

Delaware Medical Marijuana Program



DELAWARE HEALTH AND SOCIAL SERVICES
Division of Public Health
Medical Marijuana Program

Delaware Medical Marijuana Program Annual Report

Fiscal Year 2023

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<https://dhss.delaware.gov/dhss/dph/hsp/medmarhome.html>

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DELAWARE HEALTH AND SOCIAL SERVICES
Division of Public Health
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Delaware Medical Marijuana Program Annual Report

Program Year 11

July 1, 2022 - June 30, 2023 (State Fiscal Year 2023)

I. Executive Summary

According to published research, there is supporting evidence that the use of medical marijuana alleviates chronic neuropathic or cancer pain; reduces the use of opioids and analgesic enhancement for long-term pain management; lessens spasticity; and reduces nausea, vomiting, and weight loss associated with chronic debilitating conditions.¹

Marijuana is a psychoactive drug derived from the *Cannabis sativa* plant. Three primary compounds in cannabis are associated with health benefits. Some studies indicate that Tetrahydrocannabinol (THC) activates pathways in the central nervous system, which blocks pain signals to the brain.² THC is known to reduce nausea and stimulate appetites in both healthy and sick individuals. The medical effects of Cannabidiol (CBD) are anti-inflammatory, anti-pain, anti-anxiety, anti-psychotic, and anti-spasm effects without disconcerting lethargy or dysphoria. Scientific and clinical studies of CBD tie it to treatment for a wide range of conditions, including multiple sclerosis, rheumatoid arthritis, diabetes, alcoholism, chronic pain, schizophrenia, Post Traumatic Stress Disorder (PTSD), antibiotic-resistant infections, epilepsy, and other neurological disorders.¹ THC acid (THC-A) provides many of the same neurogenic and neuro-protectant benefits as Cannabidiol when used in a capsule or oil.³

To regulate the medical use of marijuana, the Delaware General Assembly passed Senate Bill 17, the Delaware Medical Marijuana Act, in May 2011. Governor Jack Markell signed the Delaware Medical Marijuana Act on May 13, 2011, and it became effective on July 1, 2011. It is now enabled in 16 *Del. Code*, Chapter 49A.⁴

The Delaware Department of Health and Social Services (DHSS), Division of Public Health (DPH) is charged with implementing the Delaware Medical Marijuana Act that regulates the medical use of marijuana in Delaware. DPH's Office of Medical Marijuana (OMM) operates the Delaware Medical Marijuana Program (MMP). This report documents the MMP's growth, challenges, accomplishments, and activities during its eleventh year, State Fiscal

¹ [Top Studies Proving Medical Marijuana Works \(cannamd.com\)](#)

² Greenwell GT. Medical marijuana use for chronic pain: risks and benefits. *J Pain Palliat Care Pharmacother.* 2012;26(1):68-9. doi: 10.3109/15360288.2011.652350. PMID: 22448949.

³ <https://www.ncbi.nlm.nih.gov/books/NBK425767/>

⁴ <http://delcode.delaware.gov/title16/c049a/index.shtml>

Year 2023 (FY23). This report is submitted as required by paragraph §4922A (b)⁵ of the Delaware Medical Marijuana Act.

This report provides the progression of the MMP with details including:

1. The number of applications and renewals filed for registry identification cards.
2. The number of qualifying patients and designated caregivers approved in each county.
3. The nature of the debilitating medical conditions of the qualifying patients.
4. The number of registry identification cards revoked for misconduct.
5. The number of physicians providing written certifications for qualifying patients.
6. The number of registered compassion centers.
7. An accounting of fees and costs.

Through OMM's series of annual reports, constituents, and other state MMPs can follow the development of the medical marijuana industry in Delaware and its milestones and benchmarks. This report and the preceding annual reports are posted to the MMP website, under the Forms and Annual Reports tab, at <https://dhss.delaware.gov/dhss/dph/hsp/medmaroc.html>.

The Delaware Medical Marijuana Act only permits the sale of medical marijuana from dispensaries named compassion centers. There are six compassion center companies in Delaware. DPH contracts with the companies that own the compassion centers to grow and sell medical marijuana in the state. Registered patients can purchase medical marijuana products from 12 retail locations.

In June 2015, Delaware opened its first medical marijuana dispensary, the First State Compassion Center (FSCC) in Wilmington. The grow facility is also located in Wilmington. In December 2015, DHSS published a request for proposals (RFP) to establish, open, and operate two new compassion centers, one each in Kent and Sussex counties. DHSS awarded contracts in September 2016 to Columbia Care for Kent County and in October 2016 to the FSCC for Sussex County. FSCC in Sussex opened their Lewes location in May 2017, using products grown in their Wilmington cultivation facility. Columbia Care opened their cultivation site in Milford and their dispensary in Smyrna at the end of June 2018. Acting on the advice of the Oversight Committee, the MMP offered the Compassionate Care Research Institute (CCRI) a contract to make more product available to the patients in New Castle County due to a greater level of demand based on the size of the patient population. CCRI opened their retail operation there in March 2019. In January 2020, Columbia Care was permitted to open retail locations in New Castle County and Sussex County to ease

⁵ <http://delcode.delaware.gov/title16/c049a/index.shtml>

congestion at the other locations. Addressing capacity and efficiency issues, First State Compassion closed its grow location in New Castle County and opened a larger capacity grow facility in Kent County during July 2020. In September 2020, a Request for Applications (RFA) HHS 20-016 was released to add additional capacity. Three vendors were chosen: Canntech Research, EZCure, and Valor Cannabis. EZCure, operating as “The Farm,” opened a Kent County retail location in August 2021 and opened a New Castle County retail location in July 2022. Canntech Research opened two retail locations under the name “Best Buds” in Kent County during August 2022 and in Sussex County in October 2022. Fresh Delaware opened a Sussex County retail location in January 2023. Valor Cannabis opened “Field Supply” retail in New Castle County in June 2023. Further information and locations of Delaware’s Compassion Centers can be found at <https://dhss.delaware.gov/dph/hsp/medmarcc.html>.

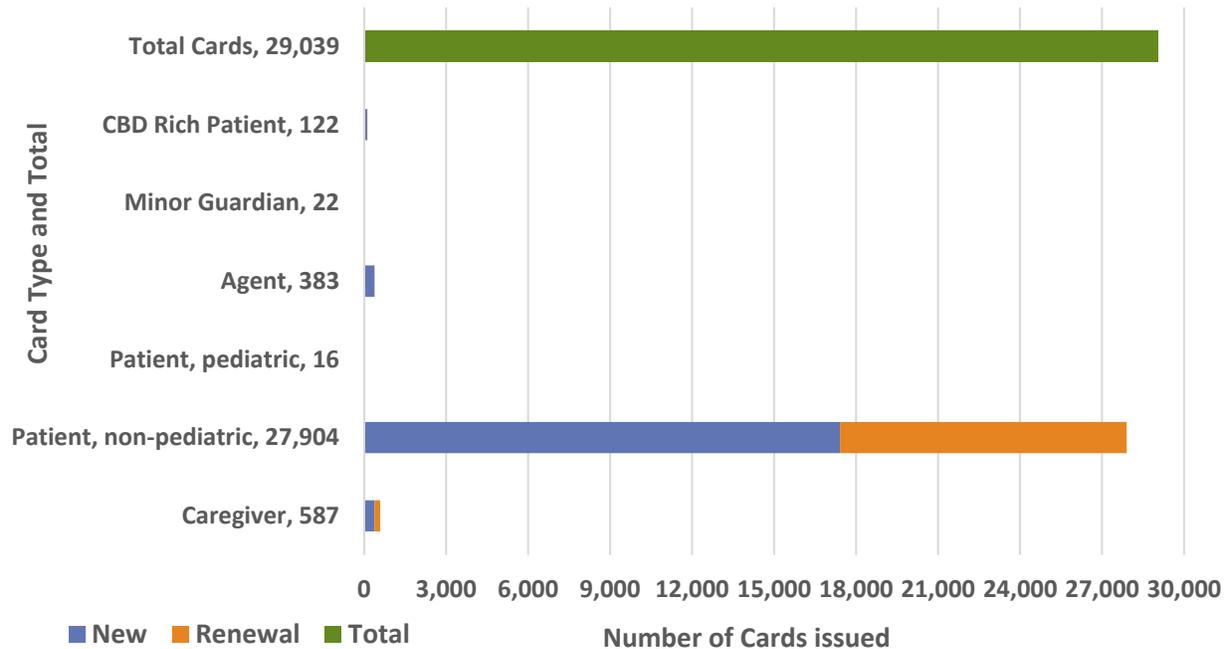
Across the United States, the landscape of marijuana or cannabis laws has continually changed. As of April 24, 2023, 38 states, three territories, and the District of Columbia allow the medical use of cannabis products. As of June 1, 2023, 23 states, two territories, and the District of Columbia allow marijuana sales for recreational uses. For the most current information on the rapidly changing status of marijuana laws nationwide, refer to the National Conference of State Legislatures website: <https://www.ncsl.org/research/health/state-medical-marijuana-laws.aspx>.

II. Overview

Only individuals who are issued a medical marijuana card via the Delaware Medical Marijuana Program (MMP) may purchase medical marijuana at a Compassion Center. During FY23, the Delaware Department of Health and Social Services (DHSS), Division of Public Health's (DPH) Office of Medical Marijuana (OMM) issued 29,039 registration cards, 14% more than the 24,859 issued in State Fiscal Year 2022 (FY22). As depicted in Figure 1, FY23's cards are categorized as follows:

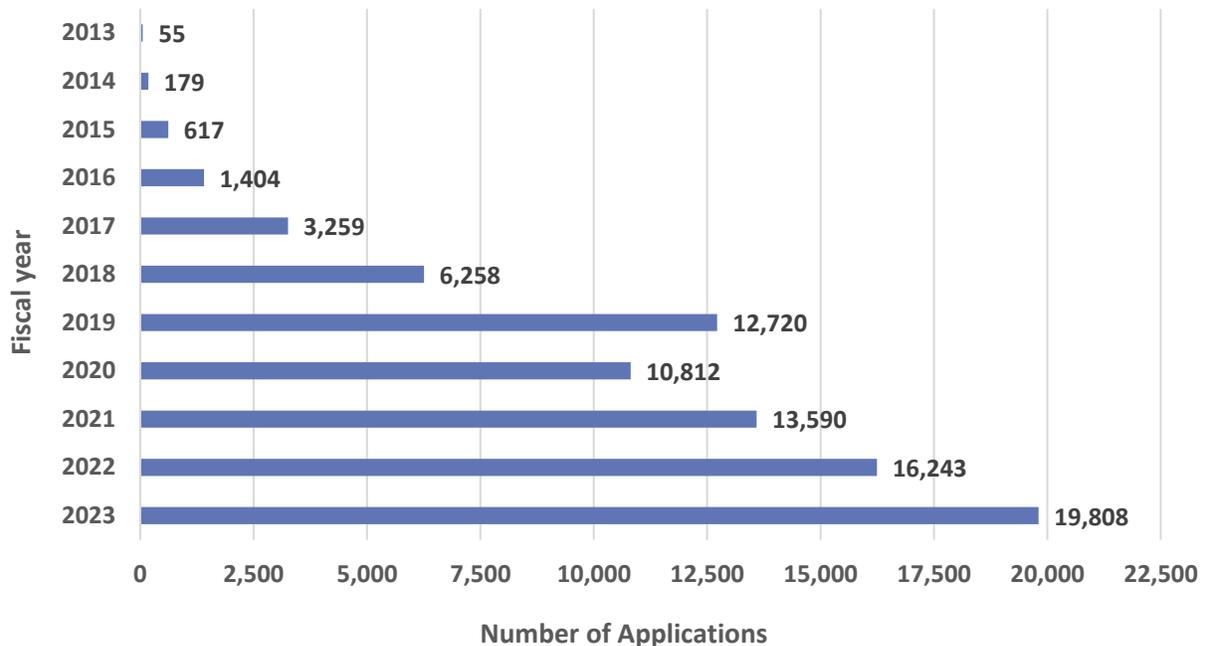
- 17,416 new patient cards (2022: 15,334)
- 10,488 patient renewal cards (2022: 8,445)
- 376 new caregiver cards (2022: 360)
- 211 caregiver renewal cards (2022: 191)
- Nine new pediatric cards (2022: 11)
- Seven pediatric renewal cards (2022: 8)
- 13 new Minor Guardian cards (2022: 16)
- Nine renewal Minor Guardian cards (2022: 10)
- 380 new agent cards (2022: 339)
- Three renewal agent cards (2022: 2)
- Four Compassionate Use Patient and Caregiver Cards (2022: 2)
- 122 CBD Rich Patient (2022: 141)

Figure 1. Medical Marijuana Program, Cards Issued by Type, Delaware, Fiscal Year 2023



Source: Delaware Department of Health and Social Services, Division of Public Health, Medical Marijuana Program Database, July 2023

Figure 2. Total Medical Marijuana Program Applications by Fiscal Year, Delaware, Fiscal Years 2013-2023



Source: Delaware Department of Health and Social Services, Division of Public Health, Medical Marijuana Program Database, July 2023

The Delaware Medical Marijuana Act requires revenue from the MMP to cover program expenses. In FY23, MMP spent \$623,870 on personnel and the costs of necessary equipment and supplies (Table 1). The difference in expenses between FY22 and FY23 can be attributed to the program obtaining a contract employee to reduce the application processing time. In addition, MMP executed a contract with a data analytics provider to increase efficiencies in inspections and inventory monitoring.

Table 1. Office of Medical Marijuana Program Revenue, Delaware, Fiscal Years 2022 and 2023

State Fiscal Year	Revenue	Expenses	Program Net
2022	\$1,059,551	\$516,440	\$543,111
2023	\$1,280,347	\$623,870	\$656,477

Source: State of Delaware, First State Financials System (FSF)

Application Revenue

OMM uses the reduced-fee policy outlined in DHSS Policy Memorandum 37, updated with revised figures from the federal poverty guidelines. The reduced fee is 50% of the full fee, equaling \$25 a year for qualifying low-income participants. In Fiscal Year 2023, 95% of the applicants (16,291) paid the full fee of \$50. Just under 5% (761) were approved for reduced fee waivers of \$25 (Table 2).

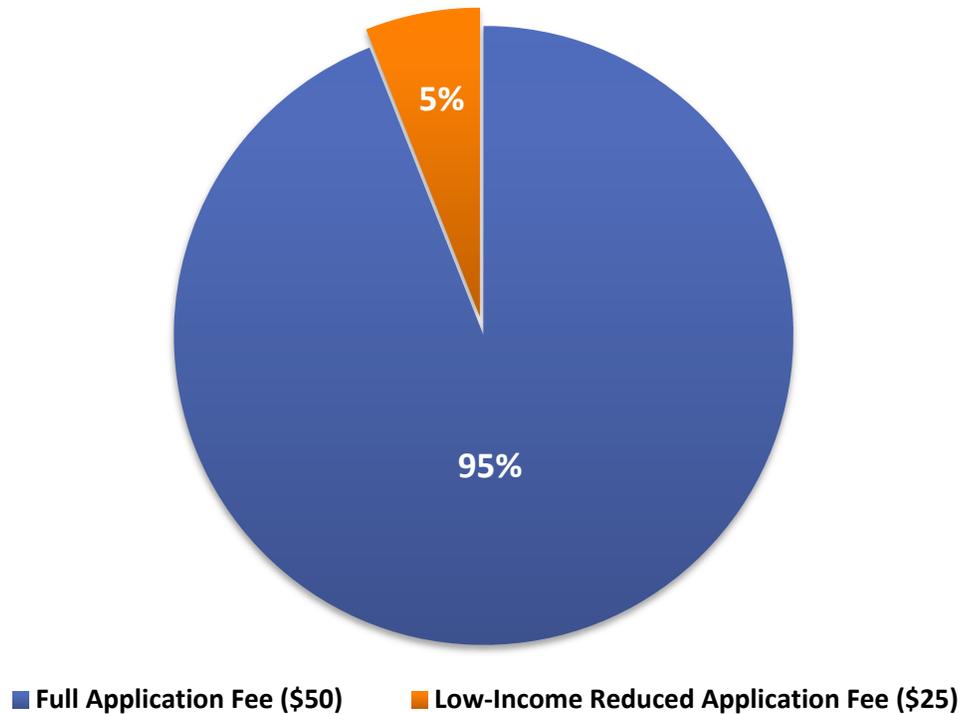
Table 2. Number and Percentage of Medical Marijuana Fees Collected, Delaware, Fiscal Years 2022 and 2023

State Fiscal Year	Full Fee \$50		Reduced Fee \$25	
2022	14,758	94%	971	6%
2023	16,291	95%	761	5%

Source: State of Delaware, First State Financials System (FSF)

In Fiscal Year 2023, 95% of the applications received included the full \$50 application fee (Figure 3). Five percent included a low-income charge request for the \$25 application fee.

Figure 3. Percentage of Medical Marijuana Applications Approved by Amount of Fees Paid, Delaware, Fiscal Year 2023



Source: Delaware Department of Health and Social Services, Division of Public Health, Medical Marijuana Program Database

III. Education and Outreach

While providing medicinal marijuana to patients is the most visible aspect of the MMP, an equally important aspect is to educate and inform stakeholders in a variety of settings and on a wide range of topics. Stakeholders include patients, law enforcement, advocates, and the medical community. The program receives many inquiries and requests for clarification on issues or procedures. OMM normally handles these issues over the phone or through the MMP website:

<http://dhss.delaware.gov/dhss/dph/hsp/medmarhome.html>. To address deeper issues or larger groups, the program does community outreach briefings.

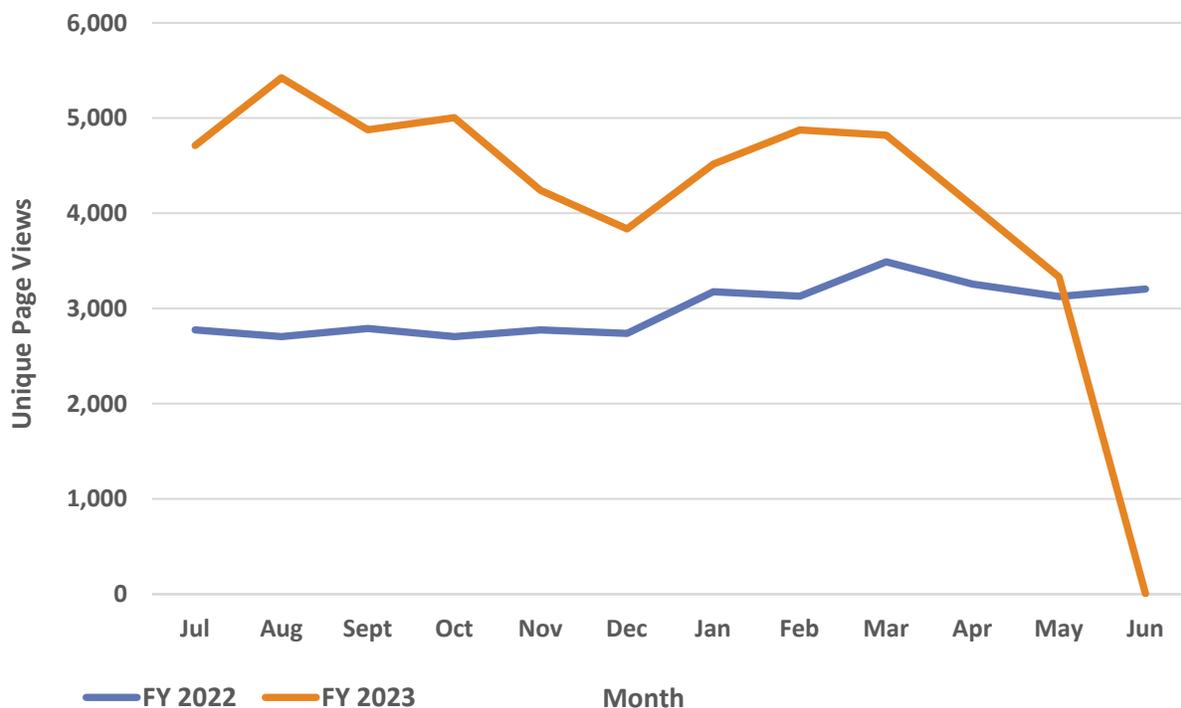
Inquiry Response

There are multiple ways stakeholders and constituents can ask questions about the MMP. There is a dedicated program phone number, 302-744-4749, and an e-mail address:

MedicalMarijuanaDPH@Delaware.Gov. In conjunction with DPH's Office of Communications, OMM developed Frequently Asked Questions (FAQ) for patients,

physicians, and law enforcement. The FAQs inform the stakeholders about application requirements for the program, qualifying debilitating medical conditions, details about the compassion center where patients can purchase medical marijuana, possession limits, caregiver responsibilities, and other protections, restrictions, and limitations. In the past two fiscal years, the OMM website averaged 3,566 unique page views per month (Figure 4). OMM did not receive any notification of system issues or shutdowns that can provide an explanation as to why only four unique page views were recorded during June 2023.

Figure 4. Number of Medical Marijuana Website Hits by Month, Delaware, Fiscal Years 2022 and 2023



Source: Delaware Department of Health and Social Services Internet site Internal Resource Management statistics, Fiscal Years 2022 and 2023.

Community Outreach

OMM is an active participant in the national debate concerning marijuana and its proliferation throughout the country.

OMM submitted inputs to the nationally recognized Cannabis Regulators Association (CANNRA) on several national issues including hemp and synthetically derived cannabinoids, banking concerns, and unregulated intoxicating hemp products. The CANNRA papers can be found at <https://www.cann-ra.org/white-papers-and-factsheets>.

IV. Legislative

In April 2023, the 152nd General Assembly passed two impactful bills, House Bill 1 (HB1) and House Bill 2 (HB2). HB1 is an Act to amend Title 16 of the Delaware Code relating to marijuana that removes all penalties for use or possession of a personal use quantity of marijuana and marijuana accessories for those of age 21 years or older. The definition of "personal use quantity" of marijuana is updated to include not only one ounce or less of leaf marijuana, but also equivalent amounts of marijuana product in other forms. The statute specifies certain activities which remain unlawful, and states that when transporting in a vehicle, items must be in a closed container or otherwise not readily accessible to anyone inside the vehicle. <https://legis.delaware.gov/BillDetail?LegislationId=129970>

HB2 created the Delaware Marijuana Control Act which will regulate and tax adult use of marijuana. While HB2 does not change the Medical Marijuana Program (MMP), it is reasonable to expect a substantial reduction in MMP's patient population once the adult use retail locations open. Medical marijuana sales will not be taxed; however, the adult use, also known as recreational use, sales of marijuana will have a 15% sales tax applied at retail. <https://legis.delaware.gov/BillDetail?LegislationId=129969>

For Medical Marijuana Act regulations, proposed changes, previous changes, and contact information, visit the OMM website:

<http://dhss.delaware.gov/dph/hsp/medmarocreg.html>.

Quality Control and Testing

Regarding testing, the law refers to potency and "contaminants," which state law does not define. DPH determined, as part of the regulatory process, that in addition to the obvious need to prevent mold, fungi, and insect infestations during the medical marijuana growing process, pesticides should also be prohibited. As a result, the use of pesticides in Delaware's growing process is prohibited. All companies that wish to open a compassion center in Delaware must articulate in their applications how they will grow the product without using pesticides and how they will prevent mold, fungi, and insect infestations. All products are tested prior to being sold.

To ensure that Delaware patients receive safe and consistent marijuana products that are free of pesticides and other contaminants, OMM contracts with the High Tide Lab Company of Camden, Delaware. The company, which holds an ISO 17025 accreditation, began testing marijuana products sold in Delaware in January 2017. High Tide Lab Company utilizes gas and liquid chromatography to obtain cannabinoid profiles. Gas chromatography-mass spectrometry is used to test for residual solvents and pesticides, including terpene analysis. Terpenes play a role in the way Tetrahydrocannabinol (THC) and cannabidiol (CBD) act on

the endocannabinoid system when consumed for medicinal purposes.⁶ This impacts product effectiveness in delivering medicinal results such as pain relief. The compassion centers are tested weekly, and the program receives the reports upon completion.

In late 2022, High Tide Lab purchased a replacement Inductively Coupled Plasma Mass Spectrometry (ICP-MS) instrument, which tests for heavy metals in products. Historically, the program only conducted random heavy metals testing, with the purpose of spot-checking products for potential safety issues. The testing results thus far in Delaware have been very encouraging as no sample tested has failed. High Tide decided investing in a new ICP-MS was important. The older unit would be too expensive to operate under the increased sample testing conditions as expansion of grow operations are occurring to keep up with the product supply needs within the state.

Compliance Activities

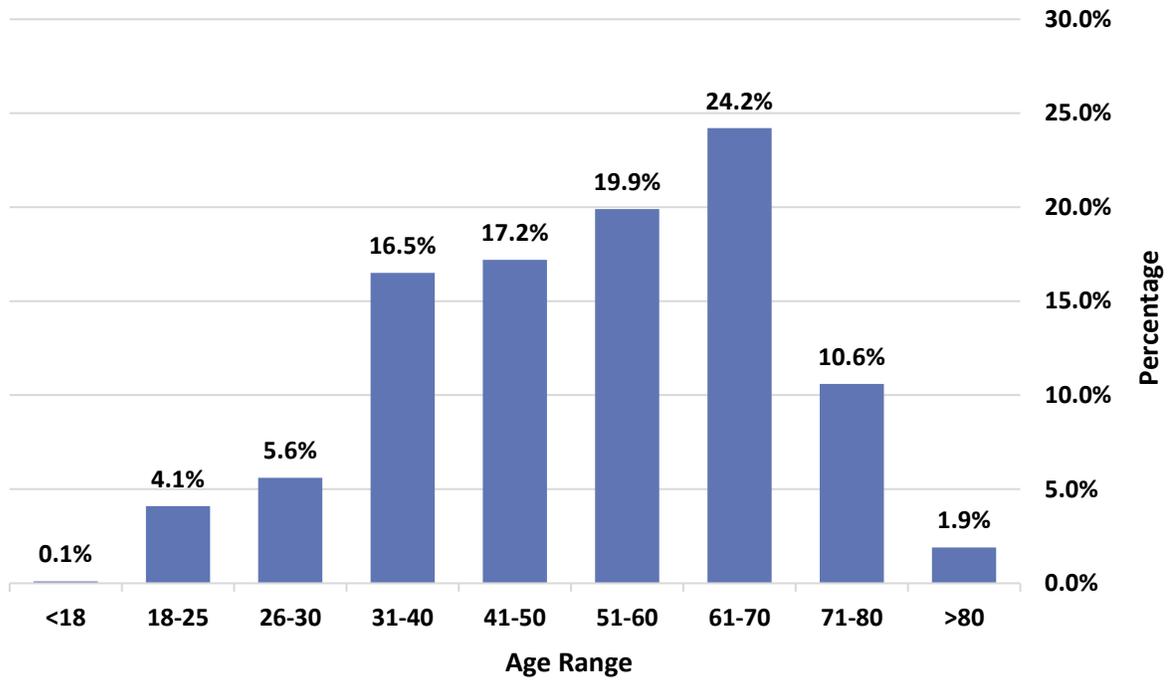
The MMP revoked one patient card for diversion of medical marijuana products in FY23. Another 232 applications were denied for various administrative reasons. Most of the applications were incomplete, lacked adequate documentation, or had unqualified signatures on the provider certification.

Participating Patients and Advocates Demographics

During FY23, DPH's Office of Medical Marijuana issued 29,039 registration cards to participating program patients and advocates. Participating patients range in age from younger than 18 years old, with representation by an advocate, to over 80 years old. The highest percentage of the patient population, 24.2%, is among ages 61 to 70 years (Figure 5). Fifty-three percent of the patient population is composed of females (Figure 6). Geographically, New Castle County accounts for 49% of patients, Sussex County accounts for 32%, and Kent County accounts for 19% (Figure 7).

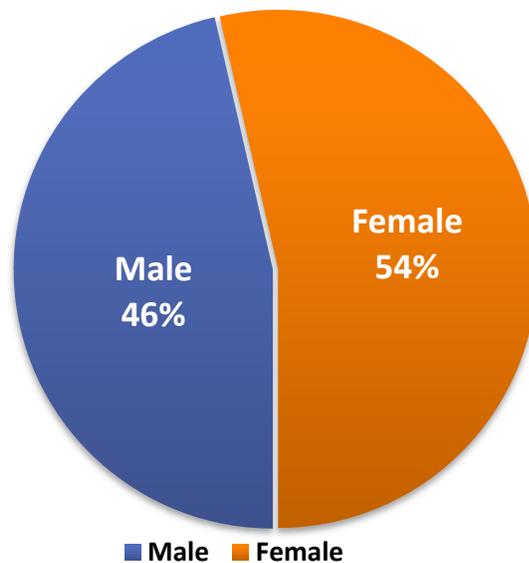
⁶ [Using Gas Chromatography for Accurate Terpene Analysis in Cannabis \(cannabissciencetech.com\)](https://cannabissciencetech.com)

Figure 5. Percentage of Medical Marijuana Program Patient Population by Age, Delaware, Fiscal Year 2023



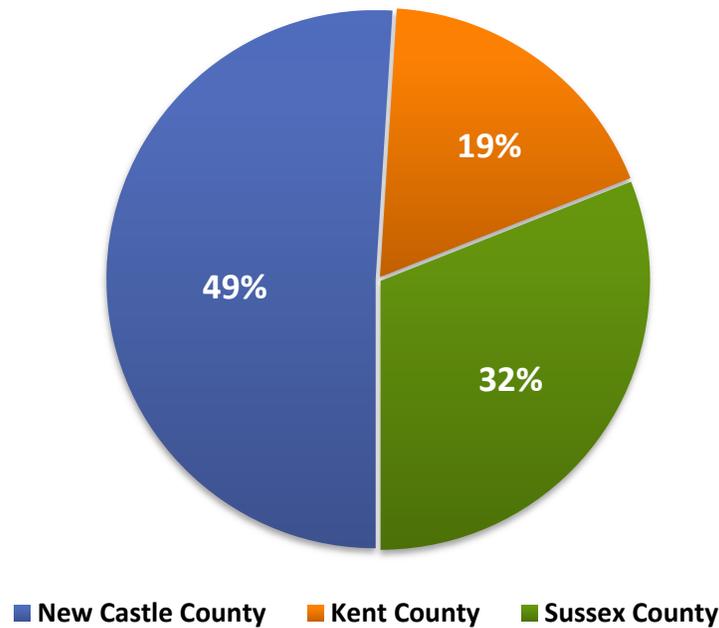
Source: Delaware Department of Health and Social Services, Division of Public Health, Medical Marijuana Program Database

Figure 6. Percentage of Medical Marijuana Program Patient Population by Gender, Delaware, Fiscal Year 2023



Source: Delaware Department of Health and Social Services, Division of Public Health, Medical Marijuana Program Database

Figure 7. Medical Marijuana Program Patients by County of Residence, Delaware, Fiscal Year 2023

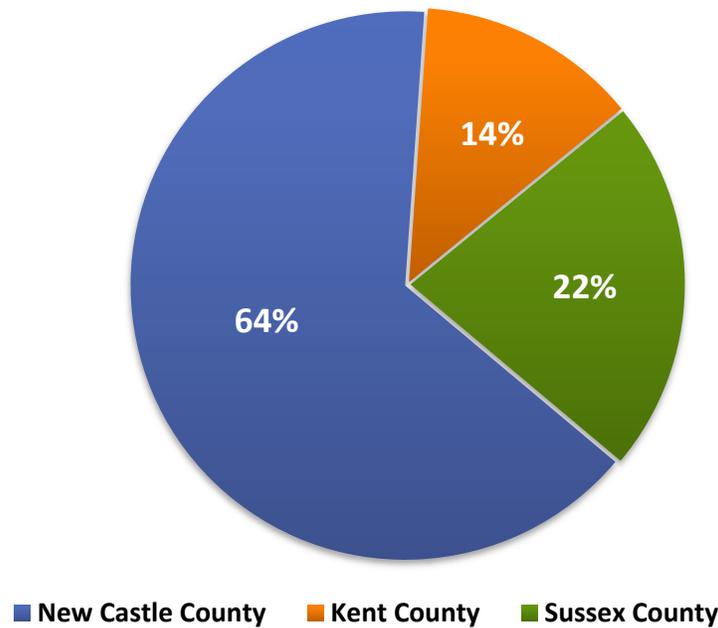


Source: Delaware Department of Health and Social Services, Division of Public Health, Medical Marijuana Program Database.

Participating Physicians

Numerous Delaware medical professionals are participating in the program by completing and signing the medical professional’s certification form for their patients. Of the participating medical professionals, 446 (64%) have offices in New Castle County, 151 (22%) have offices in Sussex County, and 100 (14%) have offices in Kent County (Figure 8).

Figure 8. Percentage of Medical Professionals Participating in the Medical Marijuana Program, by County, Delaware, June 30, 2023



Source: Delaware Department of Health and Social Services, Division of Public Health, Medical Marijuana Program Database

Active Patient Debilitating Conditions

In 2017, The National Academies of Sciences, Engineering and Medicine issued *The Health Effects of Cannabis and Cannabinoids*,⁷ a report showing the therapeutic value of marijuana in treating a wide array of debilitating medical conditions. These include relief of chronic neuropathic or cancer pain; reduced use of opioids and analgesic enhancement for long-term pain management; less spasticity; and reduced nausea, vomiting, and weight loss associated with chronic debilitating conditions. Medical marijuana products may include the following cannabis compounds:

- THC activates pathways in the central nervous system that block pain signals to the brain. It reduces nausea and stimulates appetites in healthy and sick individuals.
- CBD reduces inflammation, pain, and anxiety without spasms, and treats some psychiatric conditions without lethargy, dysphoria, or feeling “high.”
- THC-A is another cannabis product that comes in an oil or capsule. THC-A provides many of the same neurogenic and neuro-protectant benefits as CBD.

⁷ [The Health Effects of Cannabis and Cannabinoids - NCBI Bookshelf \(nih.gov\)](#)

Patients interested in using medical marijuana to address conditions should discuss the issue with their medical professional.

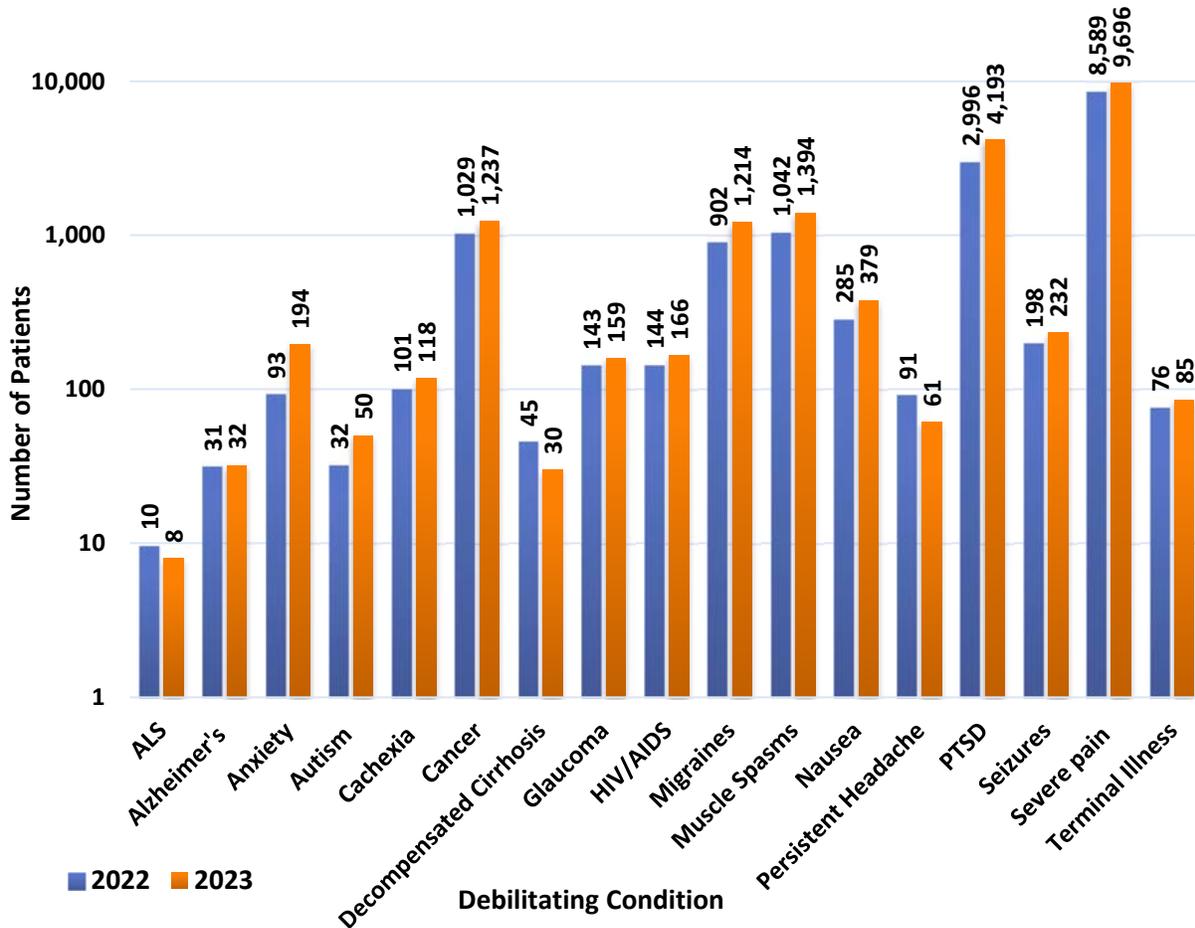
Section 2.0 of the State of Delaware Medical Marijuana Code lists the MMP qualifying debilitating medical conditions, under “Definitions of the regulations.”⁸ That list currently includes the following medical conditions or treatment of these conditions:

- Cancer
 - Terminal illness
 - Positive status for human immunodeficiency virus (HIV)
 - Acquired immune deficiency syndrome (AIDS)
 - Decompensated cirrhosis
 - Amyotrophic lateral sclerosis (ALS or Lou Gehrig’s Disease)
 - Post-traumatic stress disorder (PTSD)
 - Agitation of Alzheimer’s disease
 - Autism with aggressive behavior
 - Chronic debilitating migraines
 - New daily persistent headache
 - Glaucoma.
- A chronic or debilitating disease or medical condition, or its treatment, which produces one or more of the following:
 - Cachexia or wasting syndrome
 - Severe, debilitating pain that has not responded to previously prescribed medication or surgical measures for more than three months or for which other treatment options produced serious side effects
 - Intractable nausea
 - Seizures/Intractable Epilepsy
 - Severe and persistent muscle spasms, including but not limited to those characteristics of Multiple Sclerosis.

⁸[http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Public%20Health/Health%20Systems%20Protection%20\(HSP\)/4470.shtml#1057590](http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Public%20Health/Health%20Systems%20Protection%20(HSP)/4470.shtml#1057590)

In FY22 and FY23, the three most common debilitating medical conditions among qualifying patients were severe, debilitating pain; PTSD; and muscle spasms. Figure 9 shows the number of active patients for each qualifying debilitating medical condition.

Figure 9. Number of Medical Marijuana Program Patients by Debilitating Conditions, Delaware, Fiscal Years 2022 and 2023



Source: Delaware Department of Health and Social Services, Division of Public Health, Medical Marijuana Program Database, July 2023.

Financial Analysis

The Delaware Medical Marijuana Act requires revenue from the MMP to cover program expenses (Tables 3 and 4). Card revenue grew from \$819,550 in FY22 to \$920,347 in FY23, increasing \$100,797; the 11% increase is a result of more patients entering the program. Compassion Center fees rose from \$240,000 in FY22 to \$360,000 in FY23; the 33% increase of \$120,000 is directly due to the opening of additional new compassion centers.

Table 3. Medical Marijuana Program Revenue and Expenses, Delaware, Fiscal Year 2022

FY22	Revenue	Expense
Registration Card Application and Replacement Fees Paid	\$819,550	
Compassion Center Fees	\$240,000	
Total Revenue	\$1,059,550	
Employee Expenses		\$364,183
Communications (postage, telecom, etc.)		\$16,434
Contract and Professional Services (legal notices, etc.)		\$21,147
Maintenance and Supplies (software maintenance, card supplies)		\$21,338
IT Equipment and Software		\$87,238
State Personnel Charges		\$6,100
Total Program Expenses		\$516,440

Source: State of Delaware, First State Financials System (FSF)

Table 4. Medical Marijuana Program Revenue and Expenses, Delaware, Fiscal Year 2023

FY23	Revenue	Expense
Registration Card Application and Replacement Fees Paid	\$920,347	
Compassion Center Fees	\$360,000	
Total Revenue	\$1,280,347	
Employee Expenses		\$393,039
Travel		\$1,819
Contract and Professional Services (legal notices, etc.)		\$169,771
Maintenance and Supplies (software maintenance, card supplies)		\$28,415
IT Equipment and Software		\$30,826
State Personnel Charges		
Total Program Expenses		\$623,870

Source: State of Delaware, First State Financials System (FSF)

V. Program Summary and Future

Fiscal Year 23 focused on the expansion of capacity and accessibility of marijuana products. This fiscal year, the MMP added five retail locations. During August 2022, The Farm opened a retail location in New Castle County and Best Buds opened a retail location in Kent County. In October 2022, Best Buds opened a retail location in Sussex County. Fresh Delaware opened a retail location in Sussex County during January 2023 and Valor Cannabis opened the retail site called Field Supply in June 2023. OMM also approved Fresh Delaware's plans to open a new retail location in Kent County; this retail location in Milford is expected to be operational in December 2023 or January 2024.

OMM identified two remaining areas within Delaware, the Middletown and Ocean View areas, as having limited access to dispensaries, requiring further travel distances for program participants to obtain their products. OMM plans to continue monitoring these areas for future program expansion.

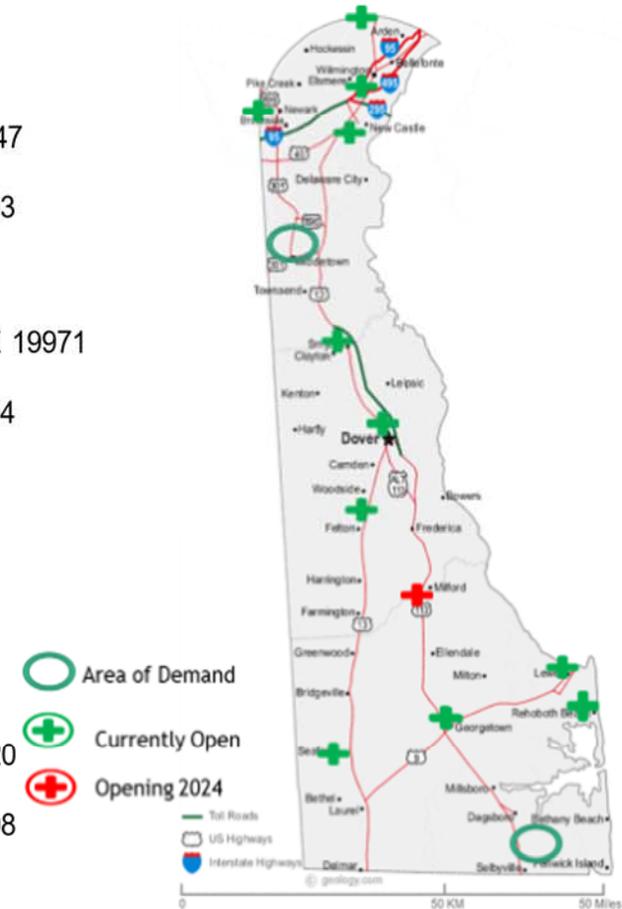
During Fiscal Year 23, the MMP increased heavy metals and mycotoxin sample testing through High Tide Lab.

After the passage of HB1 and HB2, OMM had several meetings with the Delaware Department of Safety and Homeland Security (DSHS) and the Division of Alcohol and Tobacco Enforcement (DATE) which will be responsible for regulating adult use marijuana. HB2 created the Office of Marijuana Commissioner which will be responsible for regulating and licensing adult use marijuana establishments.

VI. Medical Marijuana Program Retail Locations in Delaware

MMP Retail Locations

- | | | |
|---------------------------------|----------------------|--------------------------|
| • Best Buds (CannTech) | 516 Jefferic Blvd. | Dover, DE 19901 |
| • Best Buds (CannTech) | 23 Georgetown Plaza | Georgetown, DE 19947 |
| • Columbia Care Delaware | 5608 Concord Pike | Wilmington, DE 19803 |
| • Columbia Care Delaware | 200 S. Dupont Hwy. | Smyrna, DE 19977 |
| • Columbia Care Delaware | 36725 Bayside Outlet | Rehoboth Beach, DE 19971 |
| • First State Compassion | 37 Germay Dr. | Wilmington, DE 19804 |
| • First State Compassion | 12000 Old Vine Blvd. | Lewes, DE 19958 |
| • Fresh Delaware | 800 Ogletown Rd. | Newark, DE 19911 |
| • Fresh Delaware | 22982 Sussex Hwy. | Seaford, DE 19973 |
| • The Farm | 105 Irish Hills Rd. | Felton, DE 19943 |
| • The Farm | 240 S. DuPont Hwy. | New Castle, DE 19720 |
| • Valor Cannabis | 4555 Kirkwood Hwy. | Wilmington, DE 19808 |



Source: Delaware Department of Health and Social Services, Division of Public Health, Medical Marijuana Program Database, July 2023.