

**Senate Elections & Government Affairs Committee**

153rd General Assembly

Wednesday, April 9, 2025

Senate Hearing Room/Virtual Meeting

3:05 p.m. – 3:55 p.m.

*Senate Committee Recording*

**Committee Members Present:**

Senator Daniel Cruce, Chair	<a href="mailto:Daniel.Cruce@delaware.gov">Daniel.Cruce@delaware.gov</a>
Senator Darius J. Brown, Vice Chair	<a href="mailto:Darius.Brown@delaware.gov">Darius.Brown@delaware.gov</a>
Senator Stephanie L. Hansen	<a href="mailto:Stephanie.Hansen@delaware.gov">Stephanie.Hansen@delaware.gov</a>
Senator Kyra L. Hoffner	<a href="mailto:Kyra.Hoffner@delaware.gov">Kyra.Hoffner@delaware.gov</a>
Senator Eric Buckson	<a href="mailto:Eric.Buckson@delaware.gov">Eric.Buckson@delaware.gov</a>
Senator Bryant L. Richardson	<a href="mailto:Bryant.Richardson@delaware.gov">Bryant.Richardson@delaware.gov</a>

**Committee Members Absent:**

Senator Laura V. Sturgeon	<a href="mailto:Laura.Sturgeon@delaware.gov">Laura.Sturgeon@delaware.gov</a>
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**Agenda**

- I. **HB 9 w/ HA 1 (Williams): AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO GOVERNMENTAL COMPENSATION POLICY.**
- II. **HB 75 (Paradee): AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO LOCAL CONTROL OF RETAIL MARIJUANA STORES BY COUNTIES.**

**Introduction**

Senator Cruce commenced the meeting at 3:05 and reviewed the hybrid meeting protocol. He conducted the roll call, noting that the committee had a quorum. Senators Hoffner and Sturgeon were absent at the time of the roll call. Senator Cruce invited Senator Paradee to introduce the first item on the agenda.

**I. HB 9 w/ HA 1 (Williams): AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO GOVERNMENTAL COMPENSATION POLICY. [3:07:27]**

*Synopsis: Section 4 of this Act requires a paid elected official or paid appointed official of this State or any political subdivision of this State (“official”) who is also employed by a state agency or a political subdivision of this State to disclose the dual employment to the Public Integrity Commission (“Commission”). This disclosure will assist the Commission and the State Auditor in evaluating if the official is receiving dual public compensation for coincident hours of work and requires the Commission to report to the official’s employer of any finding of dual compensation.*

*Sections 1 through 3 of this Act make technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual, including by creating definitions to ensure consistent usage of terms and by redrafting existing law to use active voice to ensure clarity of duties and obligations of officials and state agencies or political subdivisions of this State that employ officials.*

*Section 5 of this Act makes clear that an individual serving as an official on the effective date of this Act must disclose any dual employment within 15 days after the enactment of this Act.*

*Section 6 of this Act provides that this Act takes effect 1 year after the Act’s enactment into law.*

Senator Paradee introduced HB 9 w/ HA 1 and recognized expert witness Sam Barry from the State Auditor’s Office. He responded to questions from the committee.

Samuel Barry provided public comment on the bill and responded to questions from the committee.

Mark Cutrona, Division of Legislative Services, clarified questions from committee members.

**HB 9 w/ HA 1’s votes are recorded as follows: 1 Favorable; 3 On Its Merits; 0 Unfavorable**

Senator Cruce invited Senator Paradee to introduce the next item on the agenda.

## **II. SB 75 (Paradee): AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO LOCAL CONTROL OF RETAIL MARIJUANA STORES BY COUNTIES. [3:21:21]**

*Synopsis: This Act limits the restrictions a county may impose on the operation of marijuana establishments as follows:*

- *Requires that a medical marijuana compassion center that was granted a conversion license for a retail marijuana store under § 1335B of Title 4 must be allowed to operate the retail marijuana store as a nonconforming use.*
- *Prohibits the denial of a building permit to a licensee under § 1335B of Title 4 if the improvements comply with the physical requirements for property zoned for that use. The nonconforming use laws for each county, § 2610, § 4920, and § 6920 of Title 9 all prohibit structural alterations if a building is a nonconforming use but § 1335B(a)(1) requires that a conversion licensee continue to operate the location as a medical dispensing location. Thus, it is extremely likely that a compassion center with a conversion license for a retail marijuana store will need to make structural alterations to operate both as a medical dispensing location and as a retail marijuana store.*
- *Requires that a county must allow the minimum hours of operation for a retail marijuana store to be 9 a.m. until 9 p.m. on Mondays through Saturdays and noon until 8 p.m. on Sundays.*
- *In areas zoned for agricultural or industrial use, indoor, fully enclosed cultivation facilities may not be prohibited.*
- *In areas zoned for commercial or industrial use, retail marijuana stores may be prohibited from operating only within a ½ mile of another retail marijuana store and within 500 feet of a place of worship, school, licensed child care, residential treatment facility, park, or library.*

*The limits on county restrictions under this Act preempt and supersede all existing and future county ordinances or regulations regarding the operation of marijuana establishments.*

*Section 2 makes corresponding changes to § 1351 of Title 4 so that section applies only to municipalities. This Act also makes technical changes to use consistent language in subsections (a) and (b) of § 1351 and § 1351A. Under § 1302(17) of Title 4, “marijuana establishment” means all 4 types of entities licensed under Chapter 13 of Title 4.*

Senator Paradee introduced HB 75 with handouts and provided background about HB 1 and HB 2. He responded to questions and concerns from committee members.

Members of the public that provided comment included Charles Roark (Lucky’s), Tracee Southerland (Safe Leaf Analytics), Lizzie Golob (Delaware NORML, Inc.), Patrick Galloway

(Whitecap Cannabis), James Brobyn (Delaware Cannabis Industry Association), Jennifer Stark (Delaware Cannabis Industry Association), Sukhpal Singh (Nanakram LLC), Burr Monroe (Regenerative Harvest).

**SB 75's votes are recorded as follows: 3 Favorable; 1 On Its Merits; 0 Unfavorable**

Senator Cruce invited a motion to adjourn the meeting.

Senator Cruce adjourned the meeting at 3:55 p.m.

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**Minutes prepared by Nicole Gibson, Legislative Assistant, 5/27/25.**

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**Staff:**

Nicole Gibson, Senate Majority Caucus Legislative Assistant

Christella St. Juste, Senate Majority Caucus Legislative Assistant

**Appendix A:** *Members of the public pre-registered for webinar and in-person sign-in sheet attendees.*

Samuel Barry, State Auditor
Mark Cutrona, Division of Legislative Services
James Brobyn, Delaware Cannabis Industry Association
Jennifer Stark, Delaware Cannabis Industry Association
Lizzie Golob, Delaware NORML, Inc.
Tracee Southerland, Safe Leaf Analytics

Patrick Galloway, Whitecap Cannabis
Charles Roark, Lucky's
Sukhpal Singh, Nanakram LLC
Burr Monroe, Regenerative Harvest