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Res. No. 418

Resolution calling upon the New York State Legislature and the Governor to expand the Compassionate Care Act, which legalized the medicinal use of marijuana.

By Council Members Levine, Barron, Chin, Johnson, Mendez, Richards, Rodriguez, Cohen and Menchaca

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

Whereas, This law recognizes and affirms progress in the medical community concerning the therapeutic value of medicinal marijuana; and

Whereas, The CCA is a historic step forward in providing vital medical assistance to New Yorkers suffering from debilitating and life-threatening medical conditions, such as cancer, HIV/AIDS, amyotrophic lateral sclerosis (ALS), Parkinson’s Disease, multiple sclerosis, spinal cord damage, inflammatory bowel disease (Crohn’s Disease), neuropathies, and Huntington’s Disease; and

Whereas, However, the CCA has several restrictions that unnecessarily burden those in the most need

from obtaining and using medicinal marijuana in an effective and timely way; and

Whereas, The CCA prohibits patients from choosing to administer their medicinal marijuana through smoking, leaving options such as edibles, oils, and vaporization up to the discretion of the New York State Department of Health (DOH); and

Whereas, Administering medicinal marijuana through vapor requires the purchase of a vaporizer unit, which can cost hundreds of dollars, and thus be prohibitively expensive for patients desperately in need; and

Whereas, Smoking medicinal marijuana provides rapid and efficient delivery, according to a 2012 report authored by researchers at the Center for Medicinal Cannabis Research, University of California, San Diego, published in The Open Neurological Journal; and

Whereas, Smoking medicinal marijuana has not been proven to impair lung function, according to the Coronary Artery Risk Development in Young Adults (CARDIA) report, a twenty-year longitudinal study published in the Journal of the American Medical Association in January 2012; and

Whereas, Of the 22 other states that have legalized medicinal marijuana, Minnesota is the only other state to have banned smoking; and

Whereas, Based on evidence of its effectiveness and cost considerations, the CCA should be amended to allow physicians the ability to choose the method of administering medicinal marijuana, including the option of smoking it; and

Whereas, The CCA does not include debilitating and severe medical conditions such as Alzheimer's Disease, muscular dystrophy, dystonia, post-traumatic stress disorder, and rheumatoid arthritis, that are among the top medical conditions for which medicinal marijuana is prescribed; and

Whereas, The CCA gives DOH an 18-month period of consideration for the admission of these diseases; and

Whereas, Therefore, the Compassionate Care Act should be expanded immediately to include Alzheimer's Disease, muscular dystrophy, dystonia, post-traumatic stress disorder, and rheumatoid arthritis;

and

Whereas, An interim emergency access program should be implemented that would expedite medicinal marijuana approval and delivery mechanisms to bring faster relief to patients in urgent need and under dire threat of serious medical consequences; and

Whereas, The CCA permits only five organizations a total of 20 dispensaries (four each) to produce and dispense medicinal marijuana to the entire geographic region of New York State, which is among the nation's largest, most densely populated state; and

Whereas, Acknowledging New York State's geographic size and population, the CCA should be amended to allow for a greater number of authorized medicinal marijuana suppliers and also increase the corresponding dispensary limit; and

Whereas, According to New York Physicians for Compassionate Care, a coalition of over 600 New York physicians, medicinal marijuana is more tightly regulated than any other medication, including more dangerous medications that are routinely prescribed; and

Whereas, Expanding the CCA will ensure patients find the relief they need by removing hurdles to obtaining a necessary medicine prescribed by their doctor; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature and the Governor to expand the Compassionate Care Act, which legalized the medicinal use of marijuana.

MGL/CP
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9/18/14