

Department of Legislative Services
 Maryland General Assembly
 2018 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 265 (Delegate Grammer)
 Judiciary

Public Safety - Maryland Police Training and Standards Commission - Medical Cannabis Program Training

This bill requires the Maryland Police Training and Standards Commission (MPTSC) to expand the curriculum and the minimum courses of study for entrance-level and annual in-service level police training conducted by police training schools to include training about the State’s medical cannabis program and civil and criminal offenses involving cannabis or marijuana.

Fiscal Summary

State Effect: General fund expenditures increase by \$32,000 in FY 2019 only. Revenues are not affected.

(in dollars)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	32,000	0	0	0	0
Net Effect	(\$32,000)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Potential minimal increase in expenditures for some local jurisdictions, as discussed below. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law:

Maryland Police Training and Standards Commission: Chapter 519 of 2016 reconstituted the former Police Training Commission as MPTSC, an independent commission within the Department of Public Safety and Correctional Services. MPTSC operates approved police training schools and prescribes standards for and certifies schools that offer police and security training. In consultation and cooperation with various entities, it also sets minimum qualifications for instructors and certifies qualified instructors for approved training schools.

MPTSC certifies persons as police officers who have met commission standards, including submission to a criminal history records check and a specified psychological evaluation. An individual who is not satisfactorily trained in the 12-month probationary period may not be employed as a police officer, and a police officer may not serve after certification has been revoked, suspended, or allowed to lapse.

MPTSC requirements include:

- for entrance-level police training and at least every three years for in-service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training, attention to, and study of the application and enforcement of (1) the criminal laws concerning rape and sexual offenses, including the sexual abuse and exploitation of children and related evidentiary procedures; (2) the contact with and treatment of victims of crimes and delinquent acts; (3) the notices, services, support, and rights available to victims and victims' representatives under State law; and (4) the notification of victims of identity fraud and related crimes of their rights under federal law;
- for entrance-level police training and annually for in-service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training in the proper use of electronic control devices for specified police officers, consistent with established law enforcement standards and constitutional provisions;
- for entrance-level police training and, as determined by MPTSC, for in-service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include, consistent with established law enforcement standards and federal and State constitutional

provisions (1) training in lifesaving techniques, including cardiopulmonary resuscitation; (2) training in the proper level and use of force; (3) training regarding sensitivity to cultural and gender diversity; and (4) training regarding individuals with physical, intellectual, developmental, and psychiatric disabilities;

- for entrance-level police training and at least every two years for in-service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training, attention to, and study of the application of antidiscrimination and use of force de-escalation training; and
- for entrance-level police training and for in-service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include, consistent with established law enforcement standards and federal and State constitutional provisions, training related to motorcycle profiling in conjunction with existing training regarding other profiling.

Medical Cannabis: Chapter 403 of 2013 established, Chapters 240 and 256 of 2014 expanded, and Chapter 251 of 2015 and Chapter 474 of 2016 further modified the State's medical cannabis program. The Natalie M. LaPrade Medical Cannabis Commission administers the program, which makes medical cannabis available to qualifying patients and their caregivers legally under State law via written certification. A qualifying patient with a written certification can obtain a 30-day supply of medical cannabis, which is defined as 120 grams of usable cannabis. 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.

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.

Chapter 515 of 2016 (also known as the Justice Reinvestment Act) reduced the maximum incarceration penalty for the use or possession of *10 grams or more* of marijuana from one year to six months (but retained the maximum fine of up to \$1,000).

Background: Training for the certification of law enforcement officers in the State may be conducted at MPTSC facilities or at any of 20 police training academies in the State certified by MPTSC. There are approximately 16,500 certified police officers in Maryland.

The Maryland Medical Cannabis Commission has worked with the Department of State Police (DSP) to develop a training program regarding the medical cannabis program. The program has been presented in several jurisdictions, with additional trainings scheduled in other jurisdictions; however, the program has not been approved by MPTSC. The first medical cannabis was available for sale in the State in late 2017.

State Expenditures: General fund expenditures for MPTSC increase by \$32,039 in fiscal 2019 only, which accounts for the bill's October 1, 2018 effective date. This estimate reflects the cost of hiring a contractual curriculum developer for five months to update the curriculum to include the required medical cannabis program training. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Contractual Position	1
Salary and Fringe Benefits	\$26,893
Operating Expenses	<u>5,146</u>
Total FY 2019 State Expenditures	\$32,039

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State's implementation of the federal Patient Protection and Affordable Care Act.

Training adaptations for DSP and any other affected State law enforcement agencies can be handled with existing budgeted resources.

Local Expenditures: The various local government agencies that conduct police entrance-level training and in-service training may need to modify existing training programs to meet the bill's requirements. Some local governments can modify their training programs with existing resources, while others may incur some additional minimal costs.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City; Kent, Montgomery, and Washington counties; cities of Salisbury and Westminster; Maryland Department of Health; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510