

Department of Legislative Services  
 Maryland General Assembly  
 2020 Session

FISCAL AND POLICY NOTE  
 First Reader

House Bill 625 (Delegate Grammer)  
 Health and Government Operations

Natalie M. LaPrade Medical Cannabis Commission - Reporting - Cannabis Use  
 and Criminal Law Enforcement

This bill requires the Natalie M. LaPrade Medical Cannabis Commission, by October 1 annually, to report to the Governor and the General Assembly on (1) youth consumption of cannabis products; (2) the number of arrests, prosecutions, and convictions, for cannabis use while operating a motor vehicle and for use in a nonmoving motor vehicle, and the subsequent sentences imposed; (3) the number arrests, prosecutions, and convictions for cannabis possession and distribution; and (4) the impact of cannabis consumption on the sale and consumption of alcohol.

Fiscal Summary

**State Effect:** General fund expenditures increase by \$43,500 in FY 2021 only for programming costs for the Judiciary; otherwise, other agencies can likely assist the commission by providing relevant data with existing resources. Revenues are not affected.

(in dollars)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	43,500	0	0	0	0
Net Effect	(\$43,500)	\$0	\$0	\$0	\$0

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

**Local Effect:** None.

**Small Business Effect:** None.

## Analysis

**Current Law/Background:** The Natalie M. LaPrade Medical Cannabis Commission is responsible for implementation of the State's medical cannabis program, which is intended to make medical cannabis available to qualifying patients in a safe and effective manner.

Maryland's medical cannabis program statute cannot be construed to authorize any individual to engage in, and does not prevent the imposition of any civil, criminal, or other penalties for, the following:

- undertaking any task under the influence of marijuana or cannabis, when doing so would constitute negligence or professional malpractice;
- operating, navigating, or being in control of any motor vehicle, aircraft, or boat while under the influence of marijuana or cannabis; or
- smoking marijuana or cannabis in any public place, in a motor vehicle, or on private property that is rented and subject to a policy that prohibits smoking marijuana or cannabis on the premises.

Further, there is no immunity for a person who violates medical cannabis statute from criminal prosecution for a violation of any law prohibiting or regulating the use, possession, dispensing, distribution, or promotion of controlled dangerous substances, dangerous drugs, detrimental drugs, or harmful drugs, or any conspiracy or attempt to commit any of those offenses.

The commission is required to report annually to the Governor and the General Assembly on the number of providers certified, and the amount of medical cannabis sold by condition treated and the average consumer price.

The commission does not track the data that is required to be compiled under the bill.

**State Expenditures:** Since the commission does not track or have access to the data that must be compiled and reported annually, the primary impact of the bill is on the agencies that must provide the commission with the data. Thus, general fund expenditures for the Judiciary (Administrative Office of the Courts) increase by \$43,520 in fiscal 2021 for one-time-only programming costs to set up parameters within its computer system to report the required data. The Governor's Office of Crime Control and Prevention can provide data with existing budgeted staff and resources; this analysis assumes that, once established, the Alcohol and Tobacco Commission can also provide relevant data within budgeted resources.

Assuming the agencies that track the data required under the bill provide the commission with the information, the commission can likely submit the required annual report with existing budgeted staff and resources.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Comptroller's Office; Governor's Office of Crime Control and Prevention; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Maryland Department of Health; Department of State Police; Department of Legislative Services

**Fiscal Note History:** First Reader - February 17, 2020  
mr/jc

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