



Medical Marijuana Program Practitioner Guidance for the use of Medical Marijuana to treat Opioid Use Disorder

Section 3360(7) of the Public Health Law (PHL) was amended on September 24, 2018 to add pain that degrades health and functional capability where the use of medical marijuana is an alternative to an opioid, and substance use disorder, as serious conditions for which patients may be certified to use medical marijuana. Amendments to the Medical Use of Marijuana regulations were made to address these amendments to PHL. The regulatory amendments also add opioid use disorder (OUD) as an associated condition. This document provides guidance to registered practitioners who may issue certifications for patients with OUD as the associated condition.

FDA approved medications for OUD including methadone, buprenorphine or long-acting naltrexone, with counseling and/or behavioral therapies if needed, continue to be the standard of care for OUD, as this approach has been proven to be clinically effective and lifesaving.

1. The Medical Use of Marijuana regulations, Title 10 of the of the New York Codes, Rules and Regulations (NYCRR) § 1004.2(a)(10)(i), require that the practitioner hold a federal Drug Addiction Treatment Act of 2000 (DATA 2000) waiver to be qualified to certify patients for treatment of substance use disorder or OUD with medical marijuana.
2. A registered practitioner must be caring for the patient in relation to the patient's OUD. "Caring for" is defined in PHL § 3360(2) as treating a patient, in the course of which the practitioner has completed a full assessment of the patient's medical history and current medical condition.
3. Registered practitioners should review the Diagnosis and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5) criteria for the diagnosis of OUD to ensure an accurate diagnosis of the patient for OUD has been made and is documented in the patient's medical record prior to certifying the patient for medical marijuana.
4. Practitioners are strongly encouraged to consult with any other health care providers caring for the patient's OUD prior to initiating medical marijuana treatment, provided that the patient has consented. If the patient does not have a relationship with a behavioral health specialist, practitioners are encouraged to make a referral.
5. When considering medical marijuana for OUD, pursuant to 10 NYCRR § 1004.2(a)(11), practitioners must review past treatments and determine, in the practitioners' professional medical opinion, that the patient is likely to receive therapeutic or palliative benefit from medical marijuana.
6. When certifying patients, practitioners may make recommendations or limitations regarding the authorized brand, form, administration method, dosage and use of the approved medical marijuana product. Practitioners should consider which ratio of tetrahydrocannabinol (THC) and cannabidiol (CBD), two of the major active cannabinoids, would be appropriate for their patients. Products that are high in THC, high in CBD, or a balance of THC and CBD are available.
7. Pursuant to 10 NYCRR § 1004.2(a)(13), practitioners must discuss with patients the risks versus benefits of medical marijuana.

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8. Practitioners should make an effort to determine patients' current and prior cannabis use in determining appropriate frequency and level of dosing, which may differ between patients who are experienced cannabis users and cannabis-naïve patients.

9. When issuing the certification for a patient to treat OUD, the practitioner should set a certification termination date no more than three months from the certification issue date, to ensure that the patient remains engaged in his or her treatment program.

10. Practitioners should design a treatment plan and document the patient's agreement to the plan. Provided that the patient has consented, the practitioner should communicate the patient's treatment plan with the patient's behavioral and non-behavioral health care providers, if applicable.

Additional Resources

https://www.health.ny.gov/diseases/aids/consumers/prevention/buprenorphine/docs/bupe_best_practices_2019.pdf

<https://www.samhsa.gov/medication-assisted-treatment/treatment#medications-used-in-mat>

<https://www.oasas.ny.gov/>

<https://oasas.ny.gov/system/files/documents/2019/05/OASASFAQsMedicalMarijuana.pdf>

<https://combataddiction.ny.gov/get-information>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6135562/pdf/can.2018.0022.pdf>

Questions?

Contact the Medical Marijuana Program at mmp@health.ny.gov or call 844-863-9312.