



## Delaware - State Specific Information

Information provided is current as of February 1, 2024, and companies are encouraged to consult with legal counsel on these types of complex matters.

### Cannabis Legalization History

<b>Medical Use</b>	Legalized – 2011 ( <a href="#">Title 16</a> )
<b>Recreational Use</b>	Legalized – 2023 ( <a href="#">Delaware Marijuana Control Act</a> )
<b>Possession/Personal Use Specifics</b>	Adults 21+ can possess up to one ounce of marijuana for personal use. Equivalent amounts of marijuana products like concentrates and edibles are also allowed. Sharing small amounts between adults is permitted.
	<a href="#">Using marijuana in public is illegal</a> , including parks, businesses, and vehicles. This applies to smoking, eating, and vaping cannabis.

### State Regulatory Agency Information

<b>State Regulatory Agency</b>	Division of Public Health – ( <a href="#">DPH</a> )
<b>State Forms (If Applicable)</b>	<a href="#">Non-Specified</a>

### State Testing Policy

<b>General Information</b>	There are no workplace drug testing laws in Delaware to enforce or regulate drug-free workplace policies. However, some industries are an exception. Home healthcare workers, school bus drivers, and nursing home employees must be drug tested.
<b>Safety Sensitive Positions</b>	Any person offered employment with as a safety, <a href="#">security sensitive</a> or childcare employee shall be required to submit to mandatory drug screening
<b>Privacy Laws</b>	Delaware's Medical Marijuana Act <a href="#">protects patients from employment discrimination</a> . While employers still retain drug testing rights, they cannot base termination or hiring solely on an employee or applicant holding a medical marijuana license.

### Recommended Procedures

<b>Does the state have recommended procedures?</b>	As part of the State's commitment to provide a safe environment for employees and to comply with the <a href="#">Drug-Free Workplace Act (Act)</a> of 1988, the Drug-Free Workplace Policy was established.
<b>State Employee Procedures and Policies</b>	The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in all places where <a href="#">State employees</a> work, including all State-owned vehicles, and in carrying out any federal grant activity.

### Protections for Use Outside Workplace/ Work Hours

<b>Is Delaware a “Right to Weed State”?</b>	Delaware has no state statutes, regulations, or known court decisions that would limit your choices for implementing a drug or alcohol testing.
<b>More Detailed Information</b>	<a href="#">Delaware Drug-Free Workplace Policy</a>

### State Requirements for Drug & Alcohol Testing Program

<b>Testing policy requirements:</b>	<a href="#">Title 19 Labor Law</a>
<b>Main Requirement:</b>	Delaware is an at-will employment state. This means that employers may generally discharge employees for any reason, or no reason, so long as it is not a reason otherwise prohibited by law (such as discrimination or retaliation protections).