

CHAPTER 246
FORMERLY
SENATE BILL NO. 170

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO MEDICAL MARIJUANA.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 4902A, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating Delaware Code provisions and internal references accordingly:

§ 4902A. Definitions.

In this chapter, unless the context otherwise requires, the following definitions shall apply: For purposes of this chapter:

() "Cannabidiol-Rich medical marijuana" or "CBD-Rich" means a marijuana strain or product formulization that has elevated levels of cannabidiol ("CBD") and contains the profile of CBD and tetrahydrocannabinol ("THC") concentrations approved by the Department, based upon the recommendation of the Medical Marijuana Act Oversight Committee.

(10) "Medical marijuana oil" ~~means;~~ means any of the following:

a. "Cannabidiol oil" which is a processed Cannabis plant extract that contains at least ~~15 percent~~ 15% cannabidiol but no more than ~~7 percent~~ 7% tetrahydrocannabinol, or a dilution of the resin of the Cannabis plant that contains at least 50 milligrams of cannabidiol per milliliter but not more than ~~7 percent~~ 7% tetrahydrocannabinol; ~~and 7% tetrahydrocannabinol.~~

b. "THC-A oil" which is a processed Cannabis plant extract that contains at least ~~15 percent~~ 15% tetrahydrocannabinol acid but not more than ~~7 percent~~ 7% tetrahydrocannabinol, or a dilution of the resin of the Cannabis plant that contains at least 50 milligrams of tetrahydrocannabinol acid per milliliter but not more than ~~7 percent~~ 7% tetrahydrocannabinol; ~~and 7% tetrahydrocannabinol.~~

c. Any change in the oil formulation which is made by the Department based upon the recommendation of the ~~advisory council~~ Medical Marijuana Act Oversight Committee.

(13) "Qualifying patient" means ~~a person who has been diagnosed by a physician as having a debilitating medical condition.~~ an individual who meets the qualifications to receive a registry identification card under this chapter.

(16) "Registry identification card" means a document issued by the Department that identifies a person as ~~a~~ one of the following:

a. A registered qualifying ~~patient~~ or adult patient.

b. A registered designated ~~caregiver.~~ caregiver for a qualifying adult patient.

c. A registered designated caregiver for a pediatric patient.

d. A registered CBD-Rich patient.

e. A registered designated caregiver for a CBD-Rich patient.

Section 2. Amend § 4908A, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4908A. Registration of qualifying patients and designated caregivers.

(a) The Department shall issue registry identification cards to qualifying patients who submit all of the following, in accordance with the Department's final regulations:

(1) A written certification issued by a physician within 90 days immediately preceding the date of an ~~application;~~ application.

(2) The application or renewal ~~fee;~~ fee.

(3) The name, address, and date of birth of the qualifying patient, except that if the applicant is homeless no address is ~~required;~~ required.

(4) The name, address, and telephone number of the qualifying patient's ~~physician; and~~ physician.

(5) The name, address, and date of birth of the designated caregiver, if any, chosen by the qualifying ~~patient;~~ patient.

(6) ~~The name of the registered compassion center the qualifying patient designates, if any;~~ [Reserved.]

(7) A statement signed by the qualifying patient, pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this ~~chapter; and~~ chapter.

(8) A signed statement from the designated caregiver, if any, agreeing to be designated as the patient's designated caregiver and pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this chapter.

(b) Registry identification card applications shall be available no later than the day the Department publishes final regulations.

(c)(1) An adult is eligible for a CBD-Rich card if the individual complies with subsection (a) of this section and the written certification from the patient's physician recommends medical marijuana for the treatment of anxiety or other condition approved by the Department for treatment with Cannabidiol-Rich medical marijuana.

(2) A patient who qualifies for a CBD-Rich card may only receive Cannabidiol-Rich medical marijuana products.

Section 3. Amend § 4911A, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4911A. Registry identification cards.

(a) Registry identification cards ~~shall~~ must contain all of the following:

(1) The name of the ~~cardholder;~~ cardholder.

(2) A designation of whether the cardholder is a designated caregiver or qualifying ~~patient;~~ patient.

(3) ~~[Repealed.]~~ That the registered cardholder is one of the following:

a. A qualifying adult patient.

b. A designated caregiver for a qualifying adult patient.

c. A designated caregiver for a pediatric patient.

d. A CBD-Rich patient.

e. A designated caregiver for a CBD-Rich patient.

(4) The date of issuance and expiration date of the registry identification ~~card;~~ card.

(5) A random 10-digit alphanumeric identification ~~number, containing at least 4 numbers and at least 4 letters,~~ number, that is unique to the ~~cardholder; and~~ cardholder.

(6) If the cardholder is a designated caregiver, the random 10-digit alphanumeric identification number of the qualifying patient the designated caregiver is receiving the registry identification card to assist.

Section 4. Amend § 4923A, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4923A Department to issue regulations.

~~Not later than July 1, 2012, the~~ The Department shall promulgate ~~regulations;~~ regulations regarding all of the following:

(1) Governing the manner in which the Department shall consider petitions from the public to add debilitating medical conditions or treatments to the list of debilitating medical conditions ~~set forth in~~ under § 4902A(3) of this title, including public notice of and an opportunity to comment in public hearings on the ~~petitions;~~ petitions.

(2) Establishing the form and content of registration and renewal applications submitted under this ~~chapter;~~ chapter.

(3) Governing the manner in which it shall consider applications for and renewals of registry identification ~~eards; and~~ cards.

(4) Governing all of the following matters related to registered compassion centers and security compliance facilities, with the goal of protecting against diversion and theft, without imposing an undue burden on the registered compassion centers or compromising the confidentiality of cardholders:

a. Minimum oversight requirements for registered compassion ~~centers;~~ centers.

b. Minimum recordkeeping requirements for registered compassion ~~centers;~~ centers.

c. Minimum security requirements for registered compassion centers, which shall include that each registered compassion center location must be protected by a fully operational security alarm ~~system;~~ system.

d. The competitive scoring process addressed in §§ 4914A and 4915A of this ~~title;~~ title.

e. Procedures for suspending or terminating the registration certificates or registry identification cards of cardholders, registered compassion centers, and registered safety compliance facilities that commit multiple or serious violations of the provisions of this chapter or the regulations promulgated pursuant to this ~~section; and~~ section.

f. The design and security features of medical marijuana containers to be provided by the compassion centers.

(5) Requiring application and renewal fees for registry identification cards, and registered compassion center registration certificates, according to all of the following:

a. The total fees collected must generate revenues sufficient to offset all expenses of implementing and administering this chapter, except that fee revenue may be offset or supplemented by private ~~donations;~~ donations.

b. The total amount of revenue from application, renewal, and registration fees for compassion centers and security compliance facilities ~~shall~~ must be sufficient to implement and administer the compassion center and safety compliance facility provisions of this ~~chapter;~~ chapter.

c. The Department may establish a sliding scale of patient application and renewal fees based upon a qualifying patient's household ~~income;~~ and income.

d. The Department may accept donations from private sources to reduce application and renewal fees.

e. The total amount of revenue from application, renewal, and registration fees for compassion centers, security compliance facilities, and registry identification cards will be deposited to a special account within the Department for the operation of the program created by this chapter and shall be used as necessary to support program operations and growth.

(6) Establishing requirements for Cannabidiol-Rich medical marijuana profile concentrations.

Section 5. This Act is effective on enactment and is implemented the earlier of the following:

(1) One year from the date of the Act's enactment.

(2) On promulgation of final regulations under this Act and the Secretary of the Department of Health and Social Services providing notice to the Registrar of Regulations, published in the Register of Regulations, that the contingency under this paragraph (2) of this section has been fulfilled.

Approved July 7, 2020