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HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 141

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

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

Section 1. Amend Chapter 49A, Title 16 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline 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, glaucoma, chronic debilitating migraines, new daily persistent headache, 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 those characteristic of multiple sclerosis.

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

§ 4909A Issuance of registry identification cards.

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

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

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

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

(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 seizure disorder;

(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; chronic debilitating migraines; new daily persistent headache; or

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

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

Section 2. This Act shall be known as “Mia’s Law.”

SYNOPSIS

New daily persistent headache (NDPH) is a rare headache disorder characterized by daily and unremitting headaches that can last up to 3 days. Headache onset is abrupt and the throbbing, pressure-like pain is usually on both sides of the head. In order to be diagnosed with this syndrome, a patient has chronic daily headaches that are present more than 15 days a month for more than 3 months. The age of onset ranges from 6 to greater than 70 years old. It is found to be more common in females in both the adult and pediatric populations. Currently, there is no specific treatment for NDPH. Instead, most are treated similarly to migraines with prescriptions to opiates or narcotics such as gabapentin. In order to avoid the development of medication overuse or addiction, however, physicians do not advise patients to use pain relievers for more than 9 days a month even though the pain persists for many days more than that. Moreover, NDPH is an intractable headache disorder that is unresponsive to standard headache therapies.

This bill adds new daily persistent headache and chronic debilitating migraines to the list of chronic or debilitating medical conditions for which a child under 18 may qualify as a patient to receive marijuana oil upon certification by a physician in accordance with the terms of the Delaware Medical Marijuana Act. This bill also adds new daily persistent headache to the list of chronic or debilitating medical conditions that qualifies an adult to be eligible for the use of medical marijuana.