SPONSOR: Rep. Baumbach & Rep. Ramone & Sen. Henry & Sen. Lopez
Reps. Keeley, Kowalko, Paradee, Spiegelman, K. Williams; Sen. Townsend

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 400

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 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 4902A Definitions.

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

(3) "Debilitating medical condition" means 1 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; severe and persistent muscle spasms, including but not limited to those characteristic of multiple sclerosis;

c. Terminal illness;

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

(18) "Terminal illness" means any disease, illness or condition sustained by any human being:

a. For which there is no reasonable medical expectation of recovery;

b. Which, as a medical probability, will result in the death of such human being regardless of the use or discontinuance of medical treatment implemented for the purpose of sustaining life or the life processes; and

c. As a result of which, the human being's health-care practitioner would not be surprised if death were to occur within 12 months.

Section 2. Amend § 4909A(b), Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignate accordingly:

§ 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 any of the following related to a terminal illness:

a. pain;

b. anxiety;

c. depression;

(2) The qualifying patient has intractable epilepsy; or

~~(2)~~(3) The qualifying patient has a chronic or debilitating disease or medical condition where the patient has failed treatment involving 1 or more of the following symptoms: cachexia or wasting syndrome; intractable nausea; severe, painful and persistent muscle spasms.

~~(3)~~(4) A qualifying patient who is younger than 18 years of age may only receive marijuana oil.

Section 3. This Act shall take effect 90 days after its enactment into law.

Section 4. This Act shall be known as "Bob's Bill."

Ssynopsis

This bill expands upon Senate Bill No. 90 of this General Assembly, known as "Rylie's Law," by classifying pain, anxiety, or depression, if related to a terminal illness, as a qualifying condition in the Delaware Medical Marijuana Act for patients under the age 18, who will still be restricted to using CBD and oil products. The bill also classifies terminal illness in adults as a qualifying condition. This Act shall be known as "Bob's Bill".