



## OFFICE OF ASSEMBLYMEMBER

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TENTH ASSEMBLY DISTRICT

### Medical Cannabis Organ Transplant Act

#### SUMMARY

Currently patients are denied an organ transplant based on their medical cannabis use. This bill would prohibit that discrimination.

#### EXISTING LAW/BACKGROUND

Existing law states that the eligibility of a patient on the organ transplant waiting list shall not be determined by his or her physical or mental disability. This bill will expand that law by establishing the same protections for patients who are prescribed Medical Cannabis.

In 1996, California voted to adopt Proposition 215, the Compassionate Use Act, which established the legal use of Cannabis for medical purposes. California now has more than 75,000 registered Medical Cannabis Card holders. The actual number of which is much higher considering registration is voluntary. According to the National Conference of State Legislators, twenty-three states, including California, now allow for comprehensive public medical Cannabis and cannabis programs.

Nationally, there are more than 120,000 people who are in need of an organ transplant. According to the Organ Procurement and Transplantation Network, every ten minutes, another person is added to that list. Eligibility for an organ transplant is based upon the type of organ, the patient's medical urgency, blood, tissue, size match with the donor, time on the waiting list, and most often the defining factor, proximity to the donor.

Policies that dictate organ allocation and eligibility are established by a diverse

committee of stakeholders and United Network for Organ Sharing officials. The eligibility to receive an organ depends upon the organ in question and often includes active alcohol and drug abuse as a disqualifier for candidacy. Some transplant programs declare in their application that a candidate may not be an active cannabis user, including medical cannabis.

These policies may disqualify a lawful medical cannabis patient from the organ transplant waiting list. However, medical studies have shown that in the case of organ transplant recipients, there is no significant difference in survival rates between medical cannabis patients and non-users.

The California Medical Association passed a resolution in early December opposing the use of medical cannabis as a disqualifier for a potential organ transplant recipient.

#### THIS BILL

This bill would prohibit a hospital, physician, or any participant in the organ transplant process from using a patient's use of medical cannabis as the sole reason in denying his or her eligibility as a recipient, except when medical cannabis use is clinically significant to that decision.

#### SUPPORT

Americans for Safe Access (Sponsor)