



DELAWARE GENERAL ASSEMBLY  
STATE OF DELAWARE  
LEGISLATIVE HALL  
DOVER, DELAWARE 19901

## **Adult Use Cannabis Task Force**

**Wednesday, September 6, 2017**  
**10:00a.m. – 12:00p.m.**  
**House Majority Hearing Room, Legislative Hall, Dover**

### **Task Force Members Present:**

Representative Helene Keeley, House of Representatives  
Senator Margaret Rose Henry, Delaware State Senate  
Senator Bryant Richardson, Delaware State Senate  
Representative Steve Smyk, House of Representatives  
Dr. Clarence Watson, Division of Substance Abuse and Mental Health (DSAMH)  
Dr. Nicholas Biasotto, Medical Society of Delaware  
Mark Lally, President of the First State Compassion Center  
Jermaine Hatton, Delaware League of Local Governments  
John Sybert, Sussex County Advocate  
Cynthia Ferguson, New Castle County Advocate  
Tom Donovan, Kent County Advocate  
Secretary Rick Geisenberger, Department of Finance  
Robert Glen, State Bank Commissioner  
Brendan O'Neill, Office of Defense Services (ODS)  
Cathy Rossi, AAA Mid-Atlantic  
Tim Holly, Delaware State Chamber of Commerce Employer Advocacy & Education Committee  
Danielle Brennan, Office of the Attorney General  
Chief William Bryson, Delaware Police Chiefs' Council  
Director John Yeomans, Dept. of Safety & Homeland Security  
Jamie Mack, Division of Public Health (DPH)  
Tom Ogden, representing the Mayor of the City of Wilmington  
Kim Robbins, Delaware Pharmacist Society  
Michelle Jacobs, Department of Natural Resources and Environmental Control (DNREC)  
Deputy Secretary Kenneth Bounds, Department of Agriculture  
Dr. Jason Silversteen, Medical Marijuana Act Oversight Committee

Rep. Keeley, co-chair, brought the meeting to order at 10:02 a.m. and introduced herself to the group. Individuals present were asked to give brief introductions specifying their qualifications and the organization they're representing. Following that, Rep. Keely highlighted prescribed objectives for the taskforce, outlining specific cannabis-related topics the task force plans to

examine. She noted that a report of the committee's findings were due to the Governor and General Assembly by January 31, 2018.

Sen. Henry, co-chair, added that task force must develop a regulatory structure specifically crafted for Delaware and that the experience of other states, who've legalized recreational cannabis, would be useful in developing those guidelines. She reiterated that public safety would be a focal point of the taskforce and would be an overriding concern in terms of what the taskforce aims to accomplish.

Rep. Keeley anticipated that the first task force meeting would establish the committee's organizational structure and discuss the benefits and challenges in pursuing this work.

Sen. Richardson specified concerns regarding public safety and the introduction of a federally illegal substance.

Dr. Clarence Watson, representing the Division of Substance Abuse and Mental Health (DSAMH), highlighted concerns surrounding prevention and increasing the incidence of substance-use disorders. He acknowledged perceived benefits in decriminalization and a reduced burden on our criminal justice system. However, he reiterated the potential risk of individuals electing for self-medication over ailments that should be addressed with their primary care physician.

Dr. Nicholas Biasotto, representing the Medical Society of Delaware, stated his organization's opposition to the legislation, highlighting concerns with the lack of research and the designation of cannabis as a Schedule 1 drug.

Mark Lally, President of the First State Compassion Center, noted concerns of current medical marijuana patients and the need to maintain affordable prices on cannabis products.

Jermaine Hatton, representing Delaware's League of Local Governments, specified that the organization has not formally taken a position on the issue, but raised concerns regarding state mandates and the enforcement of those directives on a local level.

John Sybert, the appointed Sussex County Advocate, detailed troublesome issues with the illicit cannabis market and how state regulation would deter individuals from seeking such products in the illegal markets.

Cynthia Ferguson, the appointed New Castle County Advocate, compared the regulation of legalized recreational cannabis to alcohol, highlighting that 12 percent of Delawareans already identify as cannabis consumers.

Tom Donovan, the appointed Kent County Advocate, outlined the historical, longstanding relationship between cannabis and the United States. Further, he noted failures of decriminalization efforts and the advantage Delaware can gain by eliminating such regulatory burdens.

Secretary Rick Geisenberger, Department of Finance, stated interest in both the tax and fiscal design of legalized recreational cannabis, given the illegality of the drug from a federal standpoint and its volatility as a revenue source.

Robert Glen, State Bank Commissioner, raised concerns regarding current banking issues with marijuana dispensaries due to its federal designation and how that market would function should recreational cannabis become legal.

Brendan O'Neill, Chief Defender of the Office of Defense Services (ODS), recommended policies that would treat cannabis in a manner similar to alcohol. However, he also raised concerns regarding impaired driving and the lack of technological equipment needed to determine appropriate intoxication levels.

Cathy Rossi, representing AAA Mid-Atlantic, reiterated the need to make well-informed public policy, referencing unintended consequences from states that have legalized recreational cannabis and voiced AAA's opposition to recreational marijuana because of traffic safety challenges with driving impairment.

Tim Holly, representing the Delaware State Chamber of Commerce's Employer Advocacy & Education Committee, noted differences in employer requirements in regards to drug testing policies. He added that issues such as workplace safety, workers compensation and insurance all remain blurred given the potential legalization of recreational cannabis.

Danielle Brennan, representing the Office of the Attorney General, raised concerns regarding public safety and impaired driving. She highlighted conversations with individuals, in states that have legalized recreational cannabis, that have experienced an increase in cannabis-related car accidents since its enactment.

Chief William Bryson, representing the Delaware Police Chiefs' Council, reiterated concerns regarding impaired driving, technological equipment needed to perform roadside testing, and other unintended consequences.

Director John Yeomans, representing the Department of Safety & Homeland Security, highlighted concerns with roadside testing, impaired driving and the need for technological advancements before enacting such policies. He cited figures demonstrating a 26 percent increase in the number of cannabis-related crashes in Colorado. Moving forward, he hoped that the legislation would build in flexible components to account for sporadic changes in law enforcement and data collection.

Jamie Mack, representing the Department of Public Health (DPH), raised concerns regarding the long-term implications of marijuana use and the lack of research available to validate preliminary health benefits.

Rep. Smyk spoke in opposition of legalizing recreational cannabis, citing his district's resistance to such proposals and his background in law enforcement. He added that such policy decisions

were outpacing research currently available, which prevents legislators from making informed decisions on behalf of the constituents they serve.

Tom Ogden, representing the City of Wilmington, stated that the Mayor has no formal position on the issue and looks forward to discussing the matter in greater detail over the coming months.

Kim Robbins, representing the Delaware Pharmacist Society, stated concerns regarding consumer and patient safety. She cited studies indicating that cannabis produces over 300 different drug interactions with various medications, and that consumers need to be informed of such impact before engaging in recreational use.

Michelle Jacobs, representing the Department of Natural Resources and Environmental Control (DNREC), raised concerns about the cultivation-related issues of cannabis production and their implication on natural resources such as air quality.

Deputy Secretary Kenneth Bounds, representing the Department of Agriculture, issued various agronomic and regulatory concerns regarding cross-pollination and obtaining seeds without DEA permits.

Dr. Jason Silverstein, representing the Medical Marijuana Act Oversight Committee, highlighted firsthand benefits of medical cannabis demonstrated by patients, which vastly reduced their consumption of prescription medications. He cited long-term risks associated with both tobacco and alcohol, which wasn't as evident with cannabis. He added that legislation would reduce the overpopulation of our jails and allow law enforcement to allocate resources more efficiently.

Rep. Keeley thanked everyone for their remarks and reiterated the goals for the task force – developing the best regulations for the Legislature to make a well informed decision regarding legalized recreational cannabis. Following that, she outlined the organizational flow of subsequent task force meetings and the topics to be addressed each month.

Chief William Bryson asked whether appointed members could invite experts give presentations on preassigned cannabis task force topics at committee meetings.

Rep. Keeley responded that she would welcome experts who would offer an objective, nonpartisan presentation of information relating the legalization of recreational cannabis. She cautioned that the focus of the presentations would need to be geared towards carrying out the goal of the taskforce, and not the organizations' stance on the issue.

Sen. Henry added that materials would be available to task force members ahead of time to produce thoughtful discussion.

John Sybert recommended that presentations include factually objective sources that other members have access to.

Rep. Smyk agreed that it was important to present results of validated research currently available.

Brendan O'Neill asked for a clarification of topics to be discussed each month.

Rep. Keeley stated that October would be geared towards taxation, banking and regulations; November would examine consumer safety and local authority control, and December would address criminal law concerns. She indicated that she would be open to switching topics for the designated month if any issues arise.

Rep. Keeley opened the floor for public comment, each guest was given two minutes.

Jack Guerin stated his concerns regarding the regulatory structure of the legislation. Further, he noted issues with the projected fiscal estimate and recommended that the legislature consult other states for a more accurate figure.

Rep. Keeley thanked Jack for his comments, adding that she's been involved in numerous conversations geared at enhancing particular aspects of the legislation.

John Peterson highlighted concerns with rising medical marijuana cost and the need to keep cost affordable.

Karen Marion recommended that the legislation allow for the cultivation of industrial hemp.

Sen. Richardson restated his opposition to the legalization of recreational marijuana, referencing statistics showing the increase in cannabis-related car accidents and deaths in multiple states.

Rep. Keeley thanked everyone for their comments. She adjourned the meeting at 11:21 a.m.

**Attendance List:**

1. Karen Marion
2. Lisa Finn
3. Debbie Gottschalk (Division of Research)
4. Beth McLaughlin (DeICAN)
5. Jeff Horvath (Delaware Police Chiefs' Council)
6. Nelson Hill (UFCW Local 27)
7. Judith McDonald (Delaware NORML)
8. Jim Lardear (AAA)
9. Deputy Secretary Kimberly Chandler (Dept. of Safety & Homeland Security)
10. Christine Schiltz (Parkowski Guerke & Swayze)
11. Wayne Smith (DHA)
12. David Walsh
13. Rep. Jeff Spiegelman
14. Jack Guerin (UUDAN)
15. Mark Jacobs (DCAN)
16. Kyra Hoffner (DCAN)
17. Zoe Patchell (DE CAN)
18. Scott Goss (The News Journal)

19. Doug Curran (The News Journal)
20. Debbie Hamilton (Hamilton Goodman)
21. Lisa Goodman (Hamilton Goodman)
22. Nancy Willing (Self)
23. Ken Grant (AAA)