

Daniel J. Carlin-Weber
SB708 – FAV
Finance, Budget and Taxation Committees
3/4/2021

I am a firearms instructor and advocate of responsible firearms handling and ownership. Currently, I am certified by the Maryland State Police as a Qualified Handgun Instructor and regularly teach the course necessary to receive the Handgun Qualification License (HQL). I'm also a Utah Concealed Firearm Permit Instructor, and NRA Range Safety Officer and Basic Pistol Instructor. Since 2016, I have instructed Marylanders from all walks of life on how to safely operate firearms and the responsibilities that come with their usage. I come before you today to ask a favorable report of Senate Bill 708 with amendments.

Quite simply, I am supportive of any legislation that peels back criminal penalties and legalizes consumption and usage of substances that people choose to use on their own. As you will likely read and hear from a number of advocates on this bill, cannabis in particular is regularly used as a pretense to wrongfully initiate arrests or detainment by police, especially and disproportionately against people of color. This legislation recognizes the reality that cannabis usage, despite its illegalities, is pervasive by Marylanders of all walks and that the ship on stemming its usage has long sailed. Other states like Massachusetts, Colorado, New York, and many others have legalized cannabis use for personal purposes and our neighboring Virginia is close to doing the same.

As stated in my introduction, I am a firearms instructor, and no, I did not sign up to testify on the wrong bill. There are caveats when discussing the intersections of cannabis (or any illegally used drug) and guns. I have reluctantly had to turn students away because they have disclosed that

they consume or that they have a medical cannabis card. Why? Drug consumption is still recognized as illegal under federal law and nothing the state can do will change that fact. SB708 seems to propose in § 23-604 (g) and (h) that one's use of cannabis does not affect their ability to acquire or possess firearms or be issued a firearms license or carry permit under Maryland law. Someone who consumes, regardless of their needs or whether they're using for medicinal purposes, is strictly prohibited under federal law from possessing firearms or ammunition **completely**. See 18 U.S. Code § 922(d)(3). <https://www.law.cornell.edu/uscode/text/18/922>. Even merely having a medical cannabis card also constitutes as a prohibitor. Advocacy organization Maryland Shall Issue covers the legal issues surrounding cannabis and guns in thorough detail in testimony on previously submitted legislation before this body over medical cannabis. *2020 MDGA – Information Only Testimony on SB179 and HB73*. Maryland Shall Issue. <https://bit.ly/3b8wdRo>.

This is a painful reality and I *despise* this prohibitor, but having the state turn a blind eye to federal law in this regard could leave gun owners and potential owners with a false sense of security and liable to be prosecuted for using cannabis and having guns. When someone does a federal National Instant Background Check System (NICS) background check, (as this legislature requires of most firearms transactions now), a user of cannabis cannot legally pass it. They either have to disclose that they do use and admit that they are a prohibited person – which will fail them – or they **have to lie**, thus breaking federal law. It stinks, but it is the current reality.

Furthermore, there are numerous references related to drug use (“Habitual user,” for example) and being federally prohibited from firearms possession in Maryland’s Public Safety Article and Criminal codes. Those **will** need to be updated should the State seek to protect otherwise innocent people from prosecution.

In one example, Public Safety Article § 5.117 states:

- (c) A person may purchase, rent, or receive a handgun **only** if the person:
 - (1) (i) possesses a valid handgun qualification license issued to the person by the Secretary in accordance with this section;
 - (ii) possesses valid credentials from a law enforcement agency or retirement credentials from a law enforcement agency;
 - (iii) is an active or retired member of the armed forces of the United States or the National Guard and possesses a valid military identification card; or
 - (iv) is purchasing, renting, or receiving an antique, curio, or relic firearm, as defined in federal law or in determinations published by the Bureau of Alcohol, Tobacco, Firearms and Explosives; and
- (2) is not otherwise prohibited from purchasing or possessing a handgun under State **or federal law.** (emphasis added)

All of this said, I do still applaud what the state is doing here with cannabis in general and perhaps this bill's provisions for firearms stand ready for whenever the federal government does finally get its act together. Responsible alcohol consumption does not eviscerate one's 2nd Amendment rights and the same usage of cannabis should not either. America's history is replete with examples of the expensive, deadly, and futile failures surrounding the prohibition of substances (and many other items...). It is refreshing to see the State working to legalize a common substance that is responsibly used by many Marylanders, but there needs to be an understanding of what is at risk if someone innocently violates these intertwined laws.

A handwritten signature in blue ink, appearing to read 'DJCW', is positioned above the contact information.

Daniel J. Carlin-Weber
300 St Paul Pl., 711
Baltimore, MD 21202
Djc_w@icloud.com