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

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; or involuntary muscle contractions that cause slow, repetitive movements or abnormal postures, such as dystonia;

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

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;

(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.

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.

(c) Notwithstanding subsection (b) of this section, the Department shall issue a registry identification card to a qualifying patient with intractable epilepsy or involuntary muscle contractions that cause slow, repetitive movements or abnormal postures, such as dystonia, who is younger than 18 years of age, but only for the use of medical marijuana oil.

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

SYNOPSIS

This Act adds intractable epilepsy to the list of debilitating medical conditions for which a physician may supply a written certification for medical marijuana. It also specifically adds disorders such as dystonia which are characterized by involuntary muscle contractions that cause slow, repetitive movements or abnormal postures.

Currently no form of medical marijuana is legally available for those with debilitating medical conditions if they are under 18 years old. Medical marijuana oil [cannabidiol oil and THC-A oil] has been proven useful to combat intractable epilepsy and believed to be helpful for such disorders as dystonia as well. These oils don’t have enough “active ingredient” to get someone high. Therefore there is no reason whatsoever not to allow its use for treatment of these conditions, no matter what the age of the person needing its help. The under 18 registry identification cards would be for medical marijuana oil only (analogous to under 21 drivers licenses). The definitions of cannabidiol oil and THC-A oil were taken from legislation enacted in Virginia earlier this year except that this Act’s top THC is 7% while Virginia’s is 5%. It is believed 10-12% is necessary for the oil to get someone high. The definition for intractable epilepsy was taken from legislation enacted in Iowa last year.

This Act shall be known as Rylie’s Law.

AUTHOR: Sen. Lopez