

STATE OF NEW YORK

1125--A

Cal. No. 100

2019-2020 Regular Sessions

IN ASSEMBLY

January 14, 2019

Introduced by M. of A. GOTTFRIED, LUPARDO, ABINANTI, DINOWITZ, L. ROSENTHAL, ORTIZ, SIMON, CAHILL, BRONSON, D'URSO, HEVESI, LIFTON, JAFFEE, SEAWRIGHT, WEPRIN, WOERNER, SAYEGH -- Multi-Sponsored by -- M. of A. COOK, CRESPO, DeSTEFANO, LENTOL -- read once and referred to the Committee on Health -- reported and referred to the Committee on Codes -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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:

Section 1. Subdivision 7 of section 3360 of the public health law, as added by chapter 90 of the laws of 2014 and paragraph (a) as amended by chapter 273 of the laws of 2018, is amended to read as follows:

7. ~~[(a)]~~ "Serious condition" means~~+~~
~~(i) having one of the following severe debilitating or life-threatening conditions: cancer, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, amyotrophic lateral sclerosis, Parkinson's disease, multiple sclerosis, damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity, epilepsy, inflammatory bowel disease, neuropathies, Huntington's disease, post-traumatic stress disorder, pain that degrades health and functional capability where the use of medical marihuana is an alternative to opioid use, substance use disorder, or as added by the commissioner; and~~

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

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

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

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