturing in Orange County), with dispensaries in Amherst at 25 Northpointe Parkway; Liverpool at 642 Old Liverpool Road; Bronx at 1280 Oak Point Avenue; and Guilderland at 10 Executive Park Drive;
- Empire State Health Solutions LLC/Vireo Health (manufacturing in Fulton County), with dispensaries in Johnson City at 589 Harry L Drive; White Plains at 221-223 E. Post Road; and Elmhurst at 89-55 Queens Blvd;
- Columbia Care NY LLC (manufacturing in Monroe County), with dispensaries in Manhattan at 212 East 14th Street; Riverhead at 1333 E. Main St.; Plattsburgh at 345 Cornelia Street; and Rochester at 200 West Ridge Rd.
- Etain, LLC (manufacturing in Warren County), with dispensaries in Albany at 402 North Pearl Street; Kingston at 445 State Route 28; Syracuse at 2140 Erie Blvd. E; and Yonkers at 55 Main Street; and
- Bloomfield Industries, Inc. (manufacturing in Queens), with dispensaries in Manhattan (Murray Hill) at 345 E. 37th St.; Williamsville at 52 South Union Road; Syracuse at 1304 Buckley Road, and Lake Success at 2001 Marcus Ave.

Doctors and the Compassionate Care Act:
Helping Physicians
Navigate the Requirements of the Program

Which conditions are eligible for treatment under the New York State Medical Marijuana Program?

A certification can be issued only to a patient with a serious condition, which is limited to a defined list of 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, or Huntington's disease; and 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; or severe or persistent muscle spasms.

The New York State Department of Health ("NYSDOH") Commissioner may add additional conditions to the list in the future.

Which health care providers are qualified to participate in the Medical Marijuana Program?

A health care provider interested in participating in the Medical Marijuana Program must:

- Be a physician licensed by and in good standing with New York State;
- Be qualified by training or expertise to treat patients with one or more of the following diseases: cancer, HIV/AIDS, amyotrophic lateral sclerosis (ALS), Parkinson's disease, multiple sclerosis, spinal cord injury with spasticity, epilepsy, inflammatory bowel disease, neuropathy and Huntington's disease;

What steps does a physician need to take before certifying patients?

1. **Complete a four-hour New York State Department of Health (NYSDOH) approved online course.**

The course is provided by TheAnswerPage, an established online medical education site. The cost to take the course is \$249.

The following topics are covered in the course: the pharmacology of marijuana, contraindications, side effects, adverse reactions, risks and benefits, warnings and precautions, and abuse and dependence.

Successful completion of the course will provide 4.5 hours of CME credits.

The course is available at: <http://www.theanswerpage.com/new-york-state-practitioner-education-medical-use-marijuana>.

2. Register with the NYSDOH Medical Marijuana Program

Email the course completion certificate (in PDF format) to the NYSDOH at mmp@healthny.gov, along with the state license number and Health Commerce System (HCS) User ID. NYSDOH will verify this information and send an email confirmation and instructions on how to register.

Once registered, how does a physician certify patients?

Once registered, a physician can begin certifying patients. For each patient certified, a physician must first:

1. Be qualified to treat the patient's serious condition:

- Determine whether the patient meets the requirements for certification (see www.health.ny.gov/regulations/medical_marijuana/practitioner);
- Have the patient under continued care for their serious condition(s);
- Upon review of past treatments, determine that the patient is likely to receive therapeutic or palliative benefit from medical marijuana; and
- Consult the Prescription Monitoring Program (PMP) Registry (http://www.health.ny.gov/professionals/narcotic/prescription_monitoring/online_notification_program/)

2. Access the Medical Marijuana Data Management System electronically on the NYSDOH Health Commerce System to certify patients (https://commerce.health.state.ny.us/public/hcs_login.html). You will need to enter the following information:

- Patient's demographic information;
- At least one of the eligible severe debilitating or life-threatening condition(s), and an accompanying condition or symptom;

- and use recommendations for the patient, if the physician considers it necessary.

3. Print out the certification, sign it and provide it to the patient; a copy of the certification must be placed in the patient's medical record.

Is physician participation in the Medical Marijuana Program required?

No, participation is voluntary. However, a physician may refer patients to a practitioner registered with the Medical Marijuana Program. Physicians seeking a registered practitioner, as well as those nurse practitioners and licensed health care providers who treat the specified diseases and conditions, may identify registered practitioners who consented to be listed, with their specialties, in the Medical Marijuana Data Management System located online within the Department's Health Commerce System. To access the list:

1. go to the Health Commerce System at <https://commerce.health.state.ny.us/>. If MMDMS is not listed in the My Applications Menu, select All Applications from the My Content dropdown menu, click the M tab, find the MMDMS application in the list, and click the green and white "+" icon in the Add/Remove column to add the MMDMS application.

2. Select the Medical Marijuana Data Management System (MMDMS) from the My Applications Menu.

3. On the Practitioner Portal, select the "Search Registered Practitioners" button.