



## PRESS RELEASE

Stephanie McClellan, MBA, MSN, RN, CMSRN, NE-BC  
**President**

Christopher E. Otto, MSN, RN, CCRN  
**Executive Director**

FOR IMMEDIATE RELEASE  
302-733-5880  
contactdna@denurses.org

## Delaware Nurses Association Statement on Recent Legislative Action Related to Marijuana

NEWARK, DE – April 26, 2023 – The State of Delaware 152nd General Assembly, confirmed by Delaware Executive Branch action, recently passed House Bill 1 and House Bill 2 related to personal use of marijuana. The Delaware Nurses Association (DNA) has no official position on these actions. We seek to inform Delaware’s nurses, and other healthcare workers, about these changes, implications for the profession, and future actions. Nurses and the DNA have a long history of patient and public advocacy for autonomy and self-determination related to health care decisions. DNA advocated for legislative action that resulted in the ability of Advanced Practice Registered Nurses and Physician Assistants to prescribe medical marijuana for their adult patients. DNA affirms the American Nurses Association (ANA) position statement ([Therapeutic use of Marijuana and Related Cannabinoids](#)) and recommendation that marijuana be reclassified as a Schedule II controlled substance at the federal level for purposes of facilitating research.

[House Bill 1](#) removed “all penalties for use or possession of a personal use quantity of marijuana and marijuana accessories and specifies that the adult sharing of a personal use quantity or less of marijuana is legal activity for those 21 years of age or older and that those 21 or older may possess, use, display, purchase, or transport accessories and personal use quantities of marijuana without penalty within the State of Delaware.” [House Bill 2](#), the Delaware Marijuana Control Act, “regulates and taxes marijuana for recreational use in much the same manner as alcohol. It creates a framework for production, manufacture, and sale in a legal recreational marijuana industry.” With legislative and regulatory changes, DNA encourages and provides resources, as able, to support Delaware nurse’s self-education. Delaware nurses and healthcare professionals are encouraged to learn about the changes and implications for self, patients, and community.

DNA affirms and calls upon nurses to know what has not changed regarding the regulation, practice, and accountability of professional nursing. Possession and/or consumption of marijuana, in any form, is a federal crime. In Delaware, production, distribution, possession and/or consumption of marijuana in quantities over the defined “personal use quantity” is illegal. Furthermore, changes established in House Bill 1 and 2 have no impact nor bearing on our legal, regulatory, and ethical principles as professional nurses. This legislation has not changed our nurse practice act, rules and regulations, nor organizational policies regarding marijuana. Delaware nurses are strongly encouraged to review,

understand, and seek clarification on the regulations and policies that govern our practice, profession, and employment.

Stephanie McClellan, MBA, MSN, RN, CMSRN, NE-BC, stated, “DNA and Delaware nurses recognize the societal significance of the recent legislative changes to marijuana in our state. We anticipate these actions will have an impact on economic development, patient access to marijuana for alleviation of pain and other symptoms, and the halting of over criminalization of marijuana that has disproportionately affected black, indigenous, and persons of color’s communities for decades. Our message to Delaware nurses is simple. The legal, regulatory, and ethical principles guiding our profession have not changed.”

“We are establishing a subgroup of our Advocacy Committee to further develop and implement a policy position and guidance document for Delaware’s nurses. This will serve as a resource for nurses practicing in Delaware to help keep them informed on laws related to medical and recreational use of marijuana in the First State,” stated Christopher E. Otto, MSN, RN, CCRN, Executive Director.

#### Additional Resources

- [Delaware Nurse Practice Act \(Delaware Code, Title 24, Chapter 19\)](#)
- [Delaware Nurse Rules & Regulations \(Delaware Administrative Code, Title 24, Section 1900\)](#)
- [National Council of State Boards of Nursing Guidelines for the Nursing Care of Patients Using Marijuana.](#)
- [American Nurses Association Position Statement on Therapeutic use of Marijuana and Related Cannabinoids.](#)
- [American Cannabis Nurses Association – Homepage.](#)

#### **ABOUT THE DELAWARE NURSES ASSOCIATION**

Found in 1911, DNA is the premier leading professional association bringing together, and advancing the profession of nursing for over 100 years, creating healthier communities for all Delawareans. We are the only professional association in Delaware representing all Licensed Practical Nurses, Registered Nurses, and Advanced Practice Registered Nurses. We continue to advance health through the art and science of nursing supported by diverse members, advocacy, influence, professional development, generation of new knowledge, communication, service, and history.

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