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;
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. 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