



February 11, 2020

HB 550

Testimony from Olivia Naugle, Legislative Analyst, MPP, in support of HB 550

Dear Chairman Clippinger, Vice Chair Atterbeary, and members of the Judiciary Committee:

My name is Olivia Naugle and I am a legislative analyst for the Marijuana Policy Project (MPP), the largest marijuana policy reform organization in the United States. MPP has been working to improve marijuana policies for 25 years; as a national organization, we have expertise on the approaches taken by different states. MPP is also the convening organization of the Maryland Cannabis Policy Coalition, a diverse group of organizations that is working to advance and sensible humane marijuana policies.

I am here today in support of HB 550, which would increase the amount of marijuana decriminalized in Maryland from 10 grams to 1 ounce (28.5 grams). Under HB 550, possession of between 10 grams and an ounce of marijuana would be punishable by a \$100 civil fine rather than a criminal penalty and potential jail time.

HB 550 also provides that a person may not be charged with possession with intent to distribute based *solely* on possession of one ounce or less of marijuana. If there is other evidence that a person was indeed distributing, they may still be charged with possession with intent to distribute.

I.) The current 10-gram possession limit is too low

Maryland has one of the lowest thresholds for possession of any of the 26 states that has decriminalized or legalized cannabis. In fact, the only state with a lower threshold is Hawaii at just 3 grams.¹ Most states have decriminalized or legalized up to one ounce, and several states have decriminalized larger amounts. For example, Ohio has decriminalized 30 grams (about 3.5 ounces) or less, both Michigan and Maine have legalized possession of up to 2.5 ounces for adults, and in neighboring D.C. adults may possess up to 2 ounces legally.

Increasing the threshold from 10 grams to one ounce would put Maryland on par with other states that have stopping jailing their residents for simple marijuana possession.

¹ See <https://www.mpp.org/issues/decriminalization/state-laws-with-alternatives-to-incarceration-for-marijuana-possession/> (Missouri also decriminalized possession of up to 10 grams in 2014.)

II.) Arrests for marijuana possession have continued post-decriminalization in 2014

Due to its low limit, Maryland has continued to see arrests, with staggering racial disparities, for those exceeding the possession limit after its decriminalization law took effect in 2014.² In Baltimore City, there were nearly 1,500 arrests for marijuana possession in 2015, 2016, and 2017; of those arrestees, 96% were African-American.

Currently, possession of between 10 grams and 1 ounce of marijuana is a criminal offense, punishable by up to 6 months in jail and/or a fine of up to \$1,000. Arrests for simple possession can be traumatic, and a criminal conviction carries life-altering collateral consequences. Disparate enforcement of marijuana laws means that these harsh collateral consequences disproportionately affect people of color.

HB 550 is an important and just reform that would reduce the number of arrests and criminal charges for simple marijuana possession.

III.) There is no good reason to wait; Maryland should move forward with this sensible policy now

The General Assembly has already taken up the issue of cannabis legalization by implementing the marijuana legalization workgroup. Given the trends in polling, and the increasing recognition by elected officials on both sides of the aisle that criminalizing cannabis users has done more harm than good, ending marijuana prohibition in Maryland has become less a question of “if” and more about “when” and “how.”

The longer the legislature waits to move forward with legalization, Marylanders are going to be subjected to the harms of cannabis prohibition. As the workgroup did not recommend moving forward with legalization this year, I encourage the legislature to enact HB 550 this session to reduce the harm done by Maryland’s cannabis laws. There is no good reason for Maryland to continue to criminalize its residents for simple possession, when the workgroup is already discussing how these charges will be expunged when the state moves forward with legalization.

Thank you Chairman Clippinger, and members of the committee for your time and attention. I respectfully urge a favorable report of HB 550.

If you have any questions or need additional information, I would be happy to help and can be reached at the number or email address below.

² “Structural Racism and Cannabis: Black Baltimoreans still disproportionately arrested for weed after decriminalization,” *Baltimore Fishbowl*, December 28, 2018, <https://baltimorefishbowl.com/stories/structural-racism-and-cannabis-black-baltimoreans-still-disproportionately-arrested-for-weed-after-decriminalization/>

Sincerely,

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