



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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MEMORANDUM

DATE: June 8, 2016

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Ms. Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

RE: H.B. 400 (Medical Marijuana)

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 400 relating to medical marijuana. SCPD endorses the proposed legislation since it provides a treatment option for individuals with terminal conditions. Council also has the following observations.

Since enactment of Delaware's original Medical Marijuana Act in 2011 (S.B. No. 17), the scope of eligibility for access to medical marijuana has been incrementally expanding. Most recently, intractable epilepsy and dystonia were added as qualifying conditions. See S.B. 90, enacted in 2015.

H.B. No. 400 would expand eligibility to the following: 1) adults with a terminal illness (line 14); and 2) minors with a terminal illness accompanied by pain, anxiety, or depression (lines 26-31). Access by minors would be limited to oil-based products. Further background on the legislation is provided in the attached May 21, 2016 News Journal article. The article notes that possession of marijuana was decriminalized in 2015, downgrading possession of an ounce from a criminal offense to a civil violation, akin to a traffic ticket.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or observations on the proposed legislation.

cc: Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

Terminally ill could get marijuana if bill passes

MATTHEW ALBRIGHT
THE NEWS JOURNAL

Terminally ill Delawareans could get medical marijuana if new legislation in the General Assembly becomes law.

"With each passing year, we are seeing more data on the benefits of medical marijuana, which is helping to de-stigmatize the medication," said Rep. Paul Baumbach, D-Newark and the bill's sponsor in a news release. "Delawareans facing a terminal illness should be able to access medical marijuana to help ease their symptoms and to cope with an extremely difficult situation."

The change would apply to anyone suffering from a condition that is "deemed fatal within a year regardless of any other medical treatment."

Baumbach said the bill was the next logical step after a new law passed last year allowing the use

of cannabidiol and oil products to treat patients under 18 who suffer from conditions like seizures, muscle spasms and nausea.

That legislation was named "Rylie's Law," after a nine-year-old from Rehoboth who suffered sei-

zures after surgery to remove a tumor. Baumbach has labeled the new bill "Bob's Bill," after Newark resident Richard "Bob" Jester, who died of lung cancer earlier this year.

"My father used medical cannabis oil without his doctor's consent to treat nausea, constipation, lack of appetite, insomnia, chronic pain and anxiety," Jester's son, Rich, said in a news release. "When his oncologist found out that he was

using cannabis oil, the doctor threatened to discontinue treatment, and Bob never tried medical cannabis again until he passed in January."

Delaware's medical marijuana program was signed into law in 2011. Currently, it can only be used to treat the side effects of a handful of conditions, like cancer and chronic seizures.

State leaders decriminalized marijuana last year, downgrading pos-

session of an ounce of the substance from a criminal offense to a civil violation, like a parking ticket.

While Gov. Jack Markell has signed those bills, he has said he does not support full legalization like Colorado or Washington state. Marijuana remains illegal at the federal level.

Contact Matthew Albright at malbright@delawareonline.com at (302) 324-2428 or on Twitter @TNJ_malbright.



Rep. Paul Baumbach, D-Newark, wants to pass "Bob's Bill."