



Governor's Advisory Council for Exceptional Citizens (GACEC) 516 West Loockerman St., Dover, DE 19904  
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October 28, 2024

Vicki Schultes, Hearing Officer  
Division of Public Health  
417 Federal Street  
Dover, DE 19901

**RE: 28 DE Reg. 279 DHSS Delaware Medical Marijuana Code Regulations (October 1, 2024)**

Dear Ms. Schultes:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Delaware Health and Social Services (DHSS) proposal to revise the Delaware Medical Marijuana Code regulations to provide clearer guidelines on how individuals can request and use medical marijuana registration identification cards (MMRIC). Council would like to share the following observations on the proposed revisions.

Council notes that there are changes to the regulations that could negatively impact individuals with disabilities. Under paragraph 5.5, the Department retains the right to deny applications on the grounds that the Department finds "information provided is false" from the application. The same paragraph states that those who are denied "shall not reapply for six (6) months from the date of denial, unless otherwise authorized by the Department . . . ." This language, and the subsequent related paragraphs, do not clarify the circumstances in which the Department may permit another application submission. Moreover, the regulation does not clarify whether those who submit applications containing false information due to **honest, unintentional** mistakes should be treated in the same manner as those who **intentionally** provide false and misleading information. Many individuals may not have the ability to provide proper documentation or may misunderstand application instructions and unintentionally offer false or out-of-date information. The rulemaking currently does not contain language distinguishing those who make a true mistake with those who provide false information intentionally, with the intent to deceive. Council would ask that language be added to clearly distinguish between intentional and unintentional mistakes and outline the consequences for each.

The regulation does not currently grant applicants who made a good-faith error in their submission, a timeframe within which to resubmit their application with the corrected information and documentation required. This would prevent denials of individuals who would otherwise be qualified, but for their good-faith error. Also, it is not clear what the Department would consider as grounds to authorize individuals to reapply in fewer than six months. DHSS has not provided examples of such grounds or further elaboration on the timeframes.

Lastly, Council is concerned about the recall plan compassion centers must create when they need to recall their product, under paragraph 16.1. The rulemaking does not ensure consistency and accessibility in these communications and guidance from DHSS on how the compassion centers must communicate their recall plans is not present. This rulemaking does not require compassion centers to communicate their recall plan in multiple manners, to meet Delawareans various communication methods and needs, to include physical letters, e-mail, phone calls and other means. Council would ask that accessibility of communication be addressed with this revision.

Thank you for your time and consideration of our request for clearer information and accessibility of communication. Please feel free to contact Pam Weir or me should you have any questions on our requests.

Sincerely,

*Ann C Fisher*

Ann C. Fisher  
Chairperson

ACF: kpc