

SENATE No. 1825

The Commonwealth of Massachusetts

SENATE, April 26, 1979.

The committee on Health Care, to whom was referred the petition (accompanied by bill, Senate, No. 407) of Louis P. Bertonazzi for legislation to provide for the use of marihuana in therapeutic research; the petition (accompanied by bill, House, No. 3471) of David J. Mofenson for legislation to establish within the Department of Public Health a controlled substances therapeutic research board; and the petition (accompanied by bill, House, No. 3472) of David J. Mofenson for legislation to establish within the Department of Public Health a controlled substances therapeutic research program, reports the accompanying bill (Senate, No. 1825).

For the Committee,

LOUIS P. BERTONAZZI

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-nine.

AN ACT PROVIDING FOR THE USE OF MARIHUANA IN THERAPEUTIC RESEARCH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 The General Laws are hereby amended by inserting after
2 Chapter 94C the following chapter: —

3 Chapter 94D

4 Controlled Substances Therapeutic Research Act

5 *Section 1.* As used in this chapter, the following words shall
6 have the following meanings: —

7 “Commissioner”, the commissioner of public health.

8 “Department”, the department of public health in the exec-
9 utive office of human services.

10 “Marihuana”, the plant *Cannabis sativa* L., tetrahydrocan-
11 nabinol, or a chemical derivative of tetrahydrocannabinol.

12 “Physician”, a person licensed in accordance with the pro-
13 visions of section two of chapter one hundred and twelve.

14 *Section 2.* There shall be in the department a controlled
15 substances therapeutic research program, hereinafter called
16 the program to conduct research and monitor experimenta-
17 tion in the use of marihuana as a therapeutic modality in
18 alleviating the nausea and ill-effects of cancer chemotherapy,
19 in decreasing intraocular pressure in glaucoma patients, and
20 in decreasing airway resistance in asthmatics.

21 Participation in the program shall be limited to patients
22 who are certified by a physician to be threatened by loss of
23 life or sight; who are not responding to or who have in-
24 curred severe side-effects from the administration of conven-
25 tional controlled substances; and who have given in writing
26 their informed consent based upon information about the na-
27 ture, duration and purpose of the research, the method and
28 means by which it is to be conducted, the inconveniences and
29 hazards reasonably to be expected, and the effects upon the

30 patients' health or person which may reasonably be expected
31 to come from his participation.

32 The department shall contract with the national institute
33 on drug abuse for the receipt of analyzed marihuana for dis-
34 tribution to an approved patient upon the written prescription
35 of a physician.

36 For the purpose of implementing this act, the commissioner
37 shall make such rules and regulations as may be necessary.

38 *Section 3.* There shall be in the department a patient quali-
39 fication review board, hereinafter called the board, consisting
40 of the commissioner of public health, the commissioner for the
41 blind, and the commissioner of mental health, or their desig-
42 nees, who shall serve *ex officio*, four physicians licensed in ac-
43 cordance with the provisions of section two of chapter one
44 hundred and twelve, one of whom shall be eligible for certi-
45 fication by the American Board of Ophthalmology; one of
46 whom shall be eligible for certification by the American Board
47 of Internal Medicine in the sub-specialty of medical oncology;
48 one of whom shall be eligible for certification by the American
49 Board of Internal Medicine in the subspecialty of pulmonary
50 medicine; and one of whom shall be eligible for certification
51 by the American Board of Psychiatry, and a clinical pharma-
52 cologist. Members of the board shall be appointed by the com-
53 missioner to serve for terms of three years. Upon the ex-
54 piration of the term of any appointive member, his successor
55 shall be appointed in like manner for a term of three years.
56 No person shall be appointed to serve more than two consecu-
57 tive three-year terms. Members of the board shall serve with-
58 out compensation but shall be reimbursed for actual and neces-
59 sary expenses incurred in the discharge of their duties.

60 The board shall review all applicants for the program and
61 approve participation in the program by patients who meet
62 the requirements of section 2 of this act, and whose physicians
63 certify that the administration of marihuana may have bene-
64 ficial therapeutic effects. Upon presentation of sufficient med-
65 ical data by a physician to the board, the board may approve
66 the experimental use of marihuana in the treatment of addi-

67 tional disease entities.

68 The board shall review the plans, studies, and proposed an-
69 nual budget of the program and file an annual report of its
70 activities with the governor and the general court.