

February 12, 2021

RE: House Bill 032 – Inclusion, Restoration, and Rehabilitation Act of 2021

Position: Favorable with Amendments

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Dear Honorable Members of the Judiciary Committee and Government Operations Committee:

I am writing today in favor of HB 032 with amendments. The legalization of cannabis in the State of Maryland is a necessary and inevitable action. The federal government has utilized cannabis prohibition as means of discrimination which has led to the disproportionate enforcement of those laws. 15 States have laws that legalize the use of cannabis for citizens above the age of 21 representing 33% of the population. I will graduate this May from the inaugural class at the University of Maryland earning a Master of Science degree in Medical Cannabis Science and Therapeutics, we have extensively studied the negative effects that can arise from cannabis use, and it is true that cannabis is one of the least toxic drugs in existence representing a minimal risk to those that consume it. We have also studied the case for edibles and the biphasic reactions to cannabis, but the fact remains that NO person has ever suffered death as the result of cannabis toxicity making cannabis one of the safest ligands in existence. Even though cannabis is generally regarded as safe, an adult-use regulatory framework would provide much needed safety protocols regarding the cultivation process, processing techniques, and lab testing requirements to ensure high quality standards which is in the best interest of all Marylanders'.

The fear of violating federal law is currently unfounded due to the Cole Memo and the priorities it places on cannabis enforcement. In addition, the Controlled Substance Act – 21 U.S.C. Section 903 states that “No provision of this subchapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which that provision operates, including criminal penalties, to the exclusion of any State law on the same subject matter which would otherwise be within the authority of the State, unless there is a positive conflict between that provision of this subchapter and that State law so that the two cannot consistently stand together.” There are no positive conflict nor precedents for State legal operations of medical or adult-use programs being prosecuted for operations that are in accordance with state law. Furthermore, the principal of Federalism and the 10th Amendment clearly indicate “Powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively...” and, the Anti-Commandeering Doctrine provides further protection to State of Maryland concerning preemption of State law. In other words, the Federal Governments inaction concerning cannabis should not be cause for Maryland not to act in the best interests of its citizens.

House Bill 032 and Senate Bill 708 are 90% similar with some distinct differences regarding taxation and number of dispensaries. One major factor to be considered is the protection of the current medical cannabis program, cannabis is a medicine first and this needs to be respected by protecting access and availability to registered patients. The adoption of an adult use will increase the number of people using cannabis as a medicine due to the fact the many people choose not to be a registered patient. The social equity parameters, automatic expungement, and cannabis education will help Maryland develop one of the most comprehensive programs in the Nation. While I agree with 99% of the “social equity” parameters, I disagree with the eligibility as a “social equity applicant” simply for having a past criminal marijuana offense because this rewards criminal behavior regardless if the law should or should not have existed. In addition, I feel that the taxation presented in HB 032 is excessive compared to every other state that has adult-use programs which may lead to the continuation of black-market activities. The ability for home cultivation is the cornerstone for most successful adult-use programs, and Maryland needs to provide its citizens with the option of home cultivation as well. Having the ability to “grow your own” is a great equalizer to all other program constraints such as availability and taxation, by providing the right to grow a small amount of cannabis you empower the citizens with the freedom of choice. Maryland is faced with an opportunity and needs to develop and implement its laws concerning adult use cannabis ahead of federal regulation changes that may occur with the new administration. I thank you for your consideration on these matters.

Suggested Amendments:

- Increase personal use amount to 4 oz.
- Allow for home cultivation of 12 plants for household with more than one adult.
- Reduce the tax burden to promote participation in legal market.
- Increase protections for medical cannabis market, including research.

Best Regards,

Kevin D. Merillat, MBA

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