

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 694 (Delegate Grammer)
Health and Government Operations

Natalie M. LaPrade Medical Cannabis Commission - Renaming and Purpose

This bill renames the Natalie M. LaPrade Medical Cannabis Commission as the Natalie M. LaPrade Cannabis Commission, and it expands the purpose of the commission to include developing policies, procedures, guidelines, and regulations to implement any legal commercial sale of cannabis in the State. The bill also makes conforming changes and addresses practical issues related to the name change.

Fiscal Summary

State Effect: Under the current legal framework for marijuana/cannabis, the bill does not have a fiscal or operational impact on the commission, as discussed below.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background:

Maryland Medical Cannabis Program

The Natalie M. LaPrade Medical Cannabis Commission is responsible for implementation of the State’s medical cannabis program, which is intended to make medical cannabis available to qualifying patients in a safe and effective manner. The program allows for the licensure of growers, processors, and dispensaries and the registration of their agents, as well as registration of independent testing laboratories and their agents. There is a

framework to certify health care providers (including physicians, dentists, podiatrists, nurse practitioners, and nurse midwives), qualifying patients, and their caregivers to provide qualifying patients with medical cannabis legally under State law via written certification.

Criminal Law Provisions Related to Marijuana

There are no provisions to legally sell or consume marijuana/cannabis outside of the State's medical cannabis program.

Controlled dangerous substances (CDS) are listed on one of five schedules (Schedules I through V) set forth in statute depending on their potential for abuse and acceptance for medical use. Under the federal Controlled Substances Act, for a drug or substance to be classified as Schedule I, the following findings must be made: (1) the substance has a high potential for abuse; (2) the drug or other substance has no currently accepted medical use in the United States; and (3) there is a lack of accepted safety for use of the drug or other substance under medical supervision. No distinction is made in State law regarding the illegal possession of any CDS, regardless of which schedule it is on, with the exception of marijuana.

Pursuant to Chapter 158 of 2014, possession of less than 10 grams of marijuana is a civil offense punishable by a fine of up to \$100 for a first offense and \$250 for a second offense. The maximum fine for a third or subsequent offense is \$500. For a third or subsequent offense, or if the individual is younger than age 21, the court must (1) summon the individual for trial upon issuance of a citation; (2) order the individual to attend a drug education program approved by the Maryland Department of Health; and (3) refer him or her to an assessment for a substance abuse disorder. After the assessment, the court must refer the individual to substance abuse treatment, if necessary.

Chapter 4 of 2016 repealed the criminal prohibition on the use or possession of marijuana paraphernalia and eliminated the associated penalties. The law also established that the use or possession of marijuana involving smoking marijuana in a public place is a civil offense, punishable by a fine of up to \$500.

State Fiscal Effect: Since marijuana remains a Schedule I drug and is illegal to consume, sell, or possess outside the statutory bounds of the State's medical cannabis program, the bill does not have any fiscal or operational impact on the commission. However, should the State or federal government legalize the sale and consumption of marijuana for recreational or non-medical use, there would be a significant impact on expenditures and revenues for the commission, and the commission would need to significantly increase its staffing. There would also be far reaching impacts on other State agencies.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Department of Health; Department of Legislative Services

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an/jc

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