

MEDICAL SOCIETY
of the
STATE OF NEW YORK

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Division of Governmental Affairs
MEMORANDUM IN OPPOSITION

**IN SENATE HEALTH
COMMITTEE**

S.2568 (COONEY)

**IN ASSEMBLY WAYS & MEANS
COMMITTEE**

A.4713 (PEOPLE-STOKES)

**AN ACT to amend the public health and social services law, in
relation to health coverage for medical marihuana.**

We are writing to you relative to the above-referenced legislation that would amend the public health and social services law to consider medical marihuana a “prescription drug” for the purposes of requiring health insurance coverage for medical marihuana. **The Medical Society of the State of New York is opposed to this legislation.**

At the 2023 MSSNY House of Delegates, the physician delegates adopted a policy stating, “that insurance companies and other related entities must never be required to pay for substances not approved by FDA for use in humans”. Physicians identified various patient safety concerns leading to the adoption of this policy statement, including that the potency and purity of non-FDA-approved products that may vary from their labeled content, that uncoupling payment from proven efficacy and safety track records may lead to an increased use of unproven treatments; and that permitting payors to pay for substances that have not been FDA-approved may lead to a wider call for the coverage of other forms of non-FDA-approved alternative medications.

We appreciate the important social justice factors that has led to New York making the adult use of cannabis legal. However, that does not change the important fact that cannabis products and cannabis delivery devices have not undergone the type of rigorous, clinical review necessary to ensure their safe use. Indeed, only a few cannabis products have ever been submitted for review and even fewer have been approved for use by the U.S. Food and Drug Administration (FDA). We are very concerned that this legislation would essentially circumvent the role of the FDA and clinical experts in approving medications that are important for protecting patient safety.

For all of the reasons stated above, we urge that this bill is not advanced.

6/2/2023
MMA – Oppose

Respectfully Submitted,

MSSNY DIVISION OF GOVERNMENTAL AFFAIRS