

STATE OF NEW YORK

11011

IN ASSEMBLY

May 30, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Gottfried)
-- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to allowing for the use of medical marihuana as an alternative to opioids for pain management

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

1 Section 1. Paragraph (a) of subdivision 7 of section 3360 of the
2 public health law, as amended by chapter 403 of the laws of 2017, is
3 amended to read as follows:

4 (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, pain where the
12 practitioner determines (A) the pain degrades health and functional
13 capability and (B) the use of medical marihuana is an alternative to
14 opioid use or the patient has contraindications, has experienced intol-
15 erable side effects, or has experienced failure of one or more previous-
16 ly tried therapeutic options, or as added by the commissioner; and

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

22 § 2. This act shall take effect immediately; provided, however, that
23 the amendments to section 3360 of the public health law, made by section
24 one of this act, shall not affect the repeal of such section and shall
25 be deemed repealed therewith.

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

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