



SPONSOR: Rep. Osienski

HOUSE OF REPRESENTATIVES  
152nd GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1  
TO  
HOUSE BILL NO. 2

1 AMEND House Bill No. 2 by deleting lines 49 through 53 in their entirety.

2 FURTHER AMEND House Bill No. 2 on line 73 by inserting “to” after “marijuana” and before “individuals”.

3 FURTHER AMEND House Bill No. 2 by deleting line 166 in its entirety and inserting in lieu thereof the  
4 following:

5 “§ 1305. Places of employment.

6 Nothing in this chapter is intended to impact or impose any requirement or restriction on employers with respect to  
7 terms and conditions of employment including but not limited to accommodation, policies, or discipline.”.

8 FURTHER AMEND House Bill No. 2 by deleting lines 681 through 689 in their entirety and substituting in lieu  
9 thereof the following:

10 “(3) a. For an indoor facility with a cannabis plant grow canopy area less than or equal to 2,500 square feet or  
11 for an outdoor facility with a cannabis plant grow canopy area less than or equal to 1 acre, the fee is \$2,500.

12 b. For an indoor facility with a cannabis plant grow canopy area equal to or between 2,501 and 7,500  
13 square feet or for an outdoor facility with a cannabis plant grow canopy area equal to or between 1.1 and 2.5 acres,  
14 the fee is \$5,000.

15 c. For an indoor facility with a cannabis plant grow canopy area between 7,501 and 10,000 square feet or  
16 for an outdoor facility with a cannabis plant grow canopy area equal to or between 2.6 and 5 acres, the fee is  
17 \$7,500.

18 d. For an indoor facility with a cannabis plant grow canopy area equal to or greater than 10,001 square  
19 feet or for an outdoor facility with a cannabis plant grow canopy area equal to or greater than 5.1 acres, the fee is  
20 \$10,000.”.

21 FURTHER AMEND House Bill No. 2 by deleting lines 697 through 699 in their entirety and substituting in lieu  
22 thereof the following:

23 “(f) No marijuana cultivation facility license may be issued for an indoor facility with a cannabis plant grow  
24 canopy area exceeding 12,500 square feet or for an outdoor facility with a cannabis plant grow canopy area exceeding 7.5  
25 acres unless additional tiers are created by the Commissioner under subsection (h) of this section.”.

26 FURTHER AMEND House Bill No. 2 by deleting line 798 and substituting in lieu thereof the following:

27 “(3) Will not operate a facility with a cannabis plant grow canopy area greater than 2500 square feet.”.

28 FURTHER AMEND House Bill No. 2 by striking line 826 in its entirety and substituting in lieu thereof the  
29 following:

30 “(1) Indoor facility with a cannabis plant grow canopy area less than or equal to 2500 square feet or  
31 an outdoor facility with a cannabis plant grow canopy area less than or equal to 1 acre:”.

32 FURTHER AMEND House Bill No. 2 by striking line 829 in its entirety and substituting in lieu thereof:

33 “(2) Indoor facility with a cannabis plant grow canopy area greater than 2500 square feet or an outdoor facility  
34 with a cannabis plant grow canopy area greater than 1 acre:”.

35 FURTHER AMEND House Bill No. 2 by deleting lines 1146 through 1148 in their entirety and substituting in lieu  
36 thereof:

37 “(d) The amount of tax shall be separately stated on an invoice, receipt, or other similar document, in the manner  
38 directed by the Director of Revenue, that the marijuana retailer provides to the consumer at the time the retail sale occurs.”.

39 FURTHER AMEND House Bill No. 2 on line 1163 by deleting “Commissioner” and substituting in lieu thereof  
40 “Director of Revenue”.

41 FURTHER AMEND House Bill No. 2 by inserting after line 1169 and before line 1170 the following:

42 “(f) Any information set forth or disclosed in any report or return required under or as a result of this section,  
43 including any information which is required to be attached or included on any report or return required under or as a result  
44 of this section, is subject to the provisions of § 368 of Title 30.”

45 FURTHER AMEND House Bill No. 2 on line 1202 by deleting “Department of Justice” and substituting in lieu  
46 thereof “Criminal Justice Council”.

47 FURTHER AMEND House Bill No. 2 on lines 1207 and 1208 by deleting “Department of Justice” and  
48 substituting in lieu thereof “Criminal Justice Council”.

49 FURTHER AMEND House Bill No. 2 by inserting after line 1280 and before line 1281 the following and  
50 redesignating the remaining bills sections accordingly:

51 “Section 10. Amend § 501, Title 30 by making deletions as shown by strike through and insertions as shown by  
52 underline as follows:

53 § 501. Application of this chapter.

54 For tax periods beginning on or after January 1, 1992, except where in conflict with a specific provision within  
55 another chapter of this title or, where applicable, a specific provision of Title 4 or Title 16 or a rule of the Delaware  
56 Alcoholic Beverage Control ~~Commission~~, Commission or the Marijuana Commissioner, this chapter shall govern the  
57 administration, procedures and enforcement of the State revenue laws provided for under Parts II, III, IV (except Chapters

58 51 and 52), V, and VI of this title; subchapter VII of Chapter 5 and subchapter VII of Chapter 13 of Title 4; and Chapter  
59 101 of Title 16.

60 Section 11. The Commissioner, in consultation with the Oversight Committee shall provide the Chairs of the Joint  
61 Finance Committee of the General Assembly with a quarterly report, beginning January 1 after the enactment date of this  
62 Act and continuing for 2 years, regarding the progress towards implementation and any potential barriers towards timely  
63 issuance of licenses and commencement of retail sales.”.

#### SYNOPSIS

This amendment does all of the following:

- (1) Removes language relating to alcoholic liquor testing.
- (2) Corrects a typographical error.
- (3) Reinserts language relating to terms and conditions of employment with respect to marijuana that was present in previous versions of this bill.
- (4) Makes technical corrections relating to canopy grow area and licensing.
- (5) Gives the Division of Revenue power to set the form and manner of marijuana tax payments and the manner the tax appears on a consumer’s receipt at the time of sale.
- (6) Extends the privacy protections given to other tax returns and reports to the marijuana tax.
- (7) Replaces the Department of Justice with the Criminal Justice Council as the administrator of the Justice Reinvestment Fund.
- (8) Adds cross-references to Chapter 30 relating to the hierarchy of rules for tax administration, procedures and enforcement.
- (9) Adds a quarterly report from the Commissioner to the General Assembly regarding progress towards timely implementation of the Act.