



SPONSOR: Sen. Henry & Rep. Baumbach & Rep. Keeley
Sen. Townsend; Reps. Bennett, Q. Johnson, Osienski,
Paradee, B. Short

DELAWARE STATE SENATE
149th 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:

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

§ 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. Terminal illness, 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, seizure disorder, or the treatment of these ~~conditions~~ 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~~, 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~~; sclerosis.
- c. Debilitating anxiety, including generalized anxiety disorder, panic disorder, obsessive-compulsive disorder, and social anxiety.

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

(12) "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.~~ 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.

SYNOPSIS

This Act removes the requirement that a psychiatrist be the physician who signs the written certification in support of an applicant's application for medical marijuana and adds anxiety to the list of debilitating conditions which a person can have to be eligible for medical marijuana. This Act also makes technical corrections to the statute.

Author: Senator Henry