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HEALTH CARE ALERT | NIXON PEABODY LLP

OCTOBER 26, 2017



## Health and mental health facilities in New York State may now obtain medical marijuana for certified patients

By **Barbara Asheld**

Patients with certain severe or life-threatening conditions may be certified and register with the New York state Medical Marijuana Program to obtain and possess marijuana for medical purposes. Patients are permitted to designate caregivers to pick up their medical marijuana or to administer it to them when they are unable to do so. Originally, designated caregivers had to be natural persons. Pursuant to emergency regulations effective October 5, 2017, certain facilities and divisions, departments, components, floors or other units of such facilities may register with the Department of Health and be eligible to possess, acquire, deliver, transport and administer medical marijuana on behalf of a certified patient. This is intended to prevent patients from experiencing any adverse events associated with abrupt discontinuation of a treatment alternative that may be providing relief to the patient because they are admitted to a health or mental health facility.

Facilities eligible to register with the department are general hospitals, residential health care facilities, adult care facilities, community mental health residences, NYS psychiatric hospitals, mental hygiene facilities, inpatient or residential chemical dependence treatment programs, residential facilities for the care and treatment of persons with developmental disabilities, residential treatment facilities for mentally disabled children and youth and public or private schools.

This regulation will be effective until January 3, 2018, unless it is adopted as a permanent regulation or re-adopted as an emergency regulation. The Department of Health is accepting comments until December 9, 2017.

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