

DELAWARE

MEDICAL CANNABIS ACCESS STATE REPORT CARD 2015



Issue	Possible Points		
PATIENT RIGHTS & CIVIL PROTECTION (total)	100	94	
Arrest protection	40	40	
Affirmative defense	15	15	
Child custody	10	10	
DUID protections	5	0	
Employment	5	5	
Explicit privacy standards.....	7	7	
Housing protections	5	5	
Does not create new criminal penalties for patients	5	4	
Organ transplants	5	5	
Reciprocity	3	3	
EASE OF NAVIGATION (total).....	100	82	
Comprehensive qualifying conditions.....	50	46	
Adding new conditions (total).....	10	7	
Law/Regs allow for new conditions	5	5	
System works for adding new conditions.....	5	2	
Reasonable access for minors.....	10	8	
Reasonable caregiver background check requirements..	4	3	
Number of caregivers	2	2	
Patient/Practitioner focused task force/advisory Board ..	2	0	
Reasonable fees (patients & caregivers).....	10	7	
Allows multiple-year registrations	2	0	
Reasonable physician requirements.....	5	5	
Does not classify cannabis as medicine of last resort.....	5	4	
ACCESS TO MEDICINE (total)	100	63	
Allows distribution programs (total).....	40	30	
Allows access to dried flowers.....	15	15	
Allows delivery	5	5	
No sales tax or reasonable sales tax.....	5	5	
Reasonable number of dispensing facilities	5	1	
Does not require vertical integration	2	0	
Ownership/Employment restrictions	2	1	
Provisions for labor standards	2	0	
Environmental impact regulations	2	1	
Unrestricted choice of dispensary	2	2	
Non-commercial cultivation (total)	20	0	
Personal cultivation.....	15	0	
Collective gardens	5	0	
Explicit right to edibles/concentrates/other forms	10	5	
Does not impose limits or bans on THC	10	9	
Does not impose minimum CBD requirements.....	10	9	
Municipal bans/zoning	10	10	
FUNCTIONALITY (total).....	100	76	
Patients are able to obtain medicine.....	50	40	
Free of significant administrative or supply problems..	15	10	
Legal protections within reasonable time frame	10	8	
Reasonable possession limit (ounces)	5	5	
Reasonable purchase limits.....	5	4	
Allows patients to medicate where they chose	5	4	
Covered by insurance/state health aide.....	3	0	
Financial hardship (fee waivers/discount medicine).....	7	5	
PRODUCT SAFETY (total - see back for details).....	100	60	
Dispensing	25	17	
Cultivation	25	20	
Manufacturing	25	17	
Lab.....	25	6	
Improvement Bonus.....		10	
Total out of 500.....		385	
Score percentage		77	

Final Grade = C+

Areas for improvement: With one dispensary to serve the entire state, the Delaware medical cannabis program's biggest fault is obvious, and the solution is for the state to allow for more dispensaries and cultivation sites. In fact, the law permits the state to issue more dispensary licenses; however, under order of the governor, patients in the state are restricted to a single access point that is in one geographic corner of the state.

Background: In 2011, the Delaware state legislature approved Senate Bill 17, the Delaware Medical Marijuana Act, making it legal for a patient with a registry identification card to use and possess cannabis for medical purposes and designate a caregiver. Registered patients and designated caregivers may possess up to six (6) ounces of usable cannabis, but no personal cultivation is allowed. Qualifying patients and caregivers are protected from discrimination in the areas of employment, education, housing, parental rights, and medical care, including transplants. Delaware lawmakers adopted regulations for the Medical Marijuana Program in 2012; however, before the regulations were finalized, the program was suspended by Governor Jack Markell as the result of a letter sent he received from the U.S. Attorney for Delaware, threatening legal action against state employees. In August 2013, Gov. Markell lifted the suspension, and the Department of Health and Social Services completed the process of implementing regulations. The state's first compassion center opened in 2015, and they announced a call for applications for two additional dispensary licenses in 2016.

PRODUCT SAFETY point breakdown

(Point totals by section included in grade calculation on reverse)

Issue	Possible Points		
DISPENSING (total)	25	17	
Dispensary training	5	2	
Operating Procedures and Protocols.....	5	4	
Facility sanitary conditions	Y or N	N	
Storage protocols	Y or N	Y	
Reasonable security protocols	Y or N	Y	
Inventory control	Y or N	Y	
Recall protocol and adverse event reporting	5	3	
Product Labeling	5	3	
Product contents including source material ID	Y or N	Y	
Allergens	Y or N	N	
Potency/compound identification	Y or N	Y	
Required Testing	5	5	
Active ingredient identification	Y or N	Y	
Contaminants	Y or N	Y	
Potency	Y or N	Y	
CULTIVATION (total).....	25	20	
Cultivation training.....	5	3	
Standard Operating Procedures and Protocols	5	4	
Facility and equipment sanitary conditions	Y or N	N	
Workforce safety protocols	Y or N	Y	
Storage protocols (short and long term)	Y or N	Y	
Reasonable security protocols	Y or N	Y	
Batch and lot tracking	Y or N	Y	
Disposal/waste	Y or N	Y	
Water management	Y or N	N	
Pesticide Guidance and Protocols	5	4	
Pesticide guidance.....	Y or N	Y	
Product labeling	Y or N	Y	
Required testing.....	5	5	
Active ingredient identification	Y or N	Y	
Contaminants	Y or N	Y	
Potency	Y or N	Y	
Sample retention	Y or N	Y	
Recall protocol and adverse event reporting.....	5	4	
MANUFACTURING (total).....	25	17	
Manufacturing training	5	3	
Standard Operating Procedures and Protocols.....	5	4	
Facility and equipment sanitary conditions	Y or N	N	
Workforce safety protocols	Y or N	N	
Storage protocols	Y or N	N	
Reasonable Security protocols	Y or N	N	
Batch and lot tracking	Y or N	N	
Product Labeling	5	3	
Product contents with source material ID	Y or N	Y	
Allergens	Y or N	N	
Potency/compound identification	Y or N	Y	
Required Testing	5	4	
Active ingredient identification	Y or N	Y	
Contaminants	Y or N	Y	
Potency	Y or N	Y	
Shelf life testing	Y or N	N	
Sample retention	Y or N	Y	
Recall protocol and adverse event reporting:	5	3	
LABORATORY (total).....	25	6	
Lab operations training.....	5	2	
Method validation in accordance with AHP guidelines ..	5	0	
Result reporting - disclose the type of testing used.....	5	0	
Independent or third party certification.....	5	3	
Standard Operating Procedures and Protocols	5	1	
Equipment and instrument calibration	Y or N	N	
Sample tracking	Y or N	N	
Facility and equipment sanitary conditions	Y or N	N	
Disposal/waste protocols	Y or N	N	
Storage protocols	Y or N	N	
Workforce safety protocols	Y or N	N	
Total out of 100			60

Tools for Success:

Improving your state law has never been easier. In the appendix of this report you will find model legislation and regulators guides for product safety protocols. ASA staff are all also available to draft and/or review legislative and regulatory language. Our website has many resources online including access to our policy shop at http://www.safeaccessnow.org/policy_shop, information for regulators available at <http://patientfocusedcertification.org/about/information-for-regulators/> and a breakdown of all the state laws at http://www.safeaccessnow.org/state_and_federal_law.