

Senate Health and Social Services Committee Meeting

Official Minutes 150th General Assembly First Session Wednesday, April 10th, 2019 2:30 p.m. Legislative Hall - Senate Hearing Room

Meeting Attendance

Committee Members:

Senator Bryan Townsend
Senator Brian Pettyjohn
Senator Nicole Poore
Senator Stephanie Hansen
Senator Ernesto Lopez

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Brian.Pettyjohn@Delaware.gov
Nicole.Poore@Delaware.gov
Stephanie.Hansen@Delaware.gov
Ernesto.Lopez@Delaware.gov

Legislators Present:

Senator Bryan Townsend
Senator Stephanie Hansen
Senator Ernesto Lopez
Senator Brian Pettyjohn
Senator Nicole Poore
Senator Trey Paradee
Senator Anthony Delcollo

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Stephanie.Hansen@Delaware.gov
Ernesto.Lopez@Delaware.gov
Brian.Pettyjohn@Delaware.gov
Nicole.Poore@Delaware.gov
Trey.Paradee@Delaware.gov
Anthony.Delcollo@Delaware.gov

Staff:

Read Scott

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Attendees:

Kiki Evinger
Paul Hyland
W. Douglas Walker
Yahaira R. Delgado
Kim Petters
Amy Alvarez
Sam Stubblefield
Michael Wiztdraffer
Janie Maedler
Rylie Maedler
Dawn Wells
Sam Chick
Angelo Chandler
Nancy Cushman

Organizations:

DHSS
DPH
Delcanna
Delcanna
Delcanna
Canna Care
AHP
Norml
Rylie's Smile Foundation
Rylie's Smile Foundation
Rylie's Smile Foundation
Delcanna
Delcanna
Delcanna

Jennifer Holloway
Zoe Patchell
Dustyn Thompson
Elissa Miller
Chris Manning
Drew Wilson
Karyl Rattay
Jenine Denham
Bob Wissler
Kyrh Hoffner
Peggy Schultz
Laura Shaner
Christina Bryan
Vernon Weaver
Stephen McGuire
Nadine Frost
Christine Brown
Maggie Fauver
Jessica Andrewich
W.P. Wood
S. Burdeshaw
John McCann
Kelly Williams
Ruth Bertrand
Liz Golob
Lou Esposito

Cannabis Consultants of Delaware
DECAN
Delaware United
Nemours
Nemours
Medical Society of Delaware
DPH
DGR
N/A
DECAN
LWV – DE
Delaware Norml
Delaware Healthcare Association
Delcanna
VFW
Libertarian Party of Delaware
Delcanna
N/A
N/A
JP Court
Delcanna
N/A
Cannadigm Ventures
DECAN
N/A
DECAN/Norml

Agenda:

SB 45 (Paradee)
SB 24 (Delcollo)
SB 59 (Delcollo)

Senator Townsend brought the meeting to order at 2:45 pm in the Senate Hearing Room. He recognized Sen. Trey Paradee to discuss SB 45.

**SB 45 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE
RELATING TO MARIJUANA.**

Synopsis: Under current law, the possession, use, or consumption of a personal use quantity of marijuana remains a crime for those under the age of 21 despite being a civil violation for adults. This Act makes the possession, use, or consumption of a personal use quantity of marijuana a civil violation for juveniles. This Act also makes conforming amendments to subsection (i), regarding expungement of a single criminal offense under subsection (c), as, after the effective date of this Act, subsection (c) will no longer contain a criminal offense.

Senator Paradee gave an overview of the legislation. He said it's an important step toward the decriminalization of marijuana, and that the purpose is to help people under the age of 21 avoid a criminal record. He asked the committee members to release the bill from committee, but said that he was working on a friendly amendment.

Senator Townsend recognized a representative of Delaware CAN to testify in favor of SB 45.

Delaware CAN Representative: urged committee members to support the legislation.

SB 45 was circulated for signatures from members of the committee: Unfavorable - 0
Favorable - 0
On Its Merits - 5

Senator Townsend recognized Senator Anthony Delcollo to discuss SB 24.

**SB 24 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE
RELATING TO MEDICAL MARIJUANA.**

Synopsis: This Act allows a patient to qualify for a valid registry identification card to purchase and use medical marijuana for any condition that a physician certifies that medical marijuana would likely provide a therapeutic or palliative benefit. This Act removes the requirement that only certain specialists may certify the use of medical marijuana if the patient is younger than 18 years old. This Act retains the requirement that qualifying patients younger than 18 years old may only receive marijuana oil.

Senator Delcollo gave an overview of the bill. He said that the purpose of this bill is to give people with disabilities and others the opportunity to try medical marijuana to address health issues. He said the bill follows a "physician's choice model."

Senator Lopez said that SB 24 is an extension of the good work of Rylie's law from 5 years ago.

Senator Townsend said that, due to the large number of people who signed up to testify, he would need to limit the number of people from the same organization who can testify, in the interest of time. He recognized Rylie Maedler to testify.

Rylie Maedler read a letter of support for SB 24 from Dr. Sue Sisley, which was signed by other advocates in the medical community.

Senator Townsend recognized Kim Petters of Delcanna for public comment.

Kim Petters discussed the positive effect medical marijuana has had in treating her health issues. She shared personal stories of others who have benefited from medical marijuana. She said that marijuana can be used to treat many different conditions and that people should have access to try it if they want to.

Senator Townsend recognized Drew Wilson of the Medical Society of Delaware for public comment.

Drew Wilson said that MSD has concerns about SB 24, because marijuana is not subject to the same rigorous medical trials as traditional medicine. MSD thinks this bill comes from a place of patient compassion, but the bill is too broad.

Senator Townsend recognized Dustyn Thompson of Delaware United for public comment.

Dustyn Thompson expressed his support of SB 24. He said that he uses CBD products for pain and it has helped.

Senator Townsend recognized Dr. Elissa Miller of Nemours for public comment.

Elissa Miller expressed her opposition to SB 24. She said that she was initially hesitant, but has become an advocate for the use of cannabis in pediatrics to treat certain conditions. She said that SB 24 is the opposite of Rylie's law and doesn't do anything to protect children, and she is concerned about the scope of this law. She said we should preserve Rylie's law.

Senator Townsend recognized Maggie Fauver for public comment.

Maggie Fauver testified in favor of SB 24. She said she has worked with DPH's Office of Medical Marijuana and has seen how medical marijuana has helped people. Her daughter was diagnosed with lupus and currently state law does not allow medical marijuana to be used as a treatment for children with lupus. She has seen how people with lupus have been helped by using medical marijuana and she is concerned about not being able to use it as an option for her daughter. She said that her daughter should have the right to try medical marijuana.

Senator Townsend recognized Dr. Karyl Rattay of the Division of Public Health for public comment.

Karyl Rattay said the mission of DPH is to protect the health of Delawareans, and that they are proud of their medical marijuana program. She said that SB 24 destroys the credibility of Delaware's medical marijuana program. Delaware physicians rely on DPH to regulate the program based on science and research. It's not right to let marijuana be used to treat conditions, where no scientific evidence exists to suggest that it might help. She said that there are consequences to allowing marijuana to be used widely, especially for children, because there is evidence to suggest that marijuana can have a negative effect on the brain for people under the age of 25.

Senator Townsend recognized Stephen McGuire of the VFW for public comment.

Stephen McGuire is a veteran, who was injured while serving in Kuwait. To treat his pain, he was originally prescribed OxyContin and Xanax. He said he eventually overdosed on opioids, because he didn't have access to medical marijuana. He said that veterans shouldn't have to wait to gain access to medical marijuana.

Senator Townsend recognized Christina Bryan of the Delaware Healthcare Association for public comment.

Christina Bryan said that DHA opposes SB 24.

Senator Townsend recognized Laura Shaner of Norml for public comment.

Laura Shaner expressed her support for SB 24.

Senator Townsend recognized Senator Delcollo to discuss SB 59.

**SB 59 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE
RELATING TO MEDICAL MARIJUANA.**

Synopsis: This Act allows nurse practitioners and physician assistants to recommend medical marijuana for patients. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Senator Delcollo gave an overview of SB 59. He said that this bill would allow nurse practitioners and physician assistants to prescribe medical marijuana, much in the same way they are able to prescribe opioids.

Senator Townsend recognized Chris Manning from Nemours for public comment.

Chris Manning expressed Nemours opposition to SB 59. He said that the bill would change the definition of “physician” in the Delaware code and that would be problematic.

Senator Delcollo said he would be willing to work on an amendment which clarifies the issue with the definition of physician.

Senator Townsend recognized Shannon Burdeshaw from Delcanna for public comment.

Shannon Burdeshaw gave testimony in favor of both SB 24 and SB 59.

Senator Townsend recognized Dr. Sam Stubblefield of the American Academy of Pediatrics for public comment.

Sam Stubblefield expressed AAP’s concerns about SB 24 and SB 59 and urged legislators to not support either bill.

Senator Townsend adjourned the meeting at 3:30 pm.