

NY tweaks medical pot law but still no talk of legalization

December 4 2016, by David Klepper

New York is loosening restrictions in its nearly year-old medical marijuana law but, to the dismay of some pot advocates, there is no sign the state is in any hurry to join eight other states in embracing full legalization.

Among the latest to do so are two in the Northeast—Massachusetts and Maine—and the huge state of California. Still, Gov. Andrew Cuomo remains a skeptic of outright recreational use and legalization faces challenges in the Legislature too.

"It's unlikely to happen in the short term," predicted physician Kyle Kingsley, chairman of Vireo Health, one of five companies selected under New York's law to grow and sell cannabis for medical uses. "But I do think what's going on in Massachusetts, it helps knock down the stigma ... I think it's inevitable. It's just a matter of time."

New York's medical marijuana law still has some of the strictest rules among the more than 20 states that allow medical pot. Among its requirements: that pot products can't be dispensed in smokeable form and that physicians complete a training course to approve the drug for patients.

So far, 750 physicians have signed up to participate, and 10,730 patients have been certified, a number that dispensary operators have complained has made it hard to turn a profit.

"We're not breaking even yet, and neither has anyone else in the industry," said Hillary Peckham, chief operations officer of Etain, a family run company that has dispensaries in Albany, Kingston, Syracuse and Yonkers. "It's not at a sustainable point."

In an effort to effort to boost patient access, officials are loosening some regulations. Nurse practitioners and physician assistants will soon be allowed to certify patients for the drug. The state is considering authorizing home deliveries and this past week announced plans to add chronic pain to a list of 10 qualifying conditions that also include cancer, AIDS, multiple sclerosis and epilepsy.

Kate Hintz lobbied for the law to help people like her daughter Morgan, who has a rare form of epilepsy. The Westchester County woman said that the state is making significant progress in making the medicine more accessible to patients—but that more work is needed.

"I don't think it will ever move fast enough, but the changes are encouraging," she said. Morgan is enrolled in the program, but Hintz said no dispensary currently offers the type of medical cannabis that would best treat her daughter. "No one I know is utilizing the program 100 percent."

Among the changes dispensary owners and patient advocates say are still needed: expanding the formulations the dispensaries can offer, encouraging more doctors to participate and approving more qualifying conditions.

The state is also looking at permitting additional companies to open new dispensaries, a move opposed by the operators of the 19 current dispensaries around the state. Owners say the market is too small and fragile to absorb the new competition.

"What we don't want to do is compromise the integrity of the program by saturating the market," said Nicholas Vita, CEO of Columbia Care NY, which operates a Manhattan dispensary in addition to one on Long Island and two upstate facilities.

One option that's not on the table yet is full legalization. Massachusetts, California and Maine's votes in November join them with states including Colorado, Washington and Oregon in allowing recreational use of pot.

Advocates, however, note how quickly public support for legalization has increased and say California and Massachusetts could prompt them to reconsider.

"The time to have a conversation about ending the prohibition on marijuana in New York is now," said Kassandra Frederique, New York state director at the Drug Policy Alliance. "New York should be at the forefront."

But state officials say they don't feel pressure to change their approach. "Legalization of marijuana in other states will not impact the program," the state's Department of Health said in a statement.

Instead, it's Washington, D.C., and the incoming administration of President-elect Donald Trump that has state officials on edge. Alabama Sen. Jeff Sessions, Trump's pick to be attorney general, has voiced opposition to loosening marijuana policies.

State Sen. Diane Savino, a Staten Island Democrat who helped write New York's law, said she wonders what approach the Trump administration will take to state marijuana laws that violate federal drug laws.

Said Savino: "I'm less concerned about what's happening in Massachusetts than about Washington, D.C."

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Citation: NY tweaks medical pot law but still no talk of legalization (2016, December 4)
retrieved 1 May 2024 from

<https://medicalxpress.com/news/2016-12-ny-tweaks-medical-pot-law.html>

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