

# STATE OF NEW YORK

2058

2019-2020 Regular Sessions

## IN SENATE

January 22, 2019

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 273 of the laws of 2018, 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, pain that degrades~~  
12 ~~health and functional capability where the use of medical marihuana is~~  
13 ~~an alternative to opioid use, substance use disorder, or as added by the~~  
14 ~~commissioner; and~~

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

20 ~~(b) No later than eighteen months from the effective date of this~~  
21 ~~section, the commissioner shall determine whether to add the following~~  
22 ~~serious conditions: Alzheimer's, muscular dystrophy, dystonia, post-~~  
23 ~~traumatic stress disorder and rheumatoid arthritis] a severe debilitat-  
24 ing or life-threatening condition, or symptom or complication of the  
25 condition or its treatment, for which, in the practitioner's profes-~~

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

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1 sional opinion and review of past treatments, the patient is likely to  
2 receive therapeutic or palliative benefit from primary or adjunctive  
3 treatment with medical use of medical marihuana.

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7 such title and shall expire and be deemed repealed therewith.