



Working to Reform Marijuana Laws

Maryland (2022): SB 833, Testimony in support of legislation to establish a regulated, adult-use cannabis market

My name is Jax James and I serve as the State Policy Manager for the National Organization for the Reform of Marijuana Laws (NORML). I would like to thank the Senate Finance Committee for considering Senate Bill 833. NORML is supportive of legislative efforts to create regulated markets for consumers to safely access cannabis products.

Never in modern history has there existed greater public support for repealing the nation's nearly century-long experiment with marijuana prohibition. According to statewide polling data, **60 percent of Maryland residents endorse regulating the adult use of marijuana.**

Licensing the commercial marijuana marketplace will bring long overdue controls to this market. Voters do not desire replacing nearly a century of criminalization with a marijuana free-for-all. They are aware of the reality that marijuana possesses some potential level of risk and that there exists the potential for abuse, particularly among young people. In fact, it is precisely because of this reality that NORML believes that society ought to regulate its use, production, and dispensing accordingly. By contrast, we believe that advocating for the plant's continued criminalization and for the proliferation of the illicit market does nothing to offset these risks; it compounds them.

We thank the author for bringing forth this important legislation and thoughtfully offer some feedback. In order to perfect this legislation, **NORML requests that the following amendments be made:**

Removing the unscientific per se DUID limit.

- The five ng/ml limit would criminalize sober drivers. Cannabis consumers can test positive for five ng/ml many hours after impairment has worn off.
- Requiring a person over five ng/ml to prove they were not impaired to avoid a conviction flips the burden of proof and will cause people (including patients who may have neurological and mobility issues) to be wrongly convicted of DUI.
- Please see detailed and resourced testimony on this topic from NORML Deputy Director Paul Armentano.



Significantly increase the number of new stores licensed in 2024 and include a social equity component.

- This too-low limit would leave many cannabis consumers without access to safe, lab-tested cannabis and is detrimental to a healthy, competitive market with reasonable pricing. Too few stores would perpetuate the illicit market and related arrests and violence. (Note: 31% of Baltimore residents don't have a car.)
- The regulated marijuana industry cannot be successful without actively working to repair the harms caused by the failed war on drugs. Ensuring that communities disproportionately impacted by prohibition are able to benefit from and add to the cannabis industry is in the best interest of public welfare.

Increasing the number of growers, including with uncapped micro-grows

- Capping licenses results in the government picking winners and losers. SB 833 would require applicants to spend large sums on applications to throw their hat in the ring. Avoiding a cap, and instead having discrete application periods, avoids that injustice and related litigation and delays.
- Uncapped micro-grow licenses give everyone a fair shot to compete in the free market without causing oversupply (see Virginia JLARC report). Failing to allow uncapped grows will allow existing vertically integrated operators to squeeze out competitors, including new social equity applicant-run dispensaries and infused product manufacturers.

Changing “or” to “and” in the possession limit.

- Cannabis consumers often possess and purchase flower, edibles, and concentrates, not just one or the other. However, the limit says a person can possess two ounces, 15 grams of concentrates, or products with 1,500 mg of THC. It is not clear if a person can even possess a gram and an edible. “Or” must change to “and.”

Increasing possession and cultivation limits.

- We suggest six plants, rather than four, which comports with cultivation limits in other states. We also recommend allowing four ounces (of dry flower?) to mirror the medical law.
- Permitting limited home cultivation allows for patients to have reliable, affordable, and consistent access to the medicine they rely on. Patients deserve the option to legally grow a botanical product that is objectively safer than the litany of pharmaceutical



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drugs it could replace, including those patients that may not be able to afford such medicine or who do not live within a reasonable distance from a retail outlet.

Including additional banking-related language.

- No industry can operate safely, transparently, or effectively without access to banks or other financial institutions and it is self-evident that this industry, and those consumers that are served by it, will remain severely hampered without better access to credit and financing.

NORML urges Maryland lawmakers to thoughtfully consider, amend and pass SB 833 to ensure a safe and regulated cannabis market for responsible adult consumers.

