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**JOHN CARNEY**  
GOVERNOR

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TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES  
OF THE 151<sup>ST</sup> GENERAL ASSEMBLY

Pursuant to Article III, Section 18 of the Delaware Constitution, I am vetoing House Bill No. 276 (HB 276) by returning it with my objections to the Delaware House of Representatives without my signature.

House Bill 276 was apparently intended to clarify current Delaware law around gun ownership and participation in Delaware's medical marijuana program. The synopsis for HB 276 suggests that it would make clear that an individual is not disqualified under Delaware law from possessing a firearm because the individual is a registered qualifying patient under the Delaware Medical Marijuana Act, if the registered qualifying patient is not a person prohibited under section 1448 of Title 11 of the Delaware Code.

Further, the synopsis suggests that the Act would make clear that a registered qualifying patient may engage in a firearm transaction between unlicensed persons under section 1448B of Title 11 if the transaction is exempt under section 1448B(c) of Title 11 and the registered qualifying patient is not otherwise a person prohibited under section 1448 of Title 11.

The intersection of Delaware's Medical Marijuana Act with federal laws addressing controlled substances, and the rights of Delawareans under both the state and federal constitutions to keep and bear arms, gives rise to a complicated array of issues. As you know, I have long supported the right of Delawareans in need to use medical marijuana for a number of qualifying health-related issues. But HB 276, while intended to provide clarity, does not add new meaningful protections or rights for Delawareans. Additionally, if signed into law, HB 276 risks creating confusion about the rights of medical marijuana patients - under federal law - to purchase firearms here in Delaware.

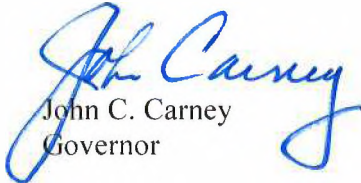
Registering as a qualifying patient under the Delaware Medical Marijuana Act does not impact the ability of a Delaware citizen to possess firearms under current Delaware law. It is already the case that such a registration does not render the qualifying patient a "person prohibited" under section 1448(a) of Title 11 of the Delaware Code. Section 1448 is not ambiguous on this point. Likewise, under section 1448B of Title 11, Delawareans are not prohibited from transferring firearms to a family member simply because they are qualifying patients under the Delaware Medical Marijuana Act, and the statute does not suggest otherwise.

Under current federal law, the use of marijuana, even for medical purposes, remains illegal. Federal law and background check processes currently restrict the ability of a user of marijuana, even for medical purposes, from purchasing a firearm. HB 276 would not ease the existing tension between

state public health policy and federal drug enforcement policy, nor would it eliminate the complexities and risks that confront Delawareans who are or may become gun owners and medical marijuana users. At best, HB 276 maintains the status quo. At worst, it risks misleading those who may be impacted and increasing public confusion.

For the reasons stated above, I am hereby vetoing HB 276 by returning it to the House of Representatives without my signature.

Sincerely,



John C. Carney  
Governor