



SPONSOR: Rep. Ramone & Rep. Baumbach & Rep. Osienski &  
Rep. K. Williams & Rep. Wilson & Sen. Ennis  
Reps. Gray, Hudson, Kowalko, Miro, Paradee, B. Short,  
Spiegelman; Sen. Walsh

HOUSE OF REPRESENTATIVES  
149th GENERAL ASSEMBLY

HOUSE BILL NO. 74

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO DESIGNATED CAREGIVERS FOR A  
MINOR QUALIFYING PATIENT UNDER THE MEDICAL MARIJUANA ACT.

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

1           Section 1. Amend § 4902A, Title 16 of the Delaware Code by making deletions as shown by strikethrough and  
2     insertions as shown by underline as follows:

3           § 4902A. Definitions.

4           In this chapter, unless the context otherwise requires, the following definitions shall apply:

5           (5) "Designated caregiver" means a person who:

6           a. Is at least 21 years of age unless the person is the parent or legal guardian of a minor who is a  
7     qualifying patient; or is a grandparent, aunt, uncle, or sibling, over the age of 21, of a minor qualifying patient;

8           b. Has agreed to assist with a patient's medical use of marijuana;

9           c. Has not been convicted of an excluded felony offense; and

10          d. Assists no more than 5 qualifying patients with their medical use of marijuana.

11          Section 2. Amend § 4904A, Title 16 of the Delaware Code by making deletions as shown by strikethrough and  
12     insertions as shown by underline as follows:

13          § 4904A. Limitations.

14          (b) School exceptions. — Notwithstanding subsection (a) of this section, a designated caregiver registered  
15     pursuant to § 4908A of this title may possess for the purpose of administering, and may administer to a minor qualifying  
16     patient medical marijuana oil in a school bus and on the grounds or property of the preschool, or primary or secondary  
17     school in which a minor qualifying patient is enrolled. The designated caregiver shall not be a school nurse or other school  
18     employee hired or contracted by a school unless he or she is a parent or legal guardian of the minor qualifying patient, and  
19     said parent or legal guardian possesses no more than the number of doses prescribed per day of medical marijuana oil  
20     which is kept at all times on their person. Provided further, this exception shall only apply within the physical boundaries of

21 the State of Delaware. A minor qualifying patient may have more than 1 designated caregiver as defined in § 4902A(5) of  
22 this chapter.

#### SYNOPSIS

A minor child that is a qualifying patient may need, in addition to their parents, a designated caregiver who is not their parent when the parents work and cannot regularly get to school to administer medicine.

This bill expands the class of persons who can be designated caregivers to a minor qualifying patient. This bill would allow grandparents, aunts, uncles, and siblings, all over age 21, as persons who may be designated caregivers for a minor patient.