

Assembly Bill No. 258

CHAPTER 51

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

[Approved by Governor July 6, 2015. Filed with Secretary of State July 6, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 258, Levine. Organ transplants: medical marijuana: qualified patients.

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 upon 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.

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

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

7151.36. (a) A hospital, physician and surgeon, procurement organization, or other person shall not determine the ultimate recipient of an anatomical gift based solely upon a potential recipient's status as a qualified patient, as defined in Section 11362.7, or based solely upon a positive test for the use of medical marijuana by a potential recipient who is a qualified patient, as defined in Section 11362.7, 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.

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

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

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

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