

Medical Cannabis 101

Frequently Asked Questions

Glossary of Terms:

Cannabis: Cannabis is an annual, dioecious, flowering herb.

Hemp: Hemp are the varieties of Cannabis that have less than 0.3% THC, by law.

"Marijuana": is cannabis containing above 0.3% THC.

Cannabinoid: One of a class of diverse chemical compounds that acts on cannabinoid receptors, also known as the endocannabinoid system in cells that alter neurotransmitter release in the brain and metabolic and physiological activity in cells throughout the body.

Endocannabinoid System: a part of normal biology in mammals that modulates the functions of cells response to cannabinoids produced by the cells in tissues or coming into the body from sources derived from plants or synthetically. The system is composed of cell-surface receptors that bind selective to different cannabinoids and convey that binding as a signal for the cell to change its biochemistry.

THC: short for "Tetrahydrocannabinol", is a plant-derived cannabinoid (a phytocannabinoid), or cannabis compound, that is most famously responsible for the euphoric feeling you get from consuming cannabis.

CBD: short for "Cannabidiol", it is a phytocannabinoid, or cannabis compound that is being evaluated for its potential significant medical benefits, but does not make people feel "stoned" and can actually counteract the psychoactivity of THC.

Terpenes: aromatic oils, found in cannabis and many other plants, give cannabis varieties distinct smells and flavors like citrus, berries, mint, and pine. Terpenes play a key role in differentiating the effects of various cannabis strains. Some terpenes promote relaxation and stress-relief, while others promote focus and acuity.

Entourage Effect: The bodies collective responses through the endocannabinoid system to full spectrum cannabis products.

Full Spectrum: refers to cannabinoid products that preserve, and in many cases concentrate, the chemicals and their balance present in the plant. These are the most likely to stimulate a full entourage effect.

Broad Spectrum: refers to cannabinoid products that contain many, but not all of the chemicals found in plants but not necessarily in the proportions that they were present in the starting plant. These, depending on their chemical composition, will stimulate some level of entourage effect.

Isolate: An extract refined to a high concentration of a single cannabinoid.

Flower: the reproductive and fruiting body of the plant.

Concentrate: to preparation of plant extracts that has been reduced in water or oil content to increase the amount of cannabinoid for a given volume compared with the original extract taken from the plant.

Shatter: a brittle glass-like product resulting from extracting cannabis with organic solvents or CO2 and concentrating the extract by evaporation.

Rosin: a sap-like extract product from plants and cannabis that results from methods that use heat and pressure but do not use chemical solvents.

Edible: a preparation of cannabinoids that has been prepared with the intention of being eaten to achieve a dose.

Tincture: a chemical extract of cannabis that can itself be taken internally or added to other products.

Topical: a preparation of cannabinoids intended for the application to the surface of the skin to achieve a dose.

How to Become a Medical Marijuana Patient in New York State

Step 1*: Find a registered certifier

Step 2: Meet with a registered Certifier, online or in person, and discuss whether medical marijuana is appropriate for your condition.

Step 3: If they determine it's an appropriate treatment for you, they may issue you a certification for Medical Marijuana

Step 4: After you obtain your certification, you must register with the Medical Marijuana program through the Health Department's online Patient Registration System

Step 5: After your registration is approved, you will be issued a Temporary Registry Identification Card, which may be used in conjunction with a government issued photo ID until you receive your registry identification card in the mail.

*You can either (1) find a list of registered certifiers on the New York State Department of Health website and make an in person appointment, or you can (2) go to www.nuggmd.com to find a registered certifier and make an online appointment. If you make an online appointment, you'll be prompted to setup a video call with the registered certifier, and you'll go through the same process as if you were meeting with someone in person.

Overview of Medical Marijuana Program in New York State

Qualifying conditions: The full list of qualifying conditions can be found below and on the New York State Department of Health website; included in the list is “severe or chronic pain”, meaning anyone with that condition may be eligible for medical marijuana:

Cancer, HIV infection or AIDS, amyotrophic lateral sclerosis (ALS), Parkinson's disease, multiple sclerosis, spinal cord injury with spasticity, epilepsy, inflammatory bowel disease, neuropathy, Huntington's disease, post-traumatic stress disorder, chronic pain, pain that degrades health and functional capability as an alternative to opioid use or substance use disorder. The severe debilitating or life-threatening condition must also be accompanied by one or more of the following associated or complicating conditions: cachexia or wasting syndrome, severe or chronic pain, severe nausea, seizures, or severe or persistent muscle spasms, PTSD or opioid use disorder

CERTIFICATION vs. RECOMMENDATION: There are only 2 FDA approved drugs that can be “prescribed” but have limited uses and are not standard prescriptions or common practice. The NYS licensed Medical Marijuana Certifier “recommends” products, not “prescribes” them. The process by which you obtain these products is called a “certification” not a “prescription”. This process is limited to matching criteria to the guidelines set forth by NYS. Some Medical Marijuana Certifiers are able to diagnose as well as certify. Recommendations may be made by a practitioner that fall outside of the scope of the NYS Medical Marijuana Program (i.e. Hemp derived products). NYS only provides access to specific products for specific uses. Other hemp derived products may be sold over the counter that could provide relief. The only thing insurance companies can cover is the actual certification process not the products. This is an evaluation procedure that insurance companies will cover like any other healthcare visit. Some discounts are available at the dispensary.

What products are available: As of July 2019, according to the New York State Department of Health website, the following is listed in regard to the available products: “The Commissioner must approve any form of medical marijuana. Approved forms include, but are not limited to: solid or semi-solid dosage forms (such as capsules, tablets, and lozenges), metered liquid or oil preparations (for vaporization or oral administration), metered ground plant preparations, and topicals and transdermal patches. Under the law, smoking is not permitted and the regulations prohibit edibles.”

Limitations of Program: Patient feedback has consistently conveyed the need for more from this program - some of the most common feedback we’ve heard is the need for more: choices of products available, access to flower, ability to cultivate their own medicine, affordable medicine, increased availability and access to dispensaries, knowledgeable dispensary staff, transparency about the medicine, more doctors who are willing to become registered physicians, and more focus on the patient.

Medical Marijuana Patient Protections In New York

The fact that a medical patient uses cannabis (or even just is a patient) cannot be used against the person in a domestic relations law, the social services law, and the family court act proceeding. The patient person is protected as “disabled” and the fact that they test positive for THC cannot be used as a pretext for anything covered under those laws and acts, including but not limited to:

- **Taking away their children in a CPS case**
- **Being denied public assistance**
- **Custody decisions**

Patients also have employment protections.

A positive drug test, without discussion and implementation of a reasonable accommodation, are likely illegal under the Compassionate Care Act as well as the New York State Human Rights Law. However, use of medical marijuana on the job may not be protected, depending on various factors.

Prisoners, Probationers, and Parolees also have rights under this law, though the Department of Corrections is trying to abide by federal law not state law vis cannabis and may be in violation of constitutional rights. NY NORML is leading up a case for this right now, so if you or someone you know needs legal guidance email info@empirestatenorml.org for assistance.