



Governor's Advisory Council for Exceptional Citizens (GACEC) 516 West Loockerman St., Dover, DE 19904
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December 20, 2019

Department of Education
Office of the Secretary
Attn: Regulation Review
401 Federal Street, Suite 2
Dover, DE 19901

RE: 23 DE Reg. 419/14 DE Admin. Code 877 [DOE Proposed Tobacco and Smoking Policy Regulation (December 1, 2019)]

Dear Secretary Bunting:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Department of Education (DOE) proposal to amend 14 DE Admin. Code 877 Tobacco Policy. This amendment will require school districts and charter schools to expand policies banning the use and distribution of tobacco products. The expanded ban would include a prohibition on "smoking," and will prohibit activities such as vaping. Council supports the proposed amendment and its alignment with the Delaware Clean Indoor Air Act; however, we would like to share one observation.

Council is concerned that the proposed amendment might prohibit utilizing medical marijuana through smoking on school grounds and property. The Delaware Medical Marijuana Act (16 Del. C. 49A) already prohibits smoking medical marijuana in a public place and using medical marijuana on school grounds, except for a limited exception involving medical marijuana oil. Medical marijuana oil can be administered in different forms, one of which is through smoking. Council would suggest the inclusion of a statement that these policies do not limit any treatment rights that may be afforded under 16 Del. C. 49A and are not designed to limit students' access to medical treatment as prescribed by their doctor.

Thank you for the opportunity to share our support of the proposed amendment and our observation and suggestion with you. Please contact me or Wendy Strauss at the GACEC office if you have any questions.

Sincerely,

Ann C Fisher

Ann C. Fisher
Chairperson

ACF: kpc

CC: Whitney Sweeney, State Board of Education
Mary Ann Mieczkowski, Department of Education
Emily Cunningham, Department of Education
Linnea Bradshaw, Professional Standards Board
Jenna Ahner, State Board of Education
Rae Mims, Esq.