



Dear House Judiciary Chair Luke Clippinger, Vice-Chair David Moon, and Members Curtis S. Anderson, Lauren C. Arikan, J. Sandy Bartlett, Jon S. Cardin, Frank M. Conaway, Jr., Daniel L. Cox, Charlotte Crutchfield, Debra M. Davis, Wanika B. Fisher, Robin L. Grammer, Jr., Faye, Martin Howell, Rachel R. Jones, Lesley J. Lopez, Susan K. McComas, Rachel P. Munoz, Emily K. Shetty, Haven N. Shoemaker, Jr., Brenda J. Thiam, Karen R. Toles, Nicole A. Williams,

Students of Sensible Drug Policy of Johns Hopkins University would like to thank you for the opportunity to share testimony on HB 837. We thank the Maryland House for considering legislation that would defer cannabis legalization to voters this coming November. Empowering the citizens of Maryland to make this decision is commendable. However, we have some concerns with current provisions in this bill and would encourage consideration to be made to address the following issues.

Legalization is currently delayed to 7/2023 if the measure were to pass. SSDP believes this should be amended to go into effect immediately after passage. We understand there is a period of decriminalization with civil fines leading up to the 7/2023 deadline, however these fines will disproportionately affect lower income residents. Additionally, the fine associated with public smoking of cannabis stand at \$500. This is a very high monetary amount, which again will disproportionately harm lower income residents. SSDP suggest the fine be amended to a more modest amount of \$50. Additionally, the committee could consider implementing policies such as in New York which allows marijuana smoking where tobacco can be smoked or in Connecticut where such fines are relegated to cities.

Adults who share their cannabis with adults over the age of 21 would currently lead to an intent to distribute charge with up to three years imprisonment. SSDP proposes this be amended to no punishment for adults sharing cannabis when there is no remuneration. In addition, the penalty for sharing cannabis should be revised to a civil penalty, and no imprisonment.

As the bill stands, cannabis infused products would not be legal. SSDP recommends the bill be revised to explicitly state these products are legal. We also ask the specification to be placed on possession limits, as under current provisions it appears a possession of 5 ounces of edibles containing 300mg of THC could result in a 6-month jail sentence.

People using cannabis in accordance with the guidelines under this bill would be doing so in a legal manner. As such, those who use cannabis in this way should not be subject to the same examination of acts that are criminal. SSDP recommend that the committee follow in suit of New York state which explicitly includes in their policies that the odor of marijuana is not a probable cause for police search.

To ensure that the with the legalization of marijuana communities and individuals are not still being harmed by the previous criminal nature of marijuana, provisions to the current language of

HB0837 should be made to protect people from losing their homes, education, professional licenses, children, and other freedoms due to the use of cannabis. As is true with Connecticut law, the bill should include language to restrict Maryland schools from imposing harsher penalties for cannabis than they do for alcohol, which is also legal for recreational use in the state for persons over the age of 21. Further, SSDP recommend that provisions to the bill prohibit individuals from being denied medical care (including organ transplants), professional licenses, child custody, housing, state benefits, gun rights, or state or local employment for acts that are legal within state law for cannabis activities, including testing positive for cannabis, that do not endanger others.

SSDP recommend that, unless there is specific evidence of an individual's use of cannabis creating or having the potential to create a danger for that individual or other persons, the bill should provide that parole, probation, and pretrial release cannot be revoked for state-legal cannabis activity, including testing positive for cannabis.

To be in accordance with state laws for the medical use of marijuana, SSDP suggest that the possession limit be *at least* four ounces. Further, we encourage the committee seriously consider reducing penalties for other cannabis-related offenses in their provisions, such as low-level sales. Currently written, the bill would subject individuals who are found to be guilty of possession with intent to distribute with up to three years of imprisonment. Given the non-violent nature of such low-level drug offenses, the committee's bill should mirror that of Connecticut's state law that penalizes first-offense sales with a civil fine.

Crucially, SSDP urges provisions to the bill regarding the "Cannabis Assistance Fund" be made to explicitly prioritize loans or grants to Black and minority-owned businesses to emphasize and ensure racial diversity and restorative justice within the state's cannabis market. The current language of the bill that includes loans or grants for "women-owned" businesses effectively integrates white women into the committee's stated goal of racial diversity and restorative justice, significantly comprising the bill's ability to effectuate racial equity and restorative justice in Maryland's cannabis market.

Lastly, SSDP suggest that committee prioritize the establishment of an equitable legalization and regulation cannabis system in Maryland to restore justice for communities that have been disproportionately harmed by the effects of marijuana criminalization. Specifically, provisions should be made for community investment into such communities effectively immediately upon voter approval. To allow ATCs to prepare for the transition and work to begin technical assistance and other support for social equity applicants, an interim study on disparity can commence upon voter approval, and the criteria of a social equity applicant can be finalized later in 2023.

Thank you for your time and consideration of our testimony.

Sincerely,

Students for Sensible Drug Policy of Johns Hopkins University