

Department of Legislative Services  
 Maryland General Assembly  
 2021 Session

FISCAL AND POLICY NOTE  
 First Reader

House Bill 925 (Delegate Arikan)  
 Health and Government Operations

Workgroup on Medical Cannabis Use by Pregnant and Nursing Women

This bill establishes the Workgroup on Medical Cannabis Use by Pregnant and Nursing Women. The Maryland Department of Health (MDH) must provide staff for the workgroup. A member of the workgroup may not receive compensation but is entitled to reimbursement for expenses under standard State travel regulations. The workgroup must report its findings and recommendations to the Governor and the General Assembly by December 31, 2021. **The bill takes effect June 1, 2021, and terminates June 30, 2022.**

Fiscal Summary

**State Effect:** MDH general fund expenditures increase by \$33,400 in FY 2022 only for contractual staff support. Reimbursements for workgroup members are assumed to be minimal and absorbable within existing budgeted resources. Revenues are not affected.

(in dollars)	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	33,400	0	0	0	0
Net Effect	(\$33,400)	\$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

**Bill Summary:** The workgroup must study:

- how to conduct drug testing to ensure that an individual is not identified as a cannabis user if the individual uses only over-the-counter cannabidiol (CBD) oil containing no tetrahydrocannabinol;
- the psychological and bonding effects on mother and baby of unnecessary Child Protective Services investigations;
- the conditions for which medical cannabis is administered and the conditions for which a pregnant or nursing woman may use medical cannabis;
- the comparative effects of medical cannabis on a fetus or a nursing child as compared to other medications used to treat the same medical conditions in a pregnant or nursing woman; and
- the impact of the cessation of usage of medical cannabis on (1) a pregnant woman and her fetus and (2) a nursing mother and the nursing child.

The workgroup must make recommendations regarding guidelines for medical cannabis exposure for pregnant and nursing women.

**Current Law:** 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. 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. There is a framework to certify health care providers (including physicians, dentists, podiatrists, nurse practitioners, nurse midwives, and physician assistants), qualifying patients, and their caregivers to provide qualifying patients with medical cannabis legally under State law via written certification. Additionally, there are legal protections for third-party vendors authorized by the commission to test, transport, or dispose of medical cannabis, medical cannabis products, and medical cannabis waste.

**State Expenditures:** MDH advises that it would need one half-time and one quarter-time contractual staff to fulfill the staffing requirements of the bill at a cost of \$83,764 in fiscal 2022 only. The Department of Legislative Services disagrees and advises that one half-time contractual employee should be sufficient to staff the workgroup.

Thus, general fund expenditures for MDH increase by \$33,351 in fiscal 2022 only, which accounts for a 30-day start-up delay from the bill's June 1, 2021 effective date. This estimate reflects the cost of hiring one part-time contractual health policy analyst to staff

the workgroup and prepare the required report. It includes a salary, fringe benefits, and one-time start-up costs.

Contractual Position	0.5
Salary and Fringe Benefits	\$27,933
Operating Expenses	<u>5,418</u>
<b>Total FY 2022 State Expenditures</b>	<b>\$33,351</b>

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.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - March 4, 2021  
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