



**House Judiciary Committee
February 14, 2022**

House Bill 837 - Cannabis Reform

Letter of Information

This letter of information is being submitted by the Maryland Chapter of the National Council on Alcoholism and Drug Dependence (NCADD-Maryland). Having conducted research and engaged in conversations with professionals from several states that have legalized cannabis, NCADD-Maryland has identified and suggests a number public health approaches to be taken should the State decide to legalize cannabis for recreational adult use.

NCADD-Maryland strongly urges the General Assembly to ensure if a Constitutional Amendment is passed, legislation clearly defining how revenue generated from this new, legal market will be committed to public health measures to prevent and respond to the negative impacts of cannabis use. There also must be a component reinvesting revenue in communities disproportionately impacted by the failed war on drugs.

Policies Addressing Consumption– Advertising and Packaging

Nearly all states that have legalized recreational cannabis have advertising and packaging policies to curb cannabis use amongst adolescents and vulnerable populations. Advertising and packaging restrictions are particularly important because the risks of negative health effects associated with cannabis use are not widely recognized by the public. Any legalization effort should:

- Clearly define specific restrictions and requirements on how, when, and where advertising of cannabis products can take place and what content and images can and cannot be in advertisements and on packaging.
- Incorporate the extensive knowledge Maryland and the federal government has developed over the last few decades in successful efforts to deter minors from using tobacco and alcohol products.

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Public Health Education Campaigns

Negative health impacts can be a result of heavy cannabis use. Other states have found public health messaging and policies that fund, require, and support educational campaigns are effective ways to minimize adverse outcomes in high-risk groups such as adolescents, people with mental health disorders and pregnant women. Any legalization effort should:

- Develop age-appropriate public education campaigns designed to ensure the public understands cannabis and to mitigate any negative public health impact.
- Require the development of public health campaigns be led by the Department of Health's Public Health Administration, in consultation with health and educational campaign experts.

Policies Related to Potency and Mitigating Negative Public Health Impacts

Potency is an emerging issue as more states legalize recreational cannabis. As cannabis products become more diverse, THC potency has increased and the methods of use have changed significantly. Any legalization effort should:

- Set clear and specific limits on potency levels in the various products for sale to the public. Policies should prohibit potencies above a certain percentage, such as Maryland does with alcohol content.
- Create a higher tax rate on higher potency products to deter young people from accessing those products and to influence the market.

Fee Structures to Promote Public Health

The "war on drugs" policies in the United States have resulted in mass incarceration of primarily Black and Hispanic males, undermining public health in these communities. Black and Hispanic individuals are also less likely to complete addiction treatment. Legalizing cannabis provides an opportunity, through revenue generation, fees, and taxes, to reinvest in communities that have been historically impacted by discriminatory practices. Any legalization effort should specify minimum percentages of revenue generated by taxes and licensing fees for specific purposes. Revenue should significantly support:

- Public health education campaigns
- Youth prevention strategies
- Treatment and recovery services for people with substance use and mental health disorders
- Treatment and recovery workforce development
- Re-entry services
- Community programs that benefit disadvantaged communities, including those communities disproportionately impacted by the war on drugs

Public Use

Similar to alcohol and tobacco, there are public health and safety interests associated with the public use of certain substances. It is important to address the use of cannabis in public without creating additional criminal penalties. Any legalization effort should:

- Restrict the use of cannabis in public without creating additional criminal penalties. Smoking cannabis indoors should be restricted consistent with Maryland’s Clean Indoor Air Act.
- If considering the issue of “clubs” or other public spaces to allow for the consumption of cannabis products, Maryland should look to consistencies with restrictions and requirements on bars and other locations where alcohol is consumed on-site.

Driving Safety

Driving impairment has been a prominent issue of concern in a number of states, with data showing an increase in driving while impaired by cannabis. Maryland’s laws on impaired driving should be applied as consistently as possible to laws addressing any impairment, whether caused by cannabis or alcohol. While the technologies are not equal at this time, the policies should not create substantially different standards.

Governing Structures

Some governing structures in other states have placed responsibility with existing state agencies, while other states have created new entities to oversee this new market. In Maryland, public health authorities should be placed in leadership positions and ensure cannabis related regulations are overseen by appointed public health officials.

Data Collection

States that have legalized recreational cannabis have recognized the significant gaps in baseline data, which is incredibly important to quantify whether public health strategies are effective. Collection of baseline data is needed now, prior to any legalization implementation, to ensure policy makers have the most comprehensive and accurate data when regulating this industry.

The Maryland Affiliate of the National Council on Alcoholism and Drug Dependence (NCADD-Maryland) is a statewide organization that works to influence public and private policies on addiction, treatment, and recovery, reduce the stigma associated with the disease, and improve the understanding of addictions and the recovery process. We advocate for and with individuals and families who are affected by alcoholism and drug addiction.