



# The Delaware Medical Marijuana Act

## What does the Delaware Medical Marijuana Act do?

The Delaware Medical Marijuana Act (Title 16 Ch. 49 A) removes penalties for medical cannabis and provides qualifying patients with access to regulated, lab-tested cannabis. The law took effect on July 1, 2011, and several favorable revisions have been made since then.

Patients are not allowed to grow their own medicine, but they may possess and purchase up to six ounces of marijuana. As of early 2025, [13 compassion centers](#) (which grow and dispense medical marijuana) are operating in the state. Compassion centers will be allowed to apply to also serve adult-use consumers in 2025.

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**Qualifying for medical use:** In 2024, the Legislature and governor approved a bill (HB 285) removing the list of qualifying conditions and making other improvements. Now, physicians, advanced practice registered nurses, and physician assistants may sign certifications that a patient has a diagnosed medical condition for which they would receive therapeutic or palliative benefit from the use of marijuana. Patients 65+ may self-certify without a healthcare provider's certification.

Patients must submit a completed application, including a copy of the written certification from a healthcare practitioner (for patients under 65) or self-certification (for patients 65 and older). Then, regulators issue an ID card after verifying the information.

As of January 2025, the program is migrating to a new regulatory authority — the [Office of the Marijuana Commissioner](#) — which also regulates adult-use cannabis.

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**Compassion centers (dispensaries):** Delaware's law does not allow patients or caregivers to grow marijuana at home. Patients may purchase cannabis at state-regulated compassion centers, which also cultivate medical marijuana. Home delivery is also allowed. All compassion centers are subject to inspection, and all of their staff must undergo background checks. Compassion centers may not advertise medical marijuana sales in print or broadcast and may not share office space with physicians. The law also creates an additional felony with a possible two-year prison term and a \$2,000 fine to punish anyone who sells medical marijuana to someone unauthorized to possess it.

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**Possession and purchase limits:** Registered patients may possess up to six ounces for their medical use. Caregivers, who may serve up to five patients, can pick up medicine for very ill, homebound patients and possess it on their behalf. Compassion centers may only dispense three ounces to a patient every 14 days, and a patient may only register with one compassion center.

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**Patient medical necessity affirmative defense:** Delaware’s law provides a medical necessity affirmative defense that can be raised in limited circumstances by patients who have submitted valid applications for medical marijuana IDs but have yet to receive them. The defense prevents a conviction, but not a citation or arrest.

**Differences between medical cannabis program and adult-use legalization:** In addition to Delaware’s medical cannabis law, cannabis is now legal for adults 21 and older under state law.

There are some advantages for patients to enroll in the medical cannabis program:

- It has a larger possession limit (up to six ounces rather than up to one ounce)
- Registered patients may purchase cannabis without the excise tax that will apply to adult-use cannabis (it is unclear if tax-free purchases will be allowed at all retailers or just at compassion centers; MPP advocates for patients to be allowed to buy cannabis tax-free at all retailers)
- The medical law includes some non-discrimination protections that were not included in the adult-use law. It prohibits discrimination by schools, landlords, and employers, as well as discrimination in respect to organ transplants, other medical care, and custody or visitation, unless an exception applies. Employers generally cannot penalize patients for a positive drug test for marijuana.
- For patients who travel, several medical-only states have legal protections for patients registered in other states. (Be sure to check details of the law, including the possession limits. In some cases, this is limited to those who have a medical condition that qualifies in the state they are visiting. Some states also require registration)