

Subject: Medical Marijuana	Applicable To: Directly Operated and Provider Operated shelters, safe havens, and drop-in centers in the Division of Adult Services, the Division of Family Services, and Street Homeless Solutions	Effective Date: February 15, 2023
Administered By: Office of the Medical Director		Approved By: Joslyn Carter, Administrator Department of Social Services/ Department of Homeless Services

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I. PURPOSE

This policy is gives guidance to Department of Homeless Services (DHS) and provider staff in DHS-run and provider-run facilities about the use of medical marijuana in shelters, safe havens, and drop-in centers. This clarifies the allowed forms of medical marijuana and the authorized ways for clients to consume it within the shelter system. This policy outlines entry and screening, recording as a reasonable accommodation, storage, and use protocols.

II. DEFINITIONS/TERMINOLOGY

- A. Cannabis:** Cannabis sativa or Cannabis indica is a plant with psychoactive characteristics. It is used recreationally and for medical purposes. Cannabis can be consumed in a variety of ways and is mostly used for its relaxing and calming effects.
- B. Marijuana:** Generally, there is no difference between marijuana and cannabis. Cannabis can be used as an umbrella term for all cannabis products. Marijuana is often used to specifically describe cannabis products derived from the dried flowers, leaves, stems, and seeds of the cannabis plant.
- C. THC:** THC is a chemical compound produced by cannabis. It is the main psychoactive compound in cannabis and produces the feeling of being “high.”
- D. CBD:** CBD is another cannabinoid found in cannabis products. CBD does not produce psychoactive effects or the feeling of being “high” on its own.
- E. Hemp:** Hemp is a variety of the cannabis plant. The main difference between hemp and other varieties of the cannabis plant is that there is a very low THC compound in hemp (lower than 0.3%), therefore it is not used normally as a recreational drug. It is usually grown for its fiber seed, and can be used to make paper, rope, clothing, or to be used as a food product.
- F. Medical Marijuana:** Medical marijuana is a term used for derivatives of the cannabis plant that are prescribed to ease symptoms caused by certain medical conditions. Studies report that medical marijuana can have possible benefits for certain conditions, including but not limited to HIV, epilepsy, multiple sclerosis, chronic pain, PTSD, and severe nausea caused by chemotherapy. Medical marijuana is consumed in various forms like pills, powder, dried leaves, and in liquid form.
- G. Recreational Marijuana:** Recreational marijuana, unlike medical marijuana, is not prescribed for medical use.

III. INTRODUCTION

A. Marijuana Legality

Medical marijuana has been legally available for New Yorkers through the State's medical marijuana program since 2014. New Yorkers are eligible to use medical cannabis to treat their health condition if a state registered health care provider prescribes medical cannabis for a medical condition. Patients must register with the state to purchase medical cannabis.

As of March 31st, 2021 when Governor Andrew Cuomo signed the [Marihuana Regulation & Taxation Act](#), certain legal restrictions regulating authorized forms of medical marijuana were lifted. Following this ruling, medical marijuana patients are now allowed to possess up to a 60-day supply of their cannabis as determined by their healthcare provider. The smoking of medical marijuana is now no longer prohibited, and whole cannabis flower became an approved form of medical cannabis.

It is now legal in New York state for adults 21 and older to possess up to three (3) ounces of cannabis and up to 24 grams of concentrated cannabis for personal use. However, it is against the law for people younger than 21 to possess, sell, or use any amount of cannabis. Also, no one may legally possess more than three ounces of cannabis and 24 grams of concentrated cannabis, sell any amount without a license, or drive while under the influence or impaired by cannabis.

Under federal law, cannabis possession and use in all forms is illegal.¹ There are a few FDA-approved prescription medications that contain cannabis-derived products, like CBD. Per New York law and the *Butler* settlement, directly operated and provider-run facilities are required to provide reasonable accommodations for people with disabilities. This includes people with a disability or medically related need for medical cannabis.

B. Authorized Forms of Medical Marijuana

Approved medical marijuana products for use in directly operated and provider-run shelters are:

1. Metered liquid or oil preparations
2. Solid and semisolid preparations
 - a. Capsules
 - b. Chewable
 - c. Effervescent
 - d. Tablets
 - e. Lozenges
3. Metered ground plant preparations
4. Topical forms and transdermal patches
5. Whole flower

¹ Retrieved January 25, 2023, from <https://www.nyc.gov/site/doh/health/health-topics/marijuana.page>.

C. Exclusions

1. Medical marijuana may not be incorporated into food or beverage products.
2. In accordance with DHS' Control and Confiscation of Contraband Procedure (**16-400**), illegal drugs and paraphernalia are prohibited within the DHS system. This includes the following:
 - a. Illegal Drugs: all suspected substances in liquid, powder, pill capsule or natural leaf form.
 - i. Verifiable medications, including medical cannabis with appropriate certification, are not included in this category, and will NOT be taken from clients.
 - b. Drug Paraphernalia: any instrument, apparatus, or object that can be used to prepare and/or use illegal drugs.
 - i. Paraphernalia required for medical cannabis with appropriate certification is not included in this category and will NOT be taken from clients.
 - ii. **Smoking is prohibited in all DHS facilities**; including smoking medical marijuana. Clients can consume other forms of medical marijuana in shelter or smoke or vape outdoors.
3. Although recreational marijuana is legal in New York state, its use and possession is prohibited within the DHS system.

IV. PROCEDURE

A. Entry and Screening

Any DHS client who has and wants to use medical marijuana on the premises must present the following, either at intake or when initially prescribed:

1. NY State Medical Marijuana Program Registry Identification Card
2. No more than a 60-day supply of cannabis, accompanied by a prescription from a duly licensed provider
3. Original medical marijuana product must be in its original packaging, which includes:
 - a. Name, address, and registration number of the registered organization;
 - b. Medical marijuana product form and brand designation;
 - c. Single dose THC and CBD content for the product set forth in milligrams (mg);
 - d. Medical marijuana product lot number or bar code;
 - e. Quantity included in the package;
 - f. Date of package;
 - g. Expiration date of product; and
 - h. Proper storage instructions.

B. Required Documentation

As noted above (see: IV.A.1), clients must present a New York State Medical Marijuana Program Registry Identification Card as proof that the client was prescribed medical marijuana: **NOTE:** Prescriptions and identification cards from other states are **not** recognized by New York State.

C. Submitting a Reasonable Accommodation Request

Clients must submit a Reasonable Accommodation Request (RAR) to store and use their prescribed medical marijuana on the shelter or Safe Haven premises. As per the “[Interim Reasonable Accommodation Request Process \(DHS-PB-2022-002\)](#)”, a client can request a reasonable accommodation (RA) at any time. The process for submitting a RAR to use prescribed medical marijuana is the same for all other RARs.

1. The documents that will be reviewed for the RAR are noted above (see: IV.A.1-3).
 - a. A NYS identification card will suffice to have the RA approved.
 - b. This is an immediately approved RA and does not need CAS review.
 - c. When a client presents their NYS identification card, the following should happen:
 - i. INTAKE/ASSESSMENT: enter an ‘Other RA: Medical Cannabis Permitted’ into the Reasonable Accommodation Management System (RAMS). Because ‘Other RAs’ are not automatically approved, reach out to your supervisor to request a bypass of the RA request in RAMS. If your supervisor is unable or requires additional assistance, reach out to the Disability Access and Functional Needs (DAFN) Unit (DAFNRARequests@dss.nyc.gov). This should **not** delay the client being permitted to bring in their medical cannabis.
 - ii. SHELTER/FACILITY: email the DAFN Unit (DAFNRARequests@dss.nyc.gov) to request a bypass for ‘Other RA: Medical Cannabis Permitted’ in RAMS. Attach copies of the client’s NYS identification card to the email. The DAFN Unit will assist with having the RA bypassed as ‘immediately approved’ in RAMS. This should **not** delay the client being permitted to bring in their medical cannabis.
2. Please refer to the Interim Reasonable Accommodation Request Procedure for other information or questions about the RA process.
3. **Note:** Clients may have medicinal cannabis that they have previously purchased legally in another state. Though an out-of-state medical cannabis ID is not recognized in NYS for the purpose of purchasing medicinal cannabis in NYS, that does not invalidate a client’s legal purchase of medicinal cannabis from another state. Therefore, if a client has medicinal cannabis from another state in its original packaging and can present their out-of-state medical cannabis ID, DHS will approve the RA provisionally for a period of three (3) months while the client obtains their NYS card.

D. Recording the Reasonable Accommodation Request in Electronic System of Record

RAs that involve prescribed medical marijuana must be noted in RAMS, which is the DHS system of record that processes and records RAs. All RARs must be processed in RAMS.

1. If a facility does not have access to RAMS, facility staff must submit RARs to the appropriate program area inbox. These RARs will be processed by the DAFN Coordinators. Please see above section for additional details.
2. Please refer to the Interim Reasonable Accommodation Request Procedure for information regarding the submission of RA requests.

E. Storage

Clients may store their prescribed medical marijuana in a locked medication cabinet (in those facilities offering medication storage service), on their person, or in a secure personal locker. Please refer to the "[Medication Storage and Self-Administration \(DHS-PB-2020-019\)](#)" procedure for more details on proper storage of medical marijuana, and other prescription medications.

F. Use²

1. Unless a facility has a designated smoking area, smoking or vaping medical marijuana is prohibited within the shelter.
2. Clients are permitted to smoke/vape outdoors.
3. Medical marijuana is for the sole use of the person prescribed the medical marijuana.

Effective Immediately

² See <https://www1.nyc.gov/site/doh/health/health-topics/marijuana.page> for information on safer use