

LAWS OF DELAWARE
VOLUME 85
CHAPTER 293
153rd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 271

AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO MARIJUANA ESTABLISHMENT SPACING REQUIREMENTS.

WHEREAS, the Delaware Marijuana Control Act establishes spacing requirements between licensed marijuana establishments in order to address community-impact and public-safety concerns; and

WHEREAS, those concerns are appropriately focused on retail, consumer-facing locations, not on upstream, non-retail operations such as cultivation, manufacturing, or testing; and

WHEREAS, Delaware's liquor-control framework imposes spacing restrictions only on retail outlets, while permitting co-location of producers and wholesalers; and

WHEREAS, clarifying the scope of the marijuana spacing requirement will reduce unnecessary development costs, avoid duplicative zoning and infrastructure, and better align the statute with its original legislative intent without reducing regulatory oversight.

NOW, THEREFORE:

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

Section 1. Amend § 1354, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1354. Grounds for refusal of license; transfer or extension of premises.

(e) The Commissioner shall refuse to grant a retail marijuana license for the sale of marijuana, marijuana products, or marijuana accessories when there is an existing licensed ~~establishment of the same type~~ retail marijuana establishment within 1200 feet by accessible public road or street in any incorporated city or town, or within 1 mile by accessible public road or street in any unincorporated or rural area. If there is an existing licensed retail marijuana establishment less than 1 mile but more than $\frac{9}{10}$ of 1 mile by accessible public road or street in any unincorporated or rural area, the Commissioner may grant such license. This subsection does not apply to any of the following:

(1) Any existing retail license or to the sale, transfer of ownership, or renewal of an existing retail license.

(2) Any retail licensee who desires to move the location of the licensee's licensed premises to a location within 500 feet thereof by accessible public road or street or any retail licensee located in a shopping center or shopping mall who desires to move the location of the licensee's licensed premises any distance within the same shopping center or shopping mall, whether such center or mall consists of 1 or more than 1 separate buildings.

Approved June 24, 2026