

# STATE OF NEW YORK

169

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. GOTTFRIED, LUPARDO, ABINANTI, DINOWITZ, L. ROSEN-  
THAL, SIMON, CAHILL, BRONSON, HEVESI, SEAWRIGHT, WEPRIN, WOERNER,  
SAYEGH, TAYLOR, FERNANDEZ, DARLING -- Multi-Sponsored by -- M. of A.  
COOK, DeSTEFANO -- 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:

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-~~

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

LBD00041-01-1

1 ~~traumatic stress disorder and rheumatoid arthritis~~] a condition, or  
2 symptom or complication of the condition or its treatment, for which, in  
3 the practitioner's professional opinion and review of past treatments,  
4 the patient is likely to receive therapeutic or palliative benefit from  
5 primary or adjunctive 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.