



SPONSOR: Sen. Delcollo & Sen. Lawson & Sen. Paradee &
Sen. Pettyjohn & Rep. Spiegelman & Rep. Bennett
Sens. Townsend, Wilson; Reps. Baumbach, Brady, Bush,
Osienski, Ramone, K. Williams, Yearick

DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 79

AN ACT TO AMEND TITLE 11 AND TITLE 16 OF THE DELAWARE CODE RELATING TO THE ELIGIBILITY OF REGISTERED QUALIFYING PATIENTS UNDER THE DELAWARE MEDICAL MARIJUANA ACT TO PURCHASE OR POSSESS FIREARMS.

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

1 Section 1. Amend § 1448, Title 11 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 1448. Possession and purchase of deadly weapons by persons prohibited; penalties.

4 (h) Under § 4903A of Title 16, a registered qualifying patient is not a person prohibited from purchasing, owning,
5 possessing, or controlling a deadly weapon or ammunition for a firearm within the State.

6 Section 2. Amend § 4903A, Title 16 of the Delaware Code by making deletions as shown by strike through and
7 insertions as shown by underline as follows:

8 § 4903A Protections for the medical use of marijuana.

9 (a) A registered qualifying patient shall not be subject to arrest, prosecution, or denial of any right or privilege,
10 including ~~but not limited to~~ civil penalty or disciplinary action by a court or occupational or professional licensing board or
11 bureau, for the medical use of marijuana ~~pursuant to~~ under this chapter, if the registered qualifying patient does not possess
12 more than 6 ounces of usable marijuana.

13 (c) ~~[Repealed.]~~ A registered qualifying patient is not a person prohibited from purchasing, owning, possessing, or
14 controlling a deadly weapon or ammunition for a firearm under § 1448 of Title 11.

15 (q) Where a state-funded or locally funded law-enforcement agency encounters an individual who, during the
16 course of the investigation, credibly asserts that ~~he or she~~ the individual is a registered cardholder, or encounters an entity
17 whose personnel credibly assert that it is a registered compassion center, the law-enforcement agency shall not provide any
18 information from any marijuana-related investigation of the person to any law-enforcement authority that does not
19 recognize the protection of this ~~chapter~~ chapter, including the National Instant Criminal Background Check System
20 ("NICS"), 28 C.F.R. §§ 25.1-25.11, and any prosecution of the individual, individuals, or entity for a violation of this
21 chapter shall be conducted ~~pursuant to~~ under the laws of this State.

SYNOPSIS

This Act clarifies existing law so that an individual is not disqualified from possessing or purchasing a firearm because the individual is a registered qualifying patient under the Delaware Medical Marijuana Act.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Delcollo