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May 27, 2021

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Dear Governor Cuomo:

Since its passage in 2014, the Compassionate Care Act has enabled thousands of New Yorkers who suffer from serious medical conditions to safely access medical cannabis, drastically improving their quality of life. But the program has not had the opportunity to reach its full potential to change patients' lives until now.

The recently enacted Marijuana Regulation and Taxation Act (MRTA) included provisions to greatly expand both accessibility and affordability in the medical cannabis program.

The law authorizes the Department of Health (DOH) to continue its oversight and regulation of the Medical Marijuana Program, as it has done for the past seven years, until the Office of Cannabis Management (OCM) is operational. DOH is responsible for implementing the changes in the MRTA. We urge you to take action and implement important changes without further delay.

In addition, there should be no ambiguity regarding the intent of the Legislature's actions in passing the medical expansion provisions in the MRTA. During debate over the bill, we repeatedly expressed the need to support and expand the existing Medical Marijuana Program and make it easier for medical providers to offer patients these life-changing products to more New Yorkers who desperately need them. Patients have waited far too long.

In addition, DOH itself has acknowledged the need for changes to facilitate access and affordability in its [2018 two-year report](#) on the medical cannabis program:

"As neighboring states continue to implement recreational marijuana programs and New York State considers the implementation of a regulated adult-use marijuana program, it is critical for New York's medical marijuana program to expand access to reach more patients suffering from severe debilitating or life-threatening conditions who may benefit from medical marijuana."

At a minimum, the following changes – all of which we included in the MRTA – will immediately strengthen and expand the medical cannabis program, improve patient access, and, perhaps most importantly, enable dispensaries to offer a more affordable product.

- 1. INCREASE SUPPLY LIMITS.** New York's current regulations permit medical cannabis patients to purchase up to a 30-day supply of their medications. The MRTA expands this to 60 days. Increasing the supply limit not only limits the amount of exposure for potentially vulnerable patients, but also eases the burden for those who must travel long distances to obtain their medications for the nearest dispensary. Currently there is one dispensary for

roughly every 500,000 New Yorkers, though this will change long-term under the MRTA.

- 2. TRUST MEDICAL EXPERTS WITH PATIENT CARE.** In 2018, the DOH made eight recommendations for expanding New York's medical cannabis program to better reach those who might be self-medicating with products purchased from the unregulated illicit market. Number one was to allow physicians more clinical discretion in certifying patients for medical cannabis, but that change has not been made.

As New Yorkers continue to deal with the fallout of the coronavirus pandemic, there will be thousands of residents who need pain relief and treatment for a variety of conditions, illnesses, and diseases. Providing medical professionals with discretion, as the MRTA does, is the empathetic, humane, and realistic way to address patient pain and suffering.

- 3. ALLOW THE SALE OF WHOLE FLOWER.** Since cannabis remains illegal at the federal level, medical cannabis and related products are not covered by health insurance. As such, medications that could offer significant relief to many New Yorkers remain cost-prohibitive and out of reach - particularly for lower-income members of minority communities, who might otherwise be eligible for the program.

Allowing the sale of whole flower, which requires little to no processing and is therefore most cost effective to produce and sell, would bring equity to the program that it is significantly lacking.

In 2017 the DOH approved the sale of "metered ground plant preparations," which is, quite simply, ground whole flower. The DOH does not require a new regulatory structure to review and approve the safety of this product, as it already exists, albeit in a smaller form. The MRTA provides for the next logical step: Allowing flower to be sold in its whole and most elemental state.

These small but impactful changes were quite clearly the intent by those of us who voted "yes" on the MRTA. They will greatly improve the day-to-day lives of the thousands of New Yorkers who currently rely on the Medical Marijuana Program and enable thousands more who could benefit from the program to do so. We urge you to take swift action and implement these changes without further delay.

Sincerely,



Diane J. Savino
NYS Senate 23rd District



Richard N. Gottfried
NYS Assembly 75th District



Liz Krueger
NYS Senate 28th District

DJS:lb:bmo

CC: Dana Carotenuto, Chief of Staff to the Governor
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