



POSITION ON PROPOSED LEGISLATION

Bill: HB 32 Cannabis - Legalization and Regulation (Inclusion, Restoration, and Rehabilitation Act of 2021)

Position: Favorable

Date: February 16, 2021

The Office of the Public Defender supports HB 032, which would legalize marijuana in Maryland.

A poll conducted in October 2020 by Gallup found that 68% of Americans support making cannabis use legal for adults, up from 66% in 2019, 48% in 2008 and 36% in 2005.¹ Cannabis is objectively less harmful than alcohol to the consumer and to society. It is less toxic, less harmful to the body, less addictive, and less likely to contribute to violent or reckless behavior. Adults should not be punished for making the safer choice to use cannabis instead of alcohol, if that is what they prefer.

Regulating cannabis like alcohol will replace the uncontrolled illicit market with a tightly regulated system. By legalizing and regulating cannabis, authorities actually know who is selling it, where it is being sold, when, and to whom. In jurisdictions where cannabis is legal, it is produced and sold by legitimate, taxpaying businesses instead of drug cartels and criminals. These businesses will be required to test their products and adhere to strict labeling and packaging requirements that ensure cannabis is identifiable and consumers know what they are getting.

Government resources should not be wasted arresting and prosecuting cannabis consumers. Hundreds of thousands of Americans are arrested each year for cannabis-related offenses, the vast majority of which are for simple possession. Roughly 663,300 Americans were arrested or cited for cannabis-related

¹ Megan Brenan, "Support for Legal Marijuana Inches Up to New High of 68%" Gallup, November 9, 2020. <https://news.gallup.com/poll/323582/support-legal-marijuana-inches-new-high.aspx>

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offenses in 2018, and almost 92% were for possession alone. That's one possession-arrest every 48 seconds, and it's more arrests than for all violent crimes combined.² Maryland's government resources could be better spent on things like battling the opioid crisis or investing in human needs, such as mental health counseling. In Maryland, nearly 90% of drug overdose deaths involved opioids in 2018.³

Enforcement of cannabis prohibition laws also disproportionately impacts persons of color. Despite using cannabis at roughly the same rates as whites, Blacks in the U.S. are nearly four times more likely to be arrested for cannabis possession.⁴

Amongst the states that have ended prohibition, there has been a significant improvement in their jobs and economy. Colorado has issued over 40,000 licenses for work directly in its cannabis industry, not including jobs in ancillary businesses. Colorado and Washington — the first two states to make marijuana legal for adults — both rank among the best economies in the nation. Washington state collected a total of \$395.5 million in legal marijuana income and license fees in fiscal year 2019, all but \$5.2 million of it from the state's marijuana excise, or sales tax. Their report shows that the marijuana revenues were \$172 million more than that of liquor.⁵ Colorado's marijuana excise taxes raised \$250 million in 2018. In the first year of marijuana sales, Nevada generated over \$69 million in marijuana taxes, exceeding projections by 40%.⁶

There are two additions the Office of the Public Defender believe would strengthen this legislation. First, we've seen in places like Colorado that even after legalization of marijuana, child protective services were using a parent's marijuana usage as a basis to start parental neglect cases against them. We hope any legalization in Maryland would clearly ban that practice here. Secondly, under certain legal concepts, the

² U.S. Department of Justice, Federal Bureau of Investigation, Crime in the United States, 2018

<https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/topic-pages/persons-arrested>

³ National Institute on Drug Abuse, Maryland: Opioid-Involved Deaths and Related Harms, 2018

<https://www.drugabuse.gov/drug-topics/opioids/opioid-summaries-by-state/maryland-opioid-involved-deaths-related-harms>

⁴ American Civil Liberties Union. "A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform," April 2020.

⁵ Mike Pellicciotti, Washington State Treasurer, Washington Marijuana Revenues, and Health, 2019

<https://tre.wa.gov/portfolio-item/washington-state-marijuana-revenues-and-health/>

⁶ State of Nevada, Department of Taxation, June Marijuana Revenue Statistics News Release, 2018

<https://tax.nv.gov/uploadedFiles/taxnvgov/Content/TaxLibrary/News-Release-June-Marijuana.pdf?>

smell of marijuana may be the basis for a police officer to stop an individual. And the smell of marijuana in a car , in certain circumstances, give police officers the ability to commit a warrantless search of a car. We believe any legalization legislation should explicitly outlaw these practices.

For these reasons, the Maryland Office of the Public Defender urges a favorable report on **HB0032**.