

**S02058 Summary:**

BILL NO S02058  
SAME AS SAME AS  
SPONSOR SAVINO  
COSPNSR  
MLTSPNSR

Amd §3360, Pub Health L

Defines a serious condition regarding the medical use of marihuana as a severe debilitating or life-threatening condition, or symptom or complication of the condition or its treatment, for which, in the practitioner's professional opinion and review of past treatments, the patient is likely to receive therapeutic or palliative benefit from primary or adjunctive treatment with medical use of medical marihuana.

**S02058 Text:**

**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-threatening~~
- 6 ~~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.