SPONSOR: Rep. Dorsey Walker & Sen. Gay
Reps. Griffith, K. Johnson, Spiegelman, Yearick; Sens. Hansen, S. McBride, Pettyjohn, Richardson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 356

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

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:

§ 4902A. Definitions [For application of this section, see 82 Del. Laws, c. 246, § 5].

For purposes of this chapter:

(1) "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.~~ Department.

(12) "Medical marijuana oil" means any of the following:

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

Section 2. Amend § 4922A, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4922A. ~~Oversight Committee; annual~~ Annual report by Department.

(a) ~~The Medical Marijuana Act Oversight Committee is established to evaluate and make recommendations regarding the implementation of this chapter.~~

~~(1) The Oversight Committee shall consist of 9 members who possess the qualifications and are appointed as follows:~~

~~a. One member, appointed by the President Pro Tempore of the Senate.~~

~~b. One member, appointed by the Speaker of the House.~~

~~c. The Secretary of the Department, or a designee appointed by the Secretary.~~

~~d. Two medical professionals, each licensed in Delaware, with experience in medical marijuana issues, appointed by the Governor.~~

~~e. One member with experience in policy development or implementation in the field of medical marijuana, appointed by the Governor.~~

~~f. Three members who each shall be a cardholder, as defined in § 4902A of this title, appointed by the Governor.~~

~~(2) The members of the Oversight Committee shall serve at the pleasure of the appointing authority.~~

~~(3) A quorum shall consist of 51% of the membership of the Oversight Committee.~~

~~(4) The Oversight Committee shall select a Chair and Vice Chair from among its members.~~

~~(5) Staff support for the Oversight Committee shall be provided by the Department.~~

~~(6) The Oversight Committee shall meet at least 2 times per year for the purpose of evaluating and making recommendations to the Governor, the General Assembly, and the Department regarding the following:~~

~~a. The ability of qualifying patients in all areas of the State to obtain timely access to high-quality medical marijuana.~~

~~b. The effectiveness of the registered compassion centers, individually and together, in serving the needs of qualifying patients, including the provision of educational and support services, the reasonableness of their fees, whether they are generating any complaints or security problems, and the sufficiency of the number operating to serve the registered qualifying patients of Delaware.~~

~~c. The effectiveness of the registered safety compliance facility or facilities, including whether a sufficient number are operating.~~

~~d. The sufficiency of the regulatory and security safeguards contained in this chapter and adopted by the Department to ensure that access to and use of marijuana cultivated is provided only to cardholders authorized for such purposes.~~

~~e. Any recommended additions or revisions to the Department regulations or this chapter, including relating to security, safe handling, labeling, and nomenclature.~~

~~f. Any research studies regarding health effects of medical marijuana for patients.~~ [Repealed.]

SYNOPSIS

This Act terminates the Medical Marijuana Act Oversight Committee ("Committee"). After Joint Legislative Oversight and Sunset Committee's ("JLOSC") thoroughly reviewed the Committee, JLOSC concluded that the Office of Medical Marijuana ("Office") oversees a functioning medical marijuana program without support from the Committee. Since October 15, 2015, the Committee has made only 2 recommendations to the Office relating to the medical marijuana program and has not made recommendations to the Governor or the General Assembly. Therefore, the Committee is not meeting a public need.

The termination of the Committee is made under JLOSC's authority to terminate an agency under § 10214 of Title 29, and without opposition from the Committee, the Office, or the Department of Health and Social Services.