# STATE OF NEW YORK

2628

2023-2024 Regular Sessions

# IN ASSEMBLY

January 26, 2023

Introduced by M. of A. PAULIN, LUPARDO, DICKENS -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to access to medical marihuana for animals

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Subdivisions 3 and 12 of section 3360 of the public health law, as added by chapter 90 of the laws of 2014, are amended to read as follows:

3. "Certified patient" means a **human** patient **or animal** who is a resident of New York state or receiving care and treatment in New York state as determined by the commissioner in regulation, and is certified under section thirty-three hundred sixty-one of this title.

12. "Practitioner" means a practitioner who (i) is a physician licensed by New York state and practicing within the state **or is a veterinarian licensed pursuant to article one hundred thirty-five of the education law**, (ii) who by training or experience is qualified to treat a serious condition as defined in subdivision seven of this section; and (iii) has completed a two to four hour course as determined by the commissioner in regulation and registered with the department; provided however, a registration shall not be denied without cause. Such course may count toward board certification requirements. The commissioner shall consider the inclusion of nurse practitioners under this title based upon considerations including access and availability. After such consideration the commissioner is authorized to deem nurse practitioners as practitioners under this title.

§ 2. Paragraph (a) of subdivision 7 of section 3360 of the public health law, as amended by chapter 273 of the laws of 2018, is amended to read as follows:

(a) "Serious condition" means:

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

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(i) having one of the following severe debilitating or life-threatening 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[~~.~~]**; and**

**(iii) any medical condition that may benefit from treatment with medical marihuana as determined by a veterinarian licensed pursuant to article one hundred thirty-five of the education law.**

§ 3. This act shall take effect immediately; provided that the amendments to title 5-A of article 33 of the public health law made by sections one and two of this act shall not affect the repeal of such title pursuant to section 12 of chapter 90 of the laws of 2014, as amended and pursuant to section 6 of chapter 92 of the laws of 2021 shall be deemed repealed therewith.