

House Health & Human Development Committee Meeting Minutes

1.26.22

This committee meeting has been recorded and may be accessed via legis.delaware.gov

Chair Bentz called the meeting to order at 11:07 a.m. Members present included Vice Chair Minor-Brown and Reps. Briggs King, Collins, K. Johnson, Kowalko, Baumbach, Chukwuocha, Shupe, Heffernan, Smith, and Morrison. For a list of speakers, please see the speaker list below.

Chair Bentz introduced **HB305, AN ACT TO AMEND TITLES 4, 11, 16, AND 30 OF THE DELAWARE CODE RELATING TO CREATION OF THE DELAWARE MARIJUANA CONTROL ACT.** Rep. Osienski, the sponsor of the bill, explained that the bill created a regulatory framework for the legal sale of recreational marijuana in Delaware. If passed, HB 305 would allow for the issuance of up to 30 retail licenses, 30 manufacturing licenses, 60 cultivation licenses and five testing licenses to be issued within 16 months of the bill's effective date. He explained the competitive licensing process and emphasized concerns in Delaware communities that have been negatively impacted by marijuana prohibition. Rep. Osienski added that the bill included social equity and microbusiness components to enable smaller businesses to succeed in the market against multi-state operators.

Rep. Osienski mentioned that the enforcement would be handled by expanding the Division of Alcohol and Tobacco Enforcement and creating a new Office of the Marijuana Control Commissioner. He emphasized that the bill did not allow for home-grow and would not affect employers zero tolerance policies. Rep. Osienski then mentioned the creation of the Justice Reinvestment Fund, which will be administered by the Department of Justice to administer grants, contract services, and initiatives which will focus on criminal justice improvements including restorative justice, jail diversion, workforce development, industry specific technical assistance or monitoring services for economically disadvantaged persons and disproportionately impacted areas.

Rep. Baumbach applauded the bill sponsor's efforts on the legislation and stressed the importance of legalizing marijuana under the margins or legalization, taxation, and regulation.

Rep. Postles believed that education, preventative treatment, and fair and effective criminal justice programs were better solutions than legalization of marijuana. He expressed concerns about marijuana impairment, workplace safety, and liability that business owners may incur.

Rep. Chukwuocha discussed the effects of the violence related to the drug market inside of his community, including the war on drugs and the impact that the legal market of marijuana has had on Delaware communities. He thanked Rep. Osienski for addressing concerns and creating a Justice Reinvestment Fund and expressed confidence in the ability of the Department of Justice.

Rep. Morrison stated that prohibition simply does not work, and that the negative social and health impacts of alcohol and tobacco usage are much worse than those related to cannabis.

Rep. Collins stated his opposition to the bill and expressed concerns about the rates of fatalities related to overdoses.

Rep. Osienski clarified that the illicit marijuana market brings violence to communities and does not require an ID for proof of age.

Chair Bentz opened the meeting to public comment.

Marc Jacobs expressed support for the bill, as cannabis legalization is supported by approximately two-thirds of Delawareans.

Janine Fishman supported HB 305, citing that the current medical marijuana supply is not enough to sustain cardholders.

Laura Sharer, Executive Director of Delaware NORML, urged the committee to vote to release HB 305 as it would protect thousands of adult cannabis consumers from arrest, civil citation, seizure of property, and the threat of stigma.

Alanna Mozeik from the Division of Public Health (DPH) expressed concerns about the recreational license and fee structure. She noted that since it was much lower than the structure established for compassion centers, the difference in cost could result in a shift from medical marijuana production to recreational marijuana.

Olivia Naugle, Senior Policy Analyst with the Marijuana Policy Project (MPP), expressed support for HB 305. She reminded the committee that 18 states and D.C. have legalized cannabis for adult use and emphasized that the bill includes strong social equity provisions that would help communities disproportionately impacted by prohibition.

Lincy Baffone expressed support for HB 305 as she saw the benefits that marijuana use can provide.

Fred Calhoun urged the committee to support HB 305 as marijuana can be used beneficially.

Tom Donovan commented that marijuana decriminalization has failed and urged the committee to support HB 305.

Joe Aronson from the Division of Substance Abuse & Mental Health (DSAMH) stated concerns on behalf of the agency. He cited research showing the harms of recreational marijuana use and recommended that a portion of the tax revenue be dedicated to cannabis and substance use disorder treatment programs.

Lizzie Golob advocated for the passing of HB 305 as it would slow unnecessary arrests and focus law enforcement on real crimes.

Joe Strand from Greenleaf Medical urged legislators to review regulatory simplification and create a single regulator for medical and adult-use marijuana to help streamline operations and reduce expenses.

David Nathan, Doctors for Cannabis Regulation, supported HB 305 on behalf of the organization. He stated that cannabis use is less harmful to adults and that prohibition has done more damage to society than the use of cannabis.

Joe Fitzgerald from the New Castle County Chamber of Commerce requested that HB 305 preserve the ability of employers to have a written policy prohibiting marijuana use to avoid any unforeseen liability that might arise from legalization for employers.

Nikko Brady from the Delaware Department of Agriculture asked that the bill be amended to have marijuana grown in indoor sites with adequate security measures in place.

Rev. Lyle Dykstra encouraged the committee to pass HB 305 as it will end illegal trade, contribute to safety, and provide economic benefits.

Julie McIndoe on behalf of Delaware United voiced support for the bill. She stated that legalizing cannabis will generate millions in revenue that can be allocated to fund education, infrastructure, clean water, reentry programs and other valuable services.

John Evans, Director of the Division of Forensic Sciences, stated that his agency had concerns over the potential for overstressing its testing capabilities.

Wayne Packard supported the bill, citing veterans suffering from PTSD.

Michael Wirtshafter supported the bill as it will help generate revenue for the State.

Director John Yeomans from the Division of Alcohol & Tobacco Enforcement stated that his agency has provided a fiscal note and will execute memorandums of understanding in order to properly implement the intent of the bill.

Will McVay expressed support for HB 305 and explained that prohibition is a failed policy that has severely damaged communities throughout the State.

Jim Nolan supported HB 305 due to his experience as a law enforcement officer.

Zoe Patchell, Delaware Cannabis Advocacy Network, urged the committee to pass HB 305 as marijuana is a beneficial plant.

Jamie Johnstone, Division of Revenue, asked for amendments to be made that would further specify recording requirements for each purchase.

Alyssa Bradley voiced support for the bill as current policies harm communities and exacerbate social inequalities.

Dustyn Thompson, Delaware United, supported HB 305 as individuals not qualified for medical marijuana still need the drug for health reasons.

Dr. Meghan Walls from Nemours cited safety issues for children and young adults that can be exacerbated with adult-use legalization. She stressed the importance of incorporating regulations pertaining to safety.

Andrea Brown Clark supported the bill and cited socioeconomic inequalities affecting minority communities in Delaware.

John Sybert expressed support for HB 305 and mentioned that labeling is the key to maintaining safety.

Javonne Rich, American Civil Liberties Union of Delaware, mentioned that Black Delawareans are four times more likely to be arrested for marijuana in the State of Delaware.

Jacqueline Maier-Lacey urged the committee to vote on HB 305. She stated that studies indicate cannabis is not a gateway drug.

Ngiste Abebe, Columbia Care, supported the legislation but noted that the bill falls short of ensuring uninterrupted medical marijuana cardholder access.

Lillyanne Ternahan implored the committee to vote yes in order to help those currently utilizing medical marijuana have more access to the medicine that they need.

Emilio Nazario stated support for HB 305 as it would regulate marijuana and positively impact Delaware's youth.

Rebecca Kidner, American Property Casualty Insurance Association, expressed concern over employment-focused language in the bill.

A motion was made by Rep. Kowalko and seconded by Rep. Baumbach to release HB 305 from committee; motion carried. Yes= 9 (Bentz, Minor-Brown, Johnson, Baumbach, Heffernan, Chukwuocha, Morrison, Kowalko, Lynn). No= 4 (Postles, Shupe, Hensley, Collins). Absent = 2 (Smith, Briggs King).

Respectfully Submitted By:

Areeba Khan

Speakers List

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Laura Sharer, DE NORML

Alanna Mozeik, DPH

Olivia Naugle, MPP

Lincy Baffone

Fred Calhoun

Tom Donovan

Joe Aronson, DSAMH

Lizzie Golob

Joe Strand, Greenleaf Medical

David Nathan, Doctors for Cannabis Regulation

Joe Fitzgerald, NCC Chamber of Commerce

Nikko Brady, Department of Agriculture

Rev. Lyle Dykstra

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John Evans, DSHS

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