



# Delaware HB 1: Legalizing Simple Possession Bill Summary

[HB 1](#), sponsored by Rep. Ed Osienski, would make possession of a limited amount of cannabis legal for adults 21 and older under Delaware state law.

A separate bill, HB 2, would legalize and regulate cultivation and sales.

The House passed both bills during the week of March 7 in 28-13 and 27-13 (with one absent) votes. On March 28, the Senate passed HB 1 in a (16-4) vote. The chamber also passed HB 2 (15-5). The bills are now awaiting consideration from Governor John Carney (D).

## Adult-Use Possession and Sharing

- Adults who are 21 and older could possess up to one ounce of cannabis, 12 grams of concentrated cannabis, or products with 750 grams or less of delta-9 THC.
- Adults could also share up to the possession limit with other adults. It would not be legal to “gift” cannabis if the “gift” is linked in any way or advertised alongside a purchase.

## Prohibited Conduct and Penalties

- Home cultivation is not allowed.
- Driving under the influence of cannabis remains illegal.
- Consuming cannabis in public or in a moving vehicle remains illegal and carries a penalty fine of up to \$200, imprisonment for up to five days, or both.
- Cannabis in a moving vehicle must be stored in a closed container not readily accessible to anyone in the vehicle.