

# STATE OF NEW YORK

1125

2019-2020 Regular Sessions

## IN ASSEMBLY

January 14, 2019

Introduced by M. of A. GOTTFRIED, LUPARDO, ABINANTI, DINOWITZ, L. ROSEN-  
THAL, ORTIZ, SIMON, CAHILL, BRONSON, D'URSO, HEVESI, LIFTON, JAFFEE,  
SEAWRIGHT, WEPRIN -- Multi-Sponsored by -- M. of A. COOK, CRESPO,  
LENTOL -- 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:

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 threaten-  
ing 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.~~

~~(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 severe debilitat-

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

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1 ing or life-threatening condition, or symptom or complication of the  
2 condition or its treatment, for which, in the practitioner's profes-  
3 sional opinion and review of past treatments, the patient is likely to  
4 receive therapeutic or palliative benefit from primary or adjunctive  
5 treatment with medical use of medical marihuana.

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9 such title and shall expire and be deemed repealed therewith.