

**Department of Legislative Services**  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**

House Bill 1072  
Judiciary

(Delegate Valderrama)

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**Prohibition Against Possession of Marijuana - Exceptions**

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This bill authorizes a county or municipal corporation to allow persons to possess and use marijuana for a medical condition by submitting such an enactment to a referendum of the voters of the county or municipal corporation. The bill requires the governing body and the appropriate election board or municipal election officials to do those things necessary to carry out the referendum held at a general or special election.

The bill's provisions are severable and contingent on the failure of House Bill 1222.

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**Fiscal Summary**

**State Effect:** The extent to which a public local law exception for medical marijuana use could obviate State law enforcement arrests, District Court trials, and imprisonment in Division of Correction facilities for crimes related to the possession and use of marijuana and its paraphernalia that would otherwise occur, cannot be reliably predicted. Any effect on State finances is not expected to be significant.

**Local Effect:** It is assumed that any county or municipal government could place the referendum on the ballot with existing resources in the next general election following the bill's October 1, 2002 effective date. The extent to which a public local law exception for medical marijuana use could obviate local law enforcement arrests, circuit court trials, and imprisonment in local facilities for crimes related to the possession and use of marijuana and its paraphernalia that would otherwise occur, cannot be reliably predicted. Any fiscal effect, however, is assumed to be minimal.

**Small Business Effect:** None.

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## Analysis

**Current Law:** Marijuana has been a Schedule I controlled dangerous substance under both State and federal drug prohibitions since 1970. Schedule I drugs are considered to have the highest potential for abuse among the substances on the five drug schedules. However, violators of prohibitions against simple possession or use of marijuana are subject to maximum misdemeanor penalties of a fine of \$1,000 and/or imprisonment for one year. Violations of provisions relating to the manufacture, sale, or distribution of Schedule I drugs are subject to more severe penalties.

**Background:** An oral form of marijuana's principal active ingredient, delta-9-tetrahydrocannabinol (THC), called dronabinol, is approved as a treatment for nausea and vomiting related to cancer chemotherapy. Dronabinol also is used to stimulate the appetite of AIDS patients.

The District of Columbia had a medical marijuana use initiative on the ballot in November, 1998, but a Congressional amendment on the appropriations bill for the District has kept the results of the vote from being counted or announced by the Board of Elections until recently. A federal judge ordered the results to be counted, certified, and released. The initiative was approved by 69% of the voters.

In all, 23 states have some current statute relating to the medical use of marijuana. Alaska, California, Colorado, Connecticut, Hawaii, Maine, Nevada, New Hampshire, Oregon, Vermont, Virginia, and Washington are among the states that have authorized doctors to prescribe marijuana.

All of these laws are now dormant because they conflict with federal law, or are reliant on the federal government to supply the state with marijuana, and federal officials are no longer supplying marijuana to states. However, during the 106th Congress, HR 912 ("Medical Use of Marijuana Act") was introduced, which would have moved marijuana from Schedule I to Schedule II under federal law, thereby making it legal for physicians to prescribe. The bill failed to pass the House of Representatives.

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## Additional Information

**Prior Introductions:** HB 1340, an identical bill, was introduced during the 2000 session. It was unfavorably reported from the House Judiciary Committee.

**Cross File:** None.

**Information Source(s):** Montgomery County, Prince George's County, Kent County, Worcester County, Maryland State Board of Elections, Department of Legislative Services

**Fiscal Note History:** First Reader - March 10, 2002  
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