



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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Dover, Delaware 19901
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The Honorable John Carney
Governor

John McNeal
SCPD Director

MEMORANDUM

DATE: September 30, 2020

TO: Ms. Alanna Mozeik, DPH
Planning & Policy Development Unit

FROM: Terri Hancharick – Chairperson *TH*
State Council for Persons with Disabilities

RE: 24 DE Reg. 258 [DPH Proposed Regulation Regarding Medical Marijuana
(December 1, 2019)]

The State Council for Persons with Disabilities (SCPD) has reviewed the Division of Public Health's (DPHs)/Office of Medical Marijuana's proposal to amend 16 Del Code 4906A which allows the Department, upon petition, to add conditions for eligibility for the Delaware Medical Marijuana Program by regulation. This proposed regulation adds anxiety as a qualifying medical condition, but only for access to "CBD Rich Oil."¹ The proposed regulation was published as 24 DE Reg. 258 in the September 1, 2020 issue of the Register of Regulations. SCPD has the following observations.

A petition to add anxiety was denied in 2017.² The DPH Marijuana Advisory Board has not listed any further petitions relating to anxiety on the website and SCPD is unclear how this addition came to be. Regardless, it is of some benefit for individuals with anxiety to be able to access CDB Rich oil. It is possible that the state does not wish to run afoul of SAMHSA's restriction on funding for programs that advocate or supply medicinal marijuana to anyone as

¹ <https://www.alive.org/benefits--rich-cannabis/>

² <https://dhss.delaware.gov/dhss/dph/hsp/medmarocpet.html>

treatment for a mental health or substance abuse disorder,³ and this is why access is restricted to CDB Oil.. This is speculation, however.

The proposed regulation adds the “CDB Rich” classification to the list of types of registration cards that are issued. They define “CDB Rich Oil” as having near equal components of THC and CDB. They allow home delivery but set up tracking, security and data requirements; and it makes clear that anyone with qualifying diagnoses can access CDB Rich Oils.

SCPD respectfully requests more background regarding the regulation to clarify why anxiety was not included as a qualifying medical condition eligible for access to the entire Delaware Medical Marijuana Program. In addition, SCPD would like to know if enacting the regulation has a potential impact on the current availability of CBD Oil commercially outside of the medical marijuana context.

Thank you for your consideration and please contact the SCPD if you have any questions regarding our observations or recommendations on the proposed regulation.

cc: Dr. Karyl Rattay, MD – DPH
Paul Hyland, DPH/Office of Medical Marijuana
Laura Waterland, Esq.
Governor’s Advisory Council for Exceptional Citizens
Developmental Disabilities Council

24reg258-DPH Medical Marijuana 9-30-20

³ <https://www.marijuanamoment.net/feds-withdraw-health-grants-for-schools-that-allow-medical-marijuana-maine-official-says/>