

# S.2568 (Cooney)/A.4713 (Peoples-Stokes)

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<b>BILL</b> S.2568 (Cooney)/A.4713 (Peoples-Stokes)
<b>SUBJECT</b> State Insurance Coverage for Medical Marihuana
<b>DATE</b> March 24, 2023
<b>OPPOSE</b>

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This bill requires any insurer who participates in New York's Medicaid, Child Health Plus, Elderly Pharmaceutical Insurance Coverage (EPIC), Essential Plan or workers' compensation programs to provide coverage for medical marijuana to its enrollees. The Business Council has not taken a position on the legalization of medicinal or recreational cannabis in New York State, however, we must oppose S.2568 (Cooney)/A.4713 (Peoples-Stokes).

While New York State has legalized medicinal and recreational cannabis, it remains illegal under federal law. Specifically, this bill requires insurers to expose themselves to criminal liabilities because cannabis remains a Schedule I substance under the federal Controlled Substances Act. Similar legislative mandates have been debated within the courts, many finding that a state cannot require a third party (i.e. employers and insurers) to provide coverage or reimbursement for cannabis as it exposes them to criminal liability under federal law and puts them at risk for federal prosecution.

The Business Council supports efforts to make healthcare and prescription drugs more accessible and affordable, however, for the reason stated above, opposes S.2568 (Cooney)/A.4713 (Peoples-Stokes).