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DELAWARE STATE SENATE  
150th GENERAL ASSEMBLY

SENATE BILL NO. 24

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO MEDICAL MARIJUANA.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 4902A, Title 16 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3 § 4902A. Definitions.

4 In this chapter, unless the context otherwise requires, the following definitions shall apply:

5 (3) "Debilitating medical condition" means 1 or more of the following:

6 a. Terminal illness, cancer, positive status for human immunodeficiency virus, acquired immune  
7 deficiency syndrome, decompensated cirrhosis, amyotrophic lateral sclerosis, agitation of Alzheimer's  
8 disease, post-traumatic stress disorder, intractable epilepsy, seizure disorder, glaucoma, chronic  
9 debilitating migraines, or the treatment of these conditions.

10 b. A chronic or debilitating disease or medical condition or its treatment that produces 1 or more of  
11 the following: cachexia or wasting syndrome; severe, debilitating pain that has not responded to  
12 previously prescribed medication or surgical measures for more than 3 months or for which other  
13 treatment options produced serious side effects; intractable nausea; seizures; severe and persistent muscle  
14 spasms, including those characteristic of multiple sclerosis.

15 c. Any other medical condition or its treatment added by the Department, as provided for in § 4906A  
16 of this title.

17 d. Any other medical condition or its treatment identified in a physician's written certification for  
18 which the medical use of medical marijuana is likely to provide a therapeutic or palliative benefit.

19 (12) "Physician" means a properly licensed physician subject to Chapter 17 of ~~Title 24~~ ~~except as~~  
20 ~~otherwise provided in this paragraph. If the qualifying patient is younger than 18 years of age, the physician must~~

21 be a pediatric neurologist, pediatric gastroenterologist, pediatric oncologist or pediatric palliative care specialist.

22 Title 24.

23 Section 1. Amend § 4909A, Title 16 of the Delaware Code by making deletions as shown by strike through and  
24 insertions as shown by underline as follows:

25 § 4909A. Issuance of registry identification cards.

26 (a) Except as provided in subsection (b) of this section, the Department shall:

27 (1) Verify the information contained in an application or renewal submitted pursuant to this chapter, and  
28 shall approve or deny an application or renewal within 45 days of receiving a completed application or renewal  
29 application.

30 (2) Issue registry identification cards to a qualifying patient and his or her designated caregiver, if any,  
31 within 30 days of approving the application or renewal. A designated caregiver must have a registry identification  
32 card for each of his or her qualifying patients.

33 (3) Enter the registry identification number of the registered compassion center the patient designates into  
34 the verification system.

35 (b) ~~The Department shall not issue a registry identification card to a qualifying patient who is younger than 18~~  
36 ~~years of age, except as follows:~~

37 ~~(1) The qualifying patient has any of the following related to a terminal illness:~~

38 a. ~~Pain;~~

39 b. ~~Anxiety;~~

40 e. ~~Depression;~~

41 ~~(2) The qualifying patient has intractable epilepsy or seizure disorder;~~

42 ~~(3) he qualifying patient has a chronic or debilitating disease or medical condition where the patient has~~  
43 ~~failed treatment involving 1 or more of the following symptoms: cachexia or wasting syndrome; intractable~~  
44 ~~nausea; severe, painful and persistent muscle spasms; or~~

45 ~~(4) Any other medical condition or its treatment added by the Department, as provided for in § 4906A of~~  
46 ~~this title. [Reserved.]~~

47 (c) A qualifying patient who is younger than 18 years of age may only receive marijuana oil.

SYNOPSIS

This Act allows a patient to qualify for a valid registry identification card to purchase and use medical marijuana for any condition that a physician certifies that medical marijuana would likely provide a therapeutic or palliative benefit. This Act removes the requirement that only certain specialists may certify the use of medical marijuana if the patient is

younger than 18 years old. This Act retains the requirement that qualifying patients younger than 18 years old may only receive marijuana oil.

Author: Senator Lopez