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BY-LAWS OF

THE DELAWARE MEDICAL MARIJUANA ACT OVERSIGHT COMMITTEE

ARTICLE I. NAME AND LOCATION.

Section 1. Name – The name shall be the Medical Marijuana Act Oversight Committee, hereinafter referred to as “the Oversight Committee”.

Section 2. Location – The place of normal business of the Oversight Committee shall be within the state of Delaware.

ARTICLE II. PURPOSE, DUTIES AND RESPONSIBILITIES.

Section 1. Purpose – The purpose of the Oversight Committee, as established in 16 Delaware Code, Ch. 49A, is to evaluate and make recommendations regarding the implementation of this chapter.

Section 2. Duties and Responsibilities – The duty and responsibility of the Oversight Committee, as set forth in 16 Delaware Code, Section 4922A is to meet at least two times per year for the purpose of evaluating and making recommendations to the Governor, the General Assembly, and the Department of Health and Social Services (DHSS) regarding:

- a. the ability of qualifying patients in all areas of the state to obtain timely access to high-quality medical marijuana;
- b. the effectiveness of the registered compassion center(s), individually and together, in serving the needs of qualifying patients, including the provision of educational and support services, the reasonableness of their fees, whether they are generating any complaints or security problems, and the sufficiency

- 23 of the number operating to serve the registered qualifying patients of
24 Delaware;
- 25 c. the effectiveness of the registered safety compliance facility or facilities,
26 including whether a sufficient number are operating;
- 27 d. the sufficiency of the regulatory and security safeguards contained in 16 Del.
28 C. Ch. 49A and 16 DE Admin. C. 4470 adopted by DHSS to ensure that
29 access to and use of marijuana cultivated is provided only to cardholders
30 authorized for such purposes;
- 31 e. any recommended additions or revisions to 16 Del. C. Ch. 49A and 16 DE
32 Admin. C. 4470, including but not limited to, additions or revisions relating to
33 security, safe handling, labeling, and nomenclature of medical marijuana; and
- 34 f. any research studies involving health effects of medical marijuana for
35 patients.

36 ARTICLE III. MEMBERS AND COMPENSATION.

37 Section 1. Members – The Oversight Committee shall consist of nine members, as
38 follows, who possess the qualifications and are appointed in accordance with 29 Del. C. §
39 4922A:

- 40 a. one member, appointed by the President Pro Tempore of the Senate;
- 41 b. one member, appointed by the Speaker of the House;
- 42 c. the Secretary of DHSS, or a designee appointed by the Secretary;
- 43 d. two medical professionals, each licensed in Delaware, with experience in
44 medical marijuana issues, appointed by the Governor;

- 45 e. one member with experience in policy development or implementation in the
46 field of medical marijuana, appointed by the Governor; and
47 f. three members who each shall be a cardholder, as defined in 16 Del. C.
48 §4902A , appointed by the Governor.

49 Section 2. Compensation – No member of the Oversight Committee shall receive any
50 salary, compensation, or emolument for his or her services on behalf of the Oversight
51 Committee.

52 Section 3. Removal of Member from Committee – The members of the Oversight
53 Committee shall serve at the pleasure of the appointing authority.

54 Section 4. Resignation – A member of the Oversight Committee may resign by
55 submitting either verbal or written notice of resignation to the Chair or Appointing
56 Authority. If a member misses two consecutive meetings without just cause, that
57 member shall be presumed to have resigned. In order to have just cause considered the
58 member:

- 59 i. must contact the Chair or Vice Chair prior to the day of the second
60 scheduled meeting which will be missed;
61 ii. must inform the Chair or Vice Chair they are unable to attend the second
62 scheduled meeting; and
63 iii. must request to be excused

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65 ARTICLE IV. ADMINISTRATOR OF THE OFFICE OF MEDICAL
66 MARIJUANA.

67 The Administrator of the Office of Medical Marijuana shall have the following duties and
68 responsibilities as it pertains to the Oversight Committee:

- 69 (1) issue meeting notices and agendas;
- 70 (2) direct minutes of all meetings of the Oversight Committee, ensure those
71 minutes are maintained as a history of the meetings of the Oversight
72 Committee, and distribute the minutes to members of the Oversight
73 Committee prior to the next meeting;
- 74 (3) assist the Chairperson in the preparation of the agenda for meetings;
- 75 (4) keep a current roster of members of the Oversight Committee and any other
76 records related to the history or duties of the Oversight Committee;
- 77 (5) report on medical marijuana program activities and answer questions;
- 78 (6) conduct the general correspondence of the Oversight Committee;
- 79 (7) prepare position papers, regulatory amendment documents, or other official
80 documents generated by the Oversight Committee; and
- 81 (8) perform any other duties delegated by the Secretary of DHSS.

82 ARTICLE V. OFFICERS.

83 Section 1. Chair and Vice-Chair – The officers of the Oversight Committee shall be a
84 Chair and a Vice-Chair.

85 Section 2. Duties and Responsibilities – The duties and responsibilities of the Chair
86 and Vice-Chair shall be as follows:

- 87 (1) Chair – The Chair shall preside at all meetings of the Oversight Committee,
88 except the Chair may designate another member to preside at a particular

89 meeting or at a certain part of a meeting. The Chair may lead periodic review
90 of the Oversight Committee by-laws. The Chair shall perform such other
91 duties as the Oversight Committee, from time to time, shall designate.

92 (2) Vice-Chair – In the absence of the Chair, the Vice-Chair shall have all of the
93 duties and responsibilities of the Chair. The Vice-Chair shall perform such
94 other duties as the Oversight Committee, from time to time, shall designate.

95 Section 3. Term – The term of office of the Chair and Vice-Chair shall be two years
96 and shall begin at the close of the Oversight Committee meeting at which they are
97 elected.

98 Section 4. The Oversight Committee shall hold election of Officers – the Chair and
99 Vice-Chair – on a semi-annual basis with elections occurring at either the meeting
100 preceding the end of an officer’s term if within 90 days of the term completion, or the
101 first meeting after a two-year term has elapsed.

102 Section 5. Vacancies – A vacancy in the office of Chair shall be filled by the
103 advancement of the Vice-Chair, until the Oversight Committee can convene to elect a
104 new Chair. A vacancy in the office of the Vice-Chair shall be filled temporarily by a
105 selection of the Chair, until the Oversight Committee can convene to elect a new Vice-
106 Chair.

107 Section 6. Removal from Office – The Chair or Vice-Chair may be removed from
108 office for cause by a two-thirds vote of the members present at any meeting of the
109 Oversight Committee, after notice of the meeting and agenda has been distributed to the
110 membership.

111 ARTICLE VI. MEETINGS.

112 Section 1. Regular Meetings – The Oversight Committee shall hold two regular
113 meetings each calendar year and will hold its election of officers at the last meeting of the
114 year.

115 Section 2. Special Meetings – The Oversight Committee may, upon written request
116 of a majority of the members, upon the request of the Chair or at the request of the
117 Department Secretary or designee shall call special meetings at such times and places as
118 may be determined.

119 Section 3. Notice – Notices of meetings of the Oversight Committee shall be
120 distributed to the membership prior to the meeting and shall be posted to the State Public
121 Meetings webpage at least ten days prior to the meeting date. In addition, in response to
122 29 Del. C. § 10004(e)(2), the Oversight Committee shall pre-announce or pre-publish the
123 agenda for all Executive Sessions; however, such agenda shall be subject to include
124 additional items which arise at the time of the Oversight Committee’s regular meeting.

125 Section 4. Quorum – A quorum shall consist of 51% of the membership of the
126 Oversight Committee. If at any meeting there is less than a quorum present, official
127 business cannot be performed.

128 Section 5. Voting – Each member of the Oversight Committee shall have one vote on
129 matters brought before the Oversight Committee except when the member has a conflict
130 of interest. The disqualification of a member from voting shall not affect the quorum.
131 All matters shall be decided by a majority of the members present and voting.

132 Section 6. Conflict of Interest – Members of the Oversight Committee shall comply
133 with the State Employees', Officers' and Officials' Code of Conduct – 29 Del. C. Ch. 58.
134 A member may not participate in the review or disposition of any matter in which the
135 member has a conflict of interest except to respond to questions from another member or
136 any other person with official responsibility with respect to that matter. A member shall
137 declare the conflict of interest at the earliest practicable time after learning of such
138 conflict.

139 Section 7. Parliamentary procedure – Parliamentary procedures at all meetings of the
140 Oversight Committee shall be in accordance with the current version of Robert’s Rules of
141 Order Newly Revised.

142 ARTICLE VII. COMMITTEES.

143 Section 1 Executive Committee:

- 144 A. The Executive Committee shall be a continuing Committee and:
- 145 a. shall consist of all Oversight Committee officers;
 - 146 b. shall have general supervision of the affairs of the Oversight Committee
147 between meetings;
 - 148 c. may, as emergencies arise and immediate action is required, act on behalf of
149 the Oversight Committee, and shall report any such interim actions at the next
150 scheduled Oversight Committee meeting, such action may be ratified by the full
151 Committee;
 - 152 d. shall be subject to the orders of the Oversight Committee and none of its
153 acts shall conflict with action taken by the Oversight Committee;

- 154 e. may recommend to the Oversight Committee additions and deletions to the
155 Roster, and monitor member performance and attendance at meetings;
- 156 f. shall oversee expenditures and funds, and make recommendations to the
157 Oversight Committee for changes;
- 158 g. may recommend to the Oversight Committee changes for policies and
159 procedures;
- 160 h. must approve all major changes to the projected or approved annual budget.
- 161 B. The Oversight Committee Chair shall preside over the Executive Committee
162 Section 2 Sub-Committees:
- 163 A. The Oversight Committee or the Executive Committee may establish sub-
164 committees as necessary to carry out business, responsibilities or assigned projects.
- 165 B. The Oversight Committee or Executive Committee shall review and decide when a
166 sub-committee is essential and vote to establish such sub-committee.
- 167 C. The Oversight Committee Chair shall designate a Committee member to Chair the
168 assigned sub-committee.
- 169 D. The sub-committee Chair shall:
- 170 a. assign all sub-committee meeting dates;
- 171 b. ensure the meeting agendas and minutes are posted pursuant to statutory
172 requirements;
- 173 c. ensure all sub-committee progress is presented to the Oversight Committee
174 members, at each scheduled Oversight Committee meeting through the duration
175 of a project

176 E. Non Oversight Committee members may participate in sub-committee meetings
177 and work.

178 a. The sub-committee members may reach out for assistance as needed to
179 accomplish the assigned project.

180 b. Sub-committee members selected from the community at large will serve on
181 a voluntary basis and will not have voting privileges on matters before the
182 Oversight Committee.

183 c. Upon selection of a sub-committee member who is not a member of the
184 Oversight Committee, the Chairperson shall notify the Secretary of DHSS or the
185 Secretary's designated representative.

186 d. The Oversight Committee Chair shall be an ex-officio member of all sub-
187 committee and shall be responsible for their task completions.

188 i. Sub-committee chairpersons shall be appointed by the Chair of the
189 Oversight Committee, and the tasks and products of any such committee
190 shall be defined by the Chair of the Oversight Committee with specific
191 dates established for reports to the full Oversight Committee membership.

192 F. All established sub-committee members shall be responsible for accomplishing
193 assigned projects in a timely manner.

194 G. Sub-committee critical decisions should be addressed at scheduled Oversight
195 Committee meetings for a vote, prior to the sub-committee taking action. If the sub-
196 committee is working with a deadline and needs sudden action, and there is not a
197 scheduled Oversight Committee meeting to address the need in a timely manner, the

198 Chair of the sub-committee shall address the Executive Committee for a decision.

199 ARTICLE VIII. AMENDMENT OF BYLAWS.

200 These bylaws may be altered, amended, or repealed, and new bylaws may be adopted by
201 a majority (quorum) of the Oversight Committee members present at any regular or
202 special meeting, provided that no such action in any way conflicts with the statutory
203 obligations of the Oversight Committee, as stated in 16 Del. C. Ch. 49A and provided
204 that written notice shall have been sent to each member. Such notice shall describe, at
205 least in general terms, the alterations, amendments, or changes that are proposed to be
206 made to the Bylaws. Whenever these Bylaws, or a provision of these Bylaws, is found to
207 conflict with Delaware law, such provision shall be deemed invalid without affecting the
208 remainder of the Bylaws.