

## **Delaware Senate Passes Hospital Medical Cannabis Bill**

### **Delaware Senate Unanimously Approves Bill Allowing Terminally Ill Patients To Use Medical Marijuana Inside Hospitals**

The Delaware Senate has unanimously approved legislation that would allow terminally ill patients to use medical cannabis while receiving care in hospitals.

Lawmakers passed the bill—SB 226—by a 21–0 vote on Thursday after it advanced through the Senate Health & Social Services Committee with a clarifying amendment. The proposal, introduced by Sen. Marie Pinkney, will now move to the Delaware House of Representatives for consideration.

“The legislation essentially requires our hospitals to allow patients to utilize their medical cannabis in the hospital when they are diagnosed with a terminally ill diagnosis,” Pinkney said on the Senate floor before the vote.

She noted that hospitals were involved in crafting the proposal and that the final legislation creates a system where patients remain responsible for managing their own cannabis use while hospitalized.

### **Proposed Law Would Allow Hospital Cannabis Use While Requiring Patients To Handle Storage, Administration And Safety**

Under SB 226, patients and their caregivers would be responsible for obtaining, storing and administering medical marijuana while in a hospital.

The legislation requires cannabis products to be kept securely in a locked container at all times, and patients would need to present their state medical marijuana registry identification card to hospital staff.

Healthcare providers would also be required to document cannabis use in patients’ medical records and develop written policies outlining procedures for medical marijuana use within the facility.

However, the bill includes restrictions on how patients could consume cannabis. Smoking or vaping marijuana would not be allowed in hospitals, meaning patients would need to rely on alternative forms such as oils, capsules or edibles.

### **Bill Includes Federal Compliance Safeguards To Protect Hospitals From Losing Federal Funding**

Lawmakers included provisions designed to protect hospitals if federal authorities take action related to cannabis use in healthcare settings.

Because marijuana remains federally illegal under the Controlled Substances Act, hospitals risk potential conflicts with federal agencies that oversee funding and healthcare regulations.

Pinkney said the bill includes language allowing healthcare facilities to pause the program if federal authorities intervene.

If a federal agency such as the U.S. Department of Justice or the Centers for Medicare & Medicaid Services issues guidance prohibiting cannabis use in hospitals or takes enforcement action, facilities could suspend patient access to medical marijuana.

Hospitals would also retain the authority to prohibit cannabis use if doctors determine that it could interfere with a patient's treatment or pose other medical risks.

The right to use medical cannabis under the proposal would not apply to patients being treated in hospital emergency departments.

## **Amendment Clarifies Law Applies Only To Acute Care Hospitals And Requires Physician Notification**

Before the Senate vote, Pinkney worked with the Medical Society of Delaware and the Delaware Healthcare Association to refine the bill.

An amendment adopted in committee clarified that the legislation would apply only to licensed acute care hospitals rather than all healthcare facilities.

The amendment also requires patients or caregivers to notify attending physicians if medical cannabis is being used during treatment.

Supporters say the bill is intended to ensure that terminally ill patients have access to treatments that provide relief and comfort during end-of-life care while maintaining clear safeguards for hospitals and healthcare providers.

## **Delaware's Expanding Cannabis Policy Landscape Continues To Evolve Following Legalization And Market Launch**

The legislation arrives as Delaware continues to expand its cannabis policy framework following the legalization of adult-use marijuana.

Delaware's regulated cannabis market launched last August, roughly two years after legalization was signed into law under former Gov. John Carney.

State officials reported nearly \$1 million in combined medical and recreational cannabis sales during the first weekend of legal adult-use purchases.

Meanwhile, lawmakers have continued to debate additional reforms.

Earlier this year, the Delaware Senate voted to override a veto blocking legislation aimed at limiting local zoning restrictions on marijuana businesses.

Separately, a committee in the Delaware House of Representatives approved a proposal to decriminalize public marijuana consumption, an issue that has drawn attention because Delaware currently imposes relatively strict penalties for public cannabis use compared with other states.

As SB 226 moves to the House, lawmakers will decide whether terminally ill patients in Delaware hospitals will soon have legal access to medical cannabis during treatment.

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