



## Legislation Text

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### Res. No. 765

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation rectifying any conflicts between the state's medical marijuana regulations and recreational marijuana regulations.

By Council Member Rivera

Whereas, On July 7, 2014, New York Governor Andrew Cuomo signed into law the Compassionate Care Act (CCA), making New York the 23<sup>rd</sup> state to legalize medicinal marijuana; and

Whereas, Within the New York State Public Health Law, medical marijuana is defined as all parts of the plant of the genus Cannabis, including the seeds, resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, intended for medical use; and

Whereas, According to the New York Times, studies have documented positive medical outcomes when one uses medical marijuana, including the complete resolution of nausea and vomiting due to chemotherapy; and

Whereas, New Yorkers can obtain medical marijuana if they have certain debilitating or life-threatening conditions, such as cancer, HIV or AIDS, amyotrophic lateral sclerosis (ALS), Parkinson's disease, multiple sclerosis, chronic pain, or post-traumatic stress disorder; and

Whereas, As of June 30, 2018, a total of 61,198 patients in New York State had active certifications to use medical marijuana; and

Whereas, Governor Cuomo has announced his intention to legalize recreational marijuana throughout

the state, which raises concerns for those enrolled in the medical marijuana program; and

Whereas, According to the Burlington Free Press, Vermont had two conflicting sets of marijuana laws on the books once recreational marijuana was legalized, such as different possession laws, and this caused confusion and concerns for those who used medical marijuana; and

Whereas, According to City & State, the Governor's current proposal to legalize recreational marijuana mostly transfers the program intact to a new office, the Office of Cannabis Management; and

Whereas, Despite the program mostly remaining intact, there is a risk the medical marijuana program would suffer because registered patients may turn to recreational marijuana use, since it is significantly cheaper, unless the addition of recreational marijuana drives down the medical marijuana prices, the Times Union points out; and

Whereas, City & State notes that many patients would still benefit from consultations with doctors who can recommend the best course of action, even if they have access to recreational marijuana; and

Whereas, The creation of a recreational marijuana program should not hinder the use of medical marijuana in our communities, which, with a guardian or caregiver's support, a person of any age can obtain; and

Whereas, Currently individuals who receive medical marijuana can receive up to a 30 day supply of the dosage they are prescribed and must follow strict guidelines to transport and carry their medical marijuana, and the legalization of recreational marijuana should mirror these protocols as closely as possible; and

Whereas, The Times Union points out the concerns over who can cultivate and distribute recreational marijuana, a topic which must be taken seriously and pursued cautiously to ensure that communities that have been the prime targets of marijuana criminal enforcement for decades, largely communities of color with high

poverty levels, share in the benefits; and

Whereas, The State should ensure the medical marijuana program continues to grow, for example, by increasing advertising and instituting further patient protections, such as ensuring providers within all medical facilities can prescribe medical marijuana; and

Whereas, To ensure the medical marijuana program stays intact and available to those who utilize it, and to ensure it keeps improving and becomes even more accessible to the public, the state should examine the impacts the legalization of recreational marijuana could have on the program; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation rectifying any conflicts between the state's medical marijuana regulations and recreational marijuana regulations.

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