

SPONSOR: Sen. Lopez & Sen. Henry & Rep. Ramone
Sens. Cloutier, Hall-Long, Hocker, Pettyjohn, Richardson, Simpson, Sokola, Townsend, Lawson; Reps. Baumbach, Gray, Heffernan, Hudson, Keeley, Kenton, Kowalko, Longhurst, Lynn, Miro, Mitchell, Osienski, Paradee, Schwartzkopf, Bolden, Jaques, Q. Johnson, Matthews, Outten, Potter, B. Short, Smyk, Spiegelman, K. Williams, Wilson

DELAWARE STATE SENATE

148th GENERAL ASSEMBLY

SENATE BILL NO. 90
AS AMENDED BY
SENATE AMENDMENT NO. 2

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:

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

§ 4902A Definitions.

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

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

a. Cancer, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, decompensated cirrhosis, amyotrophic lateral sclerosis, agitation of Alzheimer's disease, post-traumatic stress disorder, intractable epilepsy, or the treatment of these conditions;

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

(5) "Designated caregiver" means a person who:

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a. Is at least 21 years of age unless the person is the parent or legal guardian of a minor who is a qualifying patient;

(10) "Physician" means a properly licensed physician subject to Chapter 17 of Title 24 except as otherwise provided in this paragraph. If the qualifying patient's debilitating medical condition is post-traumatic stress disorder, the physician must also be a licensed psychiatrist. In relation to a visiting qualifying patient, "physician" means a person who is licensed with authority to prescribe drugs to humans and who may issue a written certifications or its equivalent in the state of the patient's residence. If the qualifying patient is younger than 18 years of age, the physician must be a pediatric neurologist, pediatric gastroenterologist, pediatric oncologist or pediatric palliative care specialist.

(16) "Usable marijuana" means the dried leaves and flowers of the marijuana plant and any mixture or preparation of those dried leaves and flowers, including but not limited to tinctures, ointments, other preparations including medical marijuana oil, but does not include the seeds, stalks, and roots of the plant. It does not include the weight of any non-marijuana ingredients combined with marijuana, such as ingredients added to prepare a topical administration, food, or drink.

(20) “Intractable epilepsy” means an epileptic seizure disorder for which standard medical treatment does not prevent or significantly ameliorate recurring, uncontrolled seizures or for which standard medical treatment results in harmful side effects.

(21) “Medical marijuana oil” means:

a. "Cannabidiol oil" which is a processed Cannabis plant extract that contains at least 15 percent cannabidiol but no more than seven percent tetrahydrocannabinol, or a dilution of the resin of the Cannabis plant that contains at least 50 milligrams of cannabidiol per milliliter but not more than seven percent tetrahydrocannabinol; and

b. "THC-A oil" which is a processed Cannabis plant extract that contains at least 15 percent tetrahydrocannabinol acid but not more than seven percent tetrahydrocannabinol, or a dilution of the resin of the Cannabis plant that contains at least 50 milligrams of tetrahydrocannabinol acid per milliliter but not more than seven percent tetrahydrocannabinol; and

c. any change in the oil formulation which is made by the Department based upon the recommendation of the advisory council Medical Marijuana Act Oversight Committee.

Section 2. Amend § 4909A, Title 16, Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4909A Issuance of registry identification cards.

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

1. The qualifying patient has intractable epilepsy; or

2. The qualifying patient has a chronic or debilitating disease or medical condition where they have failed treatment involving 1 or more of the following symptoms: cachexia or wasting syndrome; intractable nausea; severe, painful and persistent muscle spasms.

3. A qualifying patient who is younger than 18 years of age may only receive marijuana oil.

Section 3. This Act shall be known as Rylie's Law.

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