

# STATE OF NEW YORK

8904

## IN ASSEMBLY

January 5, 2018

Introduced by M. of A. GOTTFRIED, LUPARDO, ABINANTI, DINOWITZ, L. ROSEN-  
THAL, ORTIZ, McDONALD, SIMON, SKOUFIS, CAHILL, BRONSON, D'URSO, HEVE-  
SI, LIFTON, MORELLE -- Multi-Sponsored by -- M. of A. COOK, CRESPO --  
read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the definition of  
a serious condition regarding the medical use of marihuana

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Subdivision 7 of section 3360 of the public health law, as  
2 added by chapter 90 of the laws of 2014 and paragraph (a) as amended by  
3 chapter 403 of the laws of 2017, is amended to read as follows:

4 7. [~~(a)~~] "Serious condition" means[+]

5 ~~(i) having one of the following severe debilitating or life threaten-~~  
6 ~~ing conditions: cancer, positive status for human immunodeficiency virus~~  
7 ~~or acquired immune deficiency syndrome, amyotrophic lateral sclerosis,~~  
8 ~~Parkinson's disease, multiple sclerosis, damage to the nervous tissue of~~  
9 ~~the spinal cord with objective neurological indication of intractable~~  
10 ~~spasticity, epilepsy, inflammatory bowel disease, neuropathies,~~  
11 ~~Huntington's disease, post-traumatic stress disorder, or as added by the~~  
12 ~~commissioner, and~~

13 ~~(ii) any of the following conditions where it is clinically associated~~  
14 ~~with, or a complication of, a condition under this paragraph or its~~  
15 ~~treatment: cachexia or wasting syndrome, severe or chronic pain, severe~~  
16 ~~nausea, seizures, severe or persistent muscle spasms, or such conditions~~  
17 ~~as are added by the commissioner.~~

18 ~~(b) No later than eighteen months from the effective date of this~~  
19 ~~section, the commissioner shall determine whether to add the following~~  
20 ~~serious conditions: Alzheimer's, muscular dystrophy, dystonia, post-~~  
21 ~~traumatic stress disorder and rheumatoid arthritis] a severe debilitat-~~  
22 ~~ing or life-threatening condition, or symptom or complication of the~~  
23 ~~condition or its treatment, for which, in the practitioner's profes-~~  
24 ~~sional opinion and review of past treatments, the patient is likely to~~  
25 ~~receive therapeutic or palliative benefit from primary or adjunctive~~  
26 ~~treatment with medical use of medical marihuana.~~

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1     § 2. This act shall take effect immediately, provided however, that  
2 the amendments to title 5-A of article 33 of the public health law made  
3 by this act shall not affect the expiration and repeal of such title and  
4 shall expire and be deemed repealed therewith.