



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
Margaret M. O'Neill Bldg., Suite 1, Room 311
410 Federal Street
Dover, Delaware 19901
302-739-3621

The Honorable John Carney
Governor

John McNeal
SCPD Director

MEMORANDUM

DATE: November 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. 485 [DPH Regulation 4470 State of Delaware Medical
Marijuana Code (November 1, 2020)]

The State Council for Persons with Disabilities (SCPD) has reviewed the Division of Public Health's (DPHs) final regulation pertaining to the Medical Marijuana Code. The final regulation was published as 24 DE Reg. 485 in the November 1, 2020 issue of the Register of Regulations. SCPD has the following observations.

First, SCPD requested additional information for why anxiety was not included as a qualifying condition eligible for access to the entire Delaware Medical Marijuana Program. In response, DPH explained that SB 170¹ established a CBD-Rich medical marijuana card for the treatment of anxiety or other conditions approved by DHSS for treatment with CBD-Rich medical marijuana. The proposed regulations were updated to conform to this law, which was signed by Governor

¹ <https://legis.delaware.gov/BillDetail/47770>

Carney on July 7, 2020. DHSS did not provide a direct response as to whether the Substance Abuse and Mental Health Services Administration's ("SAMHSA") restriction on funding for programs which advocate or supply medical marijuana as treatment has any bearing on the addition of anxiety as a qualifying condition.

Second, SCPD requested additional information regarding the regulation's potential impact on the current availability of CBD oil outside of the medical marijuana context. The response by DPH does not directly answer the question but provides that: "[c]ommercial CBD oil can be derived from hemp or medical marijuana strains rich in CBD. Compassion centers may use hemp-derived CBD as a lower cost alternative. The Office of Medical Marijuana requires that each batch of medical marijuana or hemp sold in a Delaware compassion center undergoes comprehensive testing for mold, fungus, and pesticides by batch or lot number."

SCPD appreciates DPH's responses to SCPD's questions; however, we are re-requesting information concerning the regulation's impact on CBD products 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 regulation.

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

24reg485-DPH medical marijuana 11-30-20