

# **Adult Recreational Marijuana Legalization Act**

## **Significant Policy Changes from Previous Version**

- 1) **This bill is aimed at shutting down the marijuana black market in Delaware** by diverting demand from drug cartels and other illegal enterprises, and empowering law enforcement with the legal power necessary to ensure a safe, legal market for the cultivation, sale and use of marijuana in Delaware.
- 2) This bill would create a legal framework to regulate the production and sale of marijuana, **establishing a new industry that could create hundreds of good-paying jobs** throughout the state through a careful, controlled and reasonable process that would ensure fair access without straining budgets or regulatory resources.
- 3) This bill would build on pre-existing enforcement frameworks for a less-costly and conflict-free implementation.
  - a. It **empowers DATE (Delaware Alcohol and Tobacco Enforcement) to absorb marijuana enforcement** and create a separate, administrative Office of Marijuana Control Commissioner within DSHS. By relying on an existing state agency staffed by law enforcement officers already trained in the nuances of policing highly-regulated commercial products, this option will significantly curtail start-up costs, avoid potential conflicts of interest and ensure that consistent enforcement practices are applied across various industries.
- 4) This bill would promote **outdoor cultivation** through a **tiered licensing system** for indoor and outdoor cultivation, further opening the legal marijuana industry to our agricultural community. **(lines 713-729)**
- 5) This bill would create a tax policy that both generates revenue and eliminates black-market competition.
  - a. It would establish a marijuana control enforcement fee assessed at point of sale, which is more transparent to the buyer.
  - b. **This fee would be established at 15% (line 1064)** to compete with other states, and keep prices competitive with existing street values to snuff out the black market.
- 6) This bill would allow medical marijuana compassion centers, which already are operating under many of the provisions established in this legislation, to sell small amounts of recreational marijuana before retail licenses are awarded. This would be established while **requiring the Director of Medical Marijuana to set a reserve stock requirement for Medical Cardholders. The Director of Medical Marijuana is also permitted to halt these sales if they threaten availability for Medical Marijuana Card Holders. (lines 633-650)**
- 7) This bill would establish a **competitive licensing process** through the Office of Marijuana Control Commissioner using a scoring system that rewards applicants for

paying a living wage, providing employer-paid health insurance, providing a defined benefit pension plan, providing sick and paid leave to workers, hiring more full-time workers, focusing on diversity of workforce, and other factors. **(lines 465-486)**

- 8) This bill would allow for the expungement of many marijuana convictions predating the decriminalization of marijuana in 2015, so long as the individual has no convictions for violent felonies. This group of expungement eligible convictions includes misdemeanors and civil violations related to the following: possession, use, or consumption of marijuana and synthetic marijuana, and the possession of marijuana paraphernalia. **(Lines 1242-1253)**