



What is in the Law

Medical Cannabis

Overview

On March 31, 2021, Governor Andrew Cuomo signed the Marijuana Regulation & Taxation Act (MRTA) legalizing adult-use cannabis (also known as marijuana, or recreational marijuana) in New York State. The legislation creates a new Office of Cannabis Management (OCM) governed by a Cannabis Control Board to oversee and implement the law (collectively referred to as the “OCM”). The OCM will issue licenses and develop regulations outlining how and when businesses can participate in the new industry. The OCM will also oversee the State’s existing Medical Marijuana Program, currently regulated by the Department of Health (DOH). The OCM will ensure a smooth transition for all certified patients, designated caregivers and practitioners.

The MRTA includes provisions to expand the Medical Marijuana Program and the OCM is developing the regulatory framework necessary to implement these changes. For now, the current regulations and program operations remain in effect.

Please note that the provisions listed below are NOT immediately effective. Regulations and changes to administrative infrastructure will need to be developed before these changes can take effect. The MRTA sets out a timeframe to transition the Medical Marijuana Program from the DOH to OCM no later than six months after the Cannabis Control Board is appointed. Please monitor the DOH Medical Marijuana website at: www.health.ny.gov/mmp for updates.

Repeal of the Compassionate Care Act

Six months after the Cannabis Control Board is appointed, the Compassionate Care Act (CCA) will be repealed from Public Health Law. In its place, Article 3 of the new Cannabis Law will govern the Medical Use of Cannabis.

Practitioners Who Can Certify Patients

The definition of “practitioner” has been expanded to include anyone who is licensed, registered or certified by New York state to prescribe controlled substances within the State. Practitioners will be required to complete at least a two-hour course before they can begin certifying patients for medical cannabis.

Qualifying Conditions

The conditions for which patients may qualify to use medical cannabis have been expanded and now include the following: cancer, HIV/AIDS, amyotrophic lateral sclerosis (ALS), 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, post-traumatic stress disorder (PTSD), pain that degrades health and functional capability where the use of medical cannabis is an alternative to opioid use, substance use disorder, Alzheimer’s, muscular dystrophy, dystonia, rheumatoid arthritis, autism or any other condition certified by the practitioner.

Designated Caregivers

A certified patient will now be able to designate up to five (5) individuals to serve as designated caregivers, and also designate facilities and facility employees as designated caregiver facilities. Designated caregivers will be able to serve up to four (4) certified patients.

Registered Organizations

The Cannabis Control Board will be required to register additional Registered Organizations to provide services to unserved and underserved areas of the State.

Racial, ethnic, and gender diversity will be actively promoted when considering applications for new registered organizations.

The number of dispensing facilities a Registered Organization may operate will be increased to a total of eight dispensing sites; provided however, the first two additional sites must be in underserved or unserved geographic locations.

Lawful Possession

The amount of medical cannabis allowed to be possessed by a certified patient will increase from a thirty (30) day supply to a sixty (60) day supply as determined by the patient's practitioner.

Prohibition on Smoking Cannabis

The smoking of medical cannabis will no longer be prohibited.

Whole Flower

Whole cannabis flower will be an approved form of medical cannabis.

Home Cultivation

Certified patients 21 years of age or older, will be able to cultivate cannabis for personal medical use. Designated caregivers 21 years of age or older, who are registered with the Medical Cannabis Program and caring for a certified patient who is younger than 21 years old or whose physical or cognitive impairments prevent them from cultivating cannabis, will also be able to cultivate cannabis for use by such patients. Certified patients under 21 years old or who are unable to cultivate cannabis on their own may only designate one of their caregivers to cultivate on their behalf.

Cannabis Research

A new cannabis research license will allow researchers to more easily study various aspects of cannabis. Depending on the scope of proposed research, the licensee may produce, process, purchase and/or possess cannabis for research purposes.

Contact Us

For additional information about the current Medical Marijuana Program please visit our website or contact us e-mail or phone number listed below.

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