

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.