

STATE OF NEW YORK

7755

IN SENATE

February 16, 2018

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed 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 Assembly, 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-threatening~~
6 ~~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.

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30 shall expire and be deemed repealed therewith.

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

LBD13936-01-7