

# 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. ROSEN-  
THAL, 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 Assem-  
bly, 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.~~

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

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

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12 such title and shall expire and be deemed repealed therewith.