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Testimony from the Maryland State Chapter of the
National Organization for the Reform of Marijuana Laws (NORML)

Support with Amendment
HB1400 (Cannabis -Legalization, Taxation, and Regulation)

"If I can't grow my own cannabis, it's not actually legal."

Introduction

Maryland NORML has no paid staff – we are entirely energized by more than 5,000 Maryland citizens committed to ending marijuana prohibition and establishing a regulated cannabis commercial market for adults who choose to use marijuana responsibly. We submit this testimony on behalf of our membership, their families, and other Marylanders who want to see harm reduction policies that will establish a more just and inclusive society. I do not now and never have had any stake or investment of any kind in any cannabis enterprise, (nor does anyone in my family) and have never received any fee or remuneration for consulting with any cannabis enterprise.

Decriminalizing Home Cultivation

Under HB1400, an adult in Maryland would no longer face criminal charges for “personal use amounts” of cannabis. The “personal use amount” definition includes six or fewer cannabis plants as well as the cannabis produced by those plants – provided the cannabis is kept at the location where it was cultivated and secure from unauthorized access.

When we legalize marijuana for adult use, the law must also allow an adult to cultivate marijuana for their own use. When adult marijuana use is legal, it is inconceivable that there would be any penalty under law for growing a personal use amount of marijuana.

A Basic Liberty

It is a basic liberty that one can plant a garden and reap the harvest for one's benefit and pleasure. Cultivating cannabis at home for personal, non-commercial purposes poses no danger that could justify infringing on the liberty to grow your own garden. Using police officers and the courts to punish adults who produce their own marijuana for personal non-commercial purposes is bad public policy and tramples on the principles of liberty and



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personal freedom. Adults should be free to provide for themselves instead of dependent on state licensed businesses. Our laws should not *require* citizens to purchase a product they are perfectly capable of producing for themselves.

Home Cultivation v. Unlicensed Cottage Industry Activity

People who grow marijuana and sell it are not engaging in home cultivation for personal, non-commercial purposes – they are engaging in an unlicensed cottage industry activity (a.k.a., a home-based business). Individuals who produce and sell cannabis on the unregulated illicit market are not compliant with the law in any jurisdiction; reasonable home cultivation protections should not be framed as an invitation for unregulated business activity.

Why Regulators in Colorado and California Lament Home Cultivation

The General Assembly Marijuana Legalization Work Group has first-hand experience with regulators from other states raising concerns about the extent of unregulated for-profit marijuana cultivation taking place in private homes and on private property. The theory is that home cultivation protections creates or somehow provides cover for these illicit business practices. The actual cause is twofold: (1) a pre-existing export market production capacity, and (2) the fact that we will never fully eliminate all unauthorized activity.

(1) Colorado, Oregon, and California have thousands of unauthorized marijuana producers supplying the illicit market. As a result, regulators from those states confront a unique challenge that regulators and lawmakers in Maryland simply do not confront. Maryland does not have illicit marijuana production levels designed to supply a national market. Home cultivation activity in Maryland is relatively uncommon and decriminalizing home cultivation does not create market conditions to stimulate illicit market production capacity – we are talking about personal use amounts here, not cottage industry level production.

(2) At the end of the day, we will no doubt continue to have individuals attempting to skirt the law and try to earn money by growing and selling marijuana. The fact that some people might be non-compliant with applicable standards is no justification for depriving all citizens of this basic right.

Reduced Cost

Purchasing cannabis from a licensed dispensary can be quite expensive. So, while the plant is accessible to those with disposable income, it may be out of reach for those who cannot afford it. Home cultivation can reduce cannabis expenditures by up to ninety percent, freeing up financial resources for other purchases or for savings. For low-income cannabis



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consumers, this cost savings can represent a significant portion of their available financial resources.

For most consumers, growing cannabis at home is a complicated, time-consuming process; purchasing safe, regulated cannabis legally at a dispensary will always be a more convenient choice for the consumer. However, protecting an individual's right to grow their own cannabis will maintain an incentive for Maryland businesses to keep prices as low as possible. Home grow increases competition that benefits the consumer, whether they choose to grow or not – home cultivation rights work like a consumer price safety net.

We Tolerate Personal Risk – Right?

As with our right to home-brewed beer, the number of citizens who would choose to take advantage of a home cultivation right is limited. The risks posed by such behavior is limited and far below other risks we tolerate every day. Brewing alcohol at home for non-commercial purposes is not a crime in Maryland – yet alcohol is far more dangerous than cannabis. Simply put, there is no discernible public interest in arresting adults for limited, non-commercial home cultivation. It does not pose a public health risk and does not pose any real threat to the interests of legal business operators (e.g., my right to bake bread doesn't pose a business threat to Panera – my right to brew beer doesn't threaten the economic interests of Budweiser – my right to wash my own cloths doesn't threaten the viability of the dry cleaning industry).

Reducing Illicit Market Production

To avoid the prospect of citizens exceeding their home cultivation rights by growing plants in quantities beyond what might be needed for limited, non-commercial personal purposes, aspiring producers need access to the legal market. The laws should facilitate safe business practices, not establish artificial monopolies.

Amendment

Maryland NORML requests an amendment to remove all civil penalties for “Personal Use Amount” marijuana possessions – especially the home cultivation provisions! Issuing a civil fine for growing personal use amounts of cannabis at home for non-commercial purposes is not warranted – it should be a legal activity, full stop.

For these reasons, we urge you to support HB1400 with amendment and forward with a favorable recommendation. Thank you for your time and consideration.

Luke Jones, Maryland NORML