NEW YORK

MEDICAL CANNABIS ACCESS STATE REPORT CARD 2015

Issue	Possible Points	
PATIENT RIGHTS & CIVIL PROTECTION (total)	**100**	**72**
Arrest protection	40	40
Affirmative defense	15	15
Child custody	10	0
DUID protections	5	0
Employment	5	5
Explicit privacy standards	7	7
Housing protections	5	5
Does not create new criminal penalties for patients	5	0
Organ transplants	5	0
Reciprocity	3	0
EASE OF NAVIGATION (total)	**100**	**77**
Comprehensive qualifying conditions	50	40
Adding new conditions (total)	10	7
Law/Regs allow for new conditions	5	5
System works for adding new conditions	5	2
Reasonable access for minors	10	9
Reasonable caregiver background check requirements	4	3
Number of caregivers	2	2
Patient/Practitioner focused task force/advisory Board	2	0
Reasonable fees (patients & caregivers)	10	9
Allows multiple-year registrations	2	0
Reasonable physician requirements	5	4
Does not classify cannabis as medicine of last resort	5	3
ACCESS TO MEDICINE (total)	**100**	**47**
Allows distribution programs (total)	40	14
Allows access to dried flowers	15	0
Allows delivery	5	0
No sales tax or reasonable sales tax	5	3
Reasonable number of dispensing facilities	5	4
Does not require vertical integration	2	0
Ownership/Employment restrictions	2	1
Provisions for labor standards	2	3
Environmental impact regulations	2	1
Unrestricted choice of dispensary	2	2
Non-commercial cultivation (total)	20	0
Personal cultivation	15	0
Collective gardens	5	0
Explicit right to edibles/concentrates/other forms	10	8
Does not impose limits or bans on THC	10	7
Does not impose minimum CBD requirements	10	10
Municipal bans/zoning	10	8
FUNCTIONALITY (total)	**100**	**65**
Patients are able to obtain medicine	50	30
Free of significant administrative or supply problems	15	12
Legal protections within reasonable time frame	10	8
Reasonable possession limit (ounces)	5	4
Reasonable purchase limits	5	3
Allows patients to medicate where they chose	5	3
Covered by insurance/state health aide	3	0
Financial hardship (fee waivers/discount medicine)	7	5
PRODUCT SAFETY (total - see back for details)	**100**	**82**
Dispensing	25	23
Cultivation	25	21
Manufacturing	25	23
Lab	25	15
Improvement Bonus		25
Total out of 500		368
Score percentage		74

Final Grade = C

Areas for improvement: In spite of having one of the most restrictive medical cannabis distribution programs in the country, New York has done an admirable job in attempting to implement the program quickly. Given the size of the state by both population and geography, 20 dispensing facilities and tiny handful of cultivation facilities will likely result in patients having difficulty obtain their medicine. Requirements on potency and branding will likely result in a limited variety of products. The state needs to revise the program to expand the number of cultivation and dispensing facilities, eliminate language that restricts the available products and methods of administration for patients, and allow physicians to recommend medical cannabis to any patient for whom the benefits outweigh the risks.

Background: In June 2014, the New York Assembly passed S7923, which creates legal protections for patients and caregivers and authorizes the state to license and regulate "registered organizations" to cultivate and sell medical cannabis to patients. Patients must obtain a registration identification card after getting written certification from their physician. The law requires physicians to take education courses and have medical expertise for a qualifying condition they for which they wish to recommend, and provide continuous care of the patient in order for the patient to maintain legal protection. Physicians must also state the "dosage" patients should use, which determines the 30-day supply of medicine that the patient may possess. The state may license up to five registered organizations, and each may have up to four retail locations from which patients may purchase their medicine. The law forbids the smoking of cannabis by patients but does not explicitly ban patients from accessing cannabis in its dried flower form; however, the Commissioner must approve all forms of medical cannabis made available to patients.

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PRODUCT SAFETY point breakdown

(Point totals by section included in grade calculation on reverse)

Issue	Possible Points	
DISPENSING (total)	**25**	**23**
Dispensary training	5	3
Operating Procedures and Protocols	5	5
Facility sanitary conditions	Y or N	Y
Storage protocols	Y or N	Y
Reasonable security protocols	Y or N	Y
Inventory control	Y or N	Y
Recall protocol and adverse event reporting	5	5
Product Labeling	5	5
Product contents including source material ID	Y or N	Y
Allergens	Y or N	Y
Potency/compound identification	Y or N	Y
Required Testing	5	5
Active ingredient identification	Y or N	Y
Contaminants	Y or N	Y
Potency	Y or N	Y
CULTIVATION (total)	**25**	**21**
Cultivation training	5	3
Standard Operating Procedures and Protocols	**5**	5
Facility and equipment sanitary conditions	Y or N	Y
Workforce safety protocols	Y or N	Y
Storage protocols (short and long term)	Y or N	Y
Reasonable security protocols	Y or N	Y
Batch and lot tracking	Y or N	Y
Disposal/waste	Y or N	Y
Water management	Y or N	Y
Pesticide Guidance and Protocols	**5**	3
Pesticide guidance	Y or N	Y
Product labeling	Y or N	N
Required testing	5	5
Active ingredient identification	Y or N	Y
Contaminants	Y or N	Y
Potency	Y or N	Y
Sample retention	Y or N	Y
Recall protocol and adverse event reporting	5	5
MANUFACTURING (total)	**25**	**23**
Manufacturing training	5	3
Standard Operating Procedures and Protocols	5	5
Facility and equipment sanitary conditions	Y or N	Y
Workforce safety protocols	Y or N	Y
Storage protocols	Y or N	Y
Reasonable security protocols	Y or N	Y
Batch and lot tracking	Y or N	Y
Product Labeling	5	3
Product contents with source material ID	Y or N	Y
Allergens	Y or N	Y
Potency/compound identification	Y or N	Y
Required Testing	5	Y
Active ingredient identification	Y or N	Y
Contaminants	Y or N	Y
Potency	Y or N	Y
Shelf life testing	Y or N	Y
Sample retention	Y or N	Y
Recall protocol and adverse event reporting:	5	5
LABORATORY (total)	**25**	**15**
Lab operations training	5	5
Method validation in accordance with AHP guidelines	5	0
Result reporting - disclose the type of testing used	5	0
Independent or third party certification	5	5
Standard Operating Procedures and Protocols	**5**	5
Equipment and instrument calibration	Y or N	Y
Sample tracking	Y or N	Y
Facility and equipment sanitary conditions	Y or N	Y
Disposal/waste protocols	Y or N	Y
Storage protocols	Y or N	Y
Workforce safety protocols	Y or N	Y
Total out of 100		**82**

Tools for Success:

Improving your state law has never been easier. In the appendix of this report you will find model legislation and regulators guides for product safety protocols. ASA staff are all also available to draft and/or review legislative and regulatory language. Our website has many resources online including access to our policy shop at http://www.safeaccessnow.org/policy_shop, information for regulators available at http://patientfocusedcertification.org/about/information-for-regulators/ and a breakdown of all the state laws at http://www.safeaccessnow.org/state_and_federal_law.

AmericansFor SafeAccess
Advancing Legal Medical Marijuana Therapeutics and Research

Headquarters 1806 Vernon Street NW Suite 300 | Washington, DC 20009
California Office 770 L Street, Suite 950 | Sacramento, CA 95814

888-929-4367
www.AmericansForSafeAccess.org