



NEW YORK STATE
DEPARTMENT *of*
FINANCIAL SERVICES

Andrew M. Cuomo
Governor

Maria T. Vullo
Superintendent

Insurance Circular Letter No. 6 (2017)
April 12, 2017

TO: All Insurers Authorized to Write Accident and Health Insurance in New York State, Article 43 Corporations, Health Maintenance Organizations (“HMOs”), Student Health Plans Certified Pursuant to Insurance Law § 1124, and Municipal Cooperative Health Benefit Plans

RE: Health Insurance Coverage for Medical Marijuana

STATUTORY REFERENCES: Public Health Law Article 33, Title 5-A

The purpose of this circular letter is to provide clarification to insurers authorized to write accident and health insurance in this state, article 43 corporations, health maintenance organizations, student health plans certified pursuant to Insurance Law § 1124, and municipal cooperative health benefit plans (collectively, “issuers”) regarding coverage for medical marijuana dispensed in accordance with Public Health Law Article 33, Title 5-A.

Public Health Law § 3362(1) provides that “[t]he possession, acquisition, use, delivery, transfer, transportation, or administration of medical marijuana by a certified patient or designated caregiver possessing a valid registry identification card, for certified medical use, shall be lawful under this title” subject to certain restrictions and conditions.

The Superintendent of Financial Services has received inquiries as to whether coverage must be provided for an office visit during which a practitioner, as defined in Public Health Law § 3360(12), provides the insured with a medical marijuana certification¹ in accordance with Public Health Law § 3361. If office visits are covered under the insurance policy or contract, and the insured receives services during an office visit that are covered under the insurance policy or contract, the issuer may not deny coverage for the office visit solely on the basis that the visit also resulted in the insured receiving a medical marijuana certification. The Insurance Law, however, does not require coverage for office visits solely to obtain a medical marijuana certification.²

¹ A certification provided by a practitioner is required in order for an individual to receive medical marijuana.

² Public Health Law § 3368(2) provides, in relevant part, that “[n]othing in this title shall be construed to require an insurer or health plan under this chapter or the insurance law to provide coverage for medical marijuana.” Nor does the Insurance Law address coverage for medical marijuana, which is not a Food and Drug Administration-approved drug and remains a Schedule 1 Controlled Substance. As such, issuers are not required to cover the cost of medical marijuana under the Insurance Law.

Please direct any questions regarding this circular letter to Thomas Fusco, Supervising Insurance Attorney, Health Bureau, by mail at New York State Department of Financial Services, Walter J. Mahoney Office Building, 65 Court Street, Room 7, Buffalo, New York 14202 or by e-mail at thomas.fusco@dfs.ny.gov.

Very truly yours,

Lisette Johnson
Bureau Chief, Health Bureau