

ASSEMBLY BILL

No. 258

Introduced by Assembly Member Levine
(Principal coauthor: Senator Leno)
(Coauthor: Assembly Member Quirk)
(Coauthor: Senator Hancock)

February 9, 2015

An act to add Section 7151.36 to the Health and Safety Code, relating to organ transplants.

LEGISLATIVE COUNSEL'S DIGEST

AB 258, as introduced, Levine. Organ transplants: medical marijuana users.

Existing law, the Compassionate Use Act of 1996, an initiative measure enacted by the approval of Proposition 215 at the November 6, 1996, statewide general election, authorizes the use of marijuana for medical purposes. Existing law enacted by the Legislature requires the establishment of a program for the issuance of identification cards to qualified patients so that they may lawfully use marijuana for medical purposes.

Existing law, the Uniform Anatomical Gift Act, regulates the making and distribution of organ donations.

This bill would prohibit a hospital, physician and surgeon, procurement organization, or other person from determining the ultimate recipient of an anatomical gift based solely upon a potential recipient's status as a qualified patient, as specified, or based solely on a positive test for the use of medical marijuana by a potential recipient who is a qualified patient, except to the extent that the qualified patient's use of medical marijuana has been found by a physician and surgeon, following

a case-by-case evaluation of the potential recipient, to be medically significant to the provision of the anatomical gift. The bill would provide that these provisions shall not be deemed to require referrals or recommendations for, or the performance of, medically inappropriate organ transplants.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7151.36 is added to the Health and Safety
2 Code, to read:

3 7151.36. (a) A hospital, physician and surgeon, procurement
4 organization, or other person shall not determine the ultimate
5 recipient of an anatomical gift based solely upon a potential
6 recipient’s status as a qualified patient as defined in Section
7 11362.7 or based solely on a positive test for the use of medical
8 marijuana by a potential recipient who is a qualified patient as
9 defined in Section 11362.7, except to the extent that the qualified
10 patient’s use of medical marijuana has been found by a physician
11 and surgeon, following a case-by-case evaluation of the potential
12 recipient, to be medically significant to the provision of the
13 anatomical gift.

14 (b) Subdivision (a) shall apply to each part of the organ
15 transplant process. The organ transplant process includes, but is
16 not limited to, all of the following:

- 17 (1) The referral from a primary care provider to a specialist.
- 18 (2) The referral from a specialist to a transplant center.
- 19 (3) The evaluation of the patient for the transplant by the
20 transplant center.
- 21 (4) The consideration of the patient for placement on the official
22 waiting list.

23 (c) The court shall accord priority on its calendar and handle
24 expeditiously any action brought to seek any remedy authorized
25 by law for purposes of enforcing compliance with this section.

26 (d) This section shall not be deemed to require referrals or
27 recommendations for, or the performance of, medically
28 inappropriate organ transplants.

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