

X HB 1 - Cannabis - Adult Use and Possession.pdf

Uploaded by: Donna Edwards

Position: FAV



MARYLAND STATE & D.C. AFL-CIO

AFFILIATED WITH NATIONAL AFL-CIO

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HB 1 – Constitutional Amendment – Cannabis – Adult Use and Possession Senate Finance Committee March 23, 2022

SUPPORT

**Donna S. Edwards
President
Maryland State and DC AFL-CIO**

Madam Chair and members of the Committee, thank you for the opportunity to submit testimony in support of HB 1 – Constitutional Amendment – Cannabis – Adult Use and Possession. My name is Donna S. Edwards, and I am the President of the Maryland State and District of Columbia AFL-CIO. On behalf of Maryland's 340,000 union members, I offer the following comments.

Eighteen states and the District of Columbia have changed their laws to legalize or decriminalize cannabis for recreational use. In 2021, alone, five states moved legislation to legalize cannabis for recreational use. With each passing year, more states are legalizing, and it is time for Maryland to decide our future and determine if we will move forward on legalization.

HB 1 lets the voters of Maryland decide – for ourselves – at the ballot box this coming November, whether we shall join the ranks of the other 18 states, or if we will continue to criminalize cannabis use at the State level.

The position of the Maryland State and DC AFL-CIO is to support the legalization of cannabis. We believe that doing so will reduce the stress on our criminal justice system, allowing for more resources to be used to prevent and mitigate serious crimes. We also know that it will provide much needed revenues to the state to meet the needs of Maryland's residents.

However, regardless of labor's support for legalization, it should be up to the voters to decide whether or not we move forward. It is time to put the legalization of cannabis on the ballot and give Marylanders the choice.

For these reasons we ask for a favorable report on HB 1.

Clippinger_HBs 1 and 837_Finance.pdf

Uploaded by: Dylan Goldberg

Position: FAV

LUKE CLIPPINGER
Legislative District 46
Baltimore City

Chair
Judiciary Committee

Rules and Executive
Nominations Committee



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Written Testimony of Delegate Luke H. Clippinger

House Bill 1 – Cannabis Referendum | House Bill 837 – Cannabis Reform

Senate Finance Committee

March 23, 2022 at 1:00 p.m. | Position: SUPPORT

Chair Kelley, Vice Chair Feldman, and members of the Senate Finance Committee: it is my honor and pleasure to testify before your committee in support of House Bill 1 – Constitutional Amendment - Cannabis - Adult Use and Possession and House Bill 837 – Cannabis Reform, legislation contingent on the passage of HB 1.

Last July, House Speaker Adrienne Jones announced her support for a referendum to legalize cannabis on the 2022 General Election ballot. In tandem, the Speaker also established the House Cannabis Referendum Workgroup, to which I served as the Workgroup’s Chair, with the intention that lawmakers would consider the most effective and equitable path to implement a legalized cannabis program in the state, should Marylanders vote in favor of the ballot question this November.

Over the course of several workgroup meetings throughout last year and after considerable work with my fellow workgroup members, advocates, and stakeholders, the House produced comprehensive legislation to address the four identified pillars of a successful legalization program: public health determinants, criminal justice impacts, business implementation and regulation considerations, and effective taxation practices on the sale of cannabis. Our workgroup welcomed experts from various backgrounds and issue areas. We received briefings on each topic, reviewed data, compared successes and failures of legalization efforts in other states, and asked questions. Collectively, we received a robust education on cannabis policy and gathered the information required to make informed decisions as we move forward. The result of our work throughout the workgroup process and subsequent House Committee process is reflected in the overview of HB 1 and HB 837 outlined below.

House bills 1 and 837 present a logical first step in Maryland’s legalization effort. Marylanders deserve to have their voices heard at the ballot box on the question of legalization. Once Marylanders vote yes, the legislature will be in the best position possible – as HB 837 is implemented - to continue our work and augment this policy to create the best, most equitable path to legal recreational cannabis. Too many people have already suffered the consequences of a misguided war on drugs. House bills 1 and 837 will ensure that Maryland is placed on a rapid but responsible path to legalize recreational cannabis and I urge your favorable report.

Cannabis Proposals Summary

The Ballot Question – HB 1: If approved by the voters, on or after July 1, 2023, individuals who are at least 21 may use and possess cannabis. The General Assembly is required to provide for all laws regarding cannabis.

Contingent Legislation – HB 837:

Criminal

1. Effective on January 1, 2023 through June 30, 2023

a. *Simple Possession*

- i. Possession of 1.5 ounce or less, rather 10 grams, is a civil offense punishable by a fine not exceeding \$100.
- ii. Subsequent civil offense provisions on the books are stricken.
- iii. Abrogates in lieu of the personal amount use on July 1, 2023.

2. Effective on January 1, 2023 (no abrogation)

a. *Simple Possession:* Possession of more than 1.5 ounce but not more than 2.5 ounces is a civil offense punishable by a fine not exceeding \$250. Equivalency standards are established.

b. *Possession with Intent to Distribute (PWID)*

- i. PWID and growing or manufacturing cannabis or a cannabis product are punishable as a misdemeanor and subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both. PWID may be charged by citation.
- ii. Possession of up to 2.5 ounces without other evidence of an intent to distribute may not be charged as such.

c. *Paraphernalia:* Marijuana paraphernalia is legal.

d. *Expungement*

i. Simple Possession:

1. A person charge with only simple possession may have that charge automatically expunged.
2. A person charged with simple possession and other charges from a single event or occurrence may file for expungement immediately. The *Unit Rule* does not apply.

ii. Possession with Intent to Distribute:

1. A person may request expungement of a conviction of possession with intent to distribute on or after 3 years from when the sentence is satisfied.

iii. House Appropriations will find money in FY 23 to support expungements.

e. *Resentencing:* Require an individual convicted of only simple possession and held in a State prison or local jail to be resentenced such that the individual's incarceration ends.

Cannabis Proposals Summary

3. Effective July 1, 2023 (no abrogation)
 - a. *Personal Use Amount*: Possession of up to 1.5 ounces is legal.
 - b. *Civil Personal Use Amount*: Possession of up to 2.5 ounces is subject to a civil citation.
 - c. *Public Consumption*: Cannabis may not be consumed in a public place. A person who violates this is subject to a \$50 fine for the first infraction and \$150 for subsequent infractions.
 - d. *Sharing*: A person may share cannabis if all persons are 21 without remuneration.
 - e. *Cannabis Cultivation*: Up to 2 cannabis plants may be grown in a single household, regardless of the number of adults living in that household. The plants must be in a secure location.

Health

1. Effective June 1, 2022
 - a. *Baseline Study*: On or before January 1, 2023, various entities must conduct, participate in, and contract for a *baseline study regarding various cannabis-related statistics*, including patterns of use, incidents of impaired driving, hospitalizations, calls to poison control, and use disorder and problem use.
 - b. *Cannabis Studies*: The Medical Cannabis Commission will study:
 - i. home grow for patients to cultivate cannabis for personal use;
 - ii. the implementation of laws relating to on-site consumption areas; and
 - iii. how to make marijuana products that do not appeal to minors.
2. Effective January 1, 2023
 - a. *Clean Indoor Air Act*: Smoking cannabis is subject to the Clean Indoor Air Act.
 - b. *Cannabis Public Health Advisory Council*: Creates a Cannabis Public Health Advisory Council to study and make annual recommendations regarding various cannabis-related issues, including youth impacts, addiction and misuse, advertising, labeling, and quality control.
 - c. *Cannabis Public Health Fund*: Creates a Cannabis Public Health Fund to address the health effects associated with the legalization of cannabis. This fund will also support the Cannabis Public Health Advisory Council.
 - i. House Appropriations set aside money in FY 23 to capitalize the fund.

Regulation

1. Effective June 1, 2022
 - a. *Disparity Study*
 - i. A disparity study will be conducted by the certification agency (MDOT) in consultation with the General Assembly, Attorney General, and GOSBA.
 - ii. Must be finalized by November 1, 2022, so that the General Assembly can review the findings and adopt appropriate statutory licensing structure.
 - iii. House Appropriations will set aside money in FY 23 to pay for the study.

Cannabis Proposals Summary

2. Effective January 1, 2023

- a. *Small, Minority-Owned, and Women-Owned Cannabis Business Assistance Fund*
 - i. The fund will assist small, minority-owned, and women-owned businesses enter the cannabis industry. An individual convicted of a marijuana crime may receive grants.
 - ii. Grants and loans will:
 - 1. support both operations and capital;
 - 2. be targeted at those disproportionately impacted by marijuana laws; and
 - 3. not be given to persons with a net worth exceeding \$1.7 million.
 - iii. Grants and loans shall also be used to support educational programs at the State's Historically Black Colleges and Universities, as well as business incubators.
 - iv. Comprehensive outreach must be conducted, including at historically black colleges and universities and trade associations representing minority-owned businesses.
 - v. House Appropriations will set aside money in FY 23 to capitalize the fund.

FWA HB 001 MOPD .pdf

Uploaded by: Elizabeth Hilliard

Position: FAV



PAUL DeWOLFE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
DIRECTOR OF POLICY AND DEVELOPMENT

KRYSTAL WILLIAMS
DIRECTOR OF GOVERNMENT RELATIONS DIVISION

ELIZABETH HILLIARD
ASSISTANT DIRECTOR OF GOVERNMENT RELATIONS DIVISION

POSITION ON PROPOSED LEGISLATION

BILL: HB 0001 - Constitutional Amendment - Cannabis - Adult Use and Possession
FROM: Maryland Office of the Public Defender
POSITION: Favorable
DATE: March 23, 2022

The Maryland Office of the Public Defender strongly supports Cannabis Legalization and supports the efforts made by HB 0001 to bring legalization to Maryland.

Marijuana legalization is an important step in righting the wrongs caused by the War on Drugs and over-policing in communities of color. Legalizing cannabis is critical to stop the use of it as a tool to disenfranchise communities of color. The disproportionate targeting of minority community members and communities by the War of Drugs has not only caused a loss of family structure and loss of income to many Maryland families, but it also disrupts entire communities.

MOPD encourages a path to legalization that provides for expungement opportunities and releases for past cannabis offenses. These steps are necessary to create some level of retribution for incarcerated citizens and restoring some of the imbalances caused by the War on Drugs.

For these reasons, the Office of the Public Defender urges a favorable report on HB 0001.

Submitted by: Government Relations Division of the Maryland Office of the Public Defender.

BaltimoreCounty_FAV_HB0001.pdf

Uploaded by: Joel Beller

Position: FAV



JOHN A. OLSZEWSKI, JR.
County Executive

JOEL N. BELLER
Acting Director of Government Affairs

JOSHUA M. GREENBERG
Associate Director of Government Affairs

MIA R. GOGEL
Associate Director of Government Affairs

BILL NO.: **HB 1**

TITLE: Constitutional Amendment – Cannabis Adult Use and Possession

SPONSOR: Delegate Clippinger

COMMITTEE: Finance

POSITION: **SUPPORT**

DATE: March 23, 2022

Baltimore County **SUPPORTS** House Bill 1 – Constitutional Amendment - Cannabis - Adult Use and Possession. This legislation would allow Maryland voters to decide on a Constitutional Amendment legalizing the recreational use of cannabis in the State.

The legalization of cannabis has come into focus as a critical social justice initiative in recent years. Stringent restrictions on the use of cannabis have led to higher numbers of low level, nonviolent arrests, disproportionately in minority communities. States across the Country, recognizing the shift in the public’s perception of cannabis use, have allowed voters to decide what is right for them.

With the passage of HB 1, the question of legalization would appear on the 2022 General Election ballot and would afford Marylanders the right to weigh on this important decision. Baltimore County supports the right of the voters to choose whether the recreational use of cannabis should be legal in Maryland.

Accordingly, Baltimore County requests a **FAVORABLE** report on HB 1. For more information, please contact Joel Beller, Acting Director of Government Affairs at jbeller@baltimorecountymd.gov.

Integrity and Dignity.pdf

Uploaded by: Anthony Buckler

Position: FWA

Anthony M. Buckler

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HB 1/HB 837: FWA

22 March 2022

I am writing to voice my support for the legalization of cannabis. It is long overdue for Maryland to legalize the recreational use of cannabis for adults, bolstering our economy and providing Marylanders with the educational and career experience needed for the future. The success of our current medical industry speaks to that itself. Unfortunately, it is the current cannabis industry's manufacturing practices that I must draw your attention to.

Currently in Maryland, and nationwide, common cannabis cultivation method includes the use of light-emitting diode grow light systems. Although these LEDs were originally used as maintenance troubleshooting tools for printed circuit boards, cannabis cultivators chose them because of their relatively low energy usage, compared to other lighting options. LEDs also differ in their directional square waveform, and that is of particular concern to me. All plants are photosensitive, and cannabis is highly photosensitive. LED lights have the potential to mutate plants in general, including cannabis (Monostori, I., 2018).

To date, I have associated two (2) mutations to the cannabis plant via LED lighting. The first is auto-seeding throughout the cannabis flower itself. This occurs at every calyx, or seed pod, within the cannabis flower. This process is a survival mechanism for the plant, as it does not recognize the waveform of the light and believes it is being attacked by synthetic energy. The second biological change induced causes cylindrical flower formations. This mutation is common with cannabis and is generally associated with too much atmospheric heat. With that in mind, I tested my theories to confirm. I used LED lights to trigger the flowering of a known feminized strain and monitored atmospheric conditions throughout the plant's entire life cycle. Data concludes higher temperatures within the flower itself, destabilizing the cells and triggering both mutations. Additionally, when the cannabis plant produces seeds, it no longer is focusing on medicine production (Cervantes, 2006, p. 69).

Seeds are considered unusable within medical standards. As a patient, I have continued to purchase seeded cannabis flower from businesses within the Maryland Medical Cannabis Commission jurisdiction. I have informed both the commission and cannabis cultivators of my findings to no avail. Although my intentions were pure, I was not received well. The commission refuses to address my concerns and has tried to encourage me to stay silent. Cultivators blame the problem on poor genetics. Meanwhile, patients are being betrayed by a bait and switch and cannabis industry employees simply refuse to discuss the problem.

I support the legalization of cannabis as a whole, and I believe some amendments need to be added. The use of LED lighting should be banned for cannabis flower production. LED lighting may be used for flower production only if the cannabis flower is processed for the concentrate within it, not sold in whole with unusable seeds. Additionally, having found these mutations, reported them appropriately to government and business alike, and being dismissed, I believe all citizens over 21 deserve the right to cultivate their cannabis for personal consumption, with limitations. I trusted the Maryland Medical Cannabis Commission and their businesses to do the right thing and correct their cultivation defects, and they have simply refused.

Considering the commission's wanton disregard for the health of all citizens of Maryland, I do not believe the Maryland Medical Cannabis Commission should be tasked with anything else until they regulate the use of LED lighting among their licensees. After speaking with Mitchel Parke at enforcement for the commission, I was informed the commission could not mandate light use. I am requesting the Maryland Medical Cannabis Commission be granted the authority to restrict the use of LED lighting to concentrate production only. Allowing cultivators to continue as is, opens the door for civil lawsuits as I have considered. Lawsuits are not what this industry needs, we need progress.

The use of LED lights for cannabis flower manufacturing represents a foundational crack in this industry and it is simply a matter of time before this industry collapses upon itself. I understand the desire for the legalization of cannabis, however, to move forward now without addressing the crack I identified, would be ill-advised.

At this time I would like to offer this committee some information about me and respectfully request it remains privileged until 2027, as that is when all testing data will be made public. In 2011, after lobbying for SB-308 and suffering a serious head injury, I received some cognitive functioning testing. The first test, Wechsler-IV adult aptitude battery, was administered by the Division of Rehabilitative Services. Upon completing the testing, I was informed that I test autistic. This means there are significant gaps between intellectual abilities. When the doctor evaluated my testing he informed me that I smashed the curve on the puzzle matrix section of the test. As a result, he estimated my IQ as “well into the 200’s”, and assigned a probability to my puzzle-solving skills of “1 of 5”. It was explained to me that there may be as many as four (4) other individuals currently living that are capable of doing what I did.

Although I was in disbelief, I continued my quest for a better understanding of my mental health. Again, I was tested by DORS, and again I smashed the curve in the puzzle matrix. With that in mind, I sought another opinion from a private doctor. As a result of my testing, I was recommended for a career in code-breaking. Shortly after this, I was evaluated again, and again I smashed a curve. This time it was my math score that attracted the attention of the administrator. I never considered a career in theoretical mathematics, but after scoring a 263, it is certainly an option. After nearly ten years of testing, I self-enrolled in a research study at Vanderbilt University’s, Frist Center for Autism Innovation. It was Vanderbilt that provided me with the answer I was searching for. Upon completion of intake assessment and accompanying interview

by a child psychologist, I was diagnosed as an evolving schizoid personality. Dr. Lewis explained to me emphatically the difference between me and other psychological conditions. She also encouraged me to go home, hire a publicist, and write whatever comes to my mind. It is slightly ironic to me that I acted on her recommendation six weeks before she offered it.

Not at any time have I ever been impaired by cannabis. However, the headaches and clouded thought that results from smoking cannabis seeds are significant for me. I will not stop writing about cannabis and what I have learned about this industry. If the use of LED lighting is restricted, it would allow me to focus my attention on other areas of need. I do not want to waste my time with the courts when this body can correct the faults of the cannabis industry with the stroke of a pen. Please, I implore you, to ban the use of LED lighting for cannabis cultivation. This is the right thing to do for all Maryland's citizens, not just cannabis patients.

I have extensive medical records available for review upon request. I implore any and all questions.

Anthony Michael Buckler

Author, *LED grow lights add up to a bag full of seeds*

https://www.somdnews.com/opinion/letters_to_editor/led-grow-lights-add-up-to-a-bag-full-of-seeds/article_2c7ff768-55ea-51fc-a2c5-5026927f556c.html

References

Cervantes, J. (2006). Marijuana horticulture: The indoor/outdoor medical grower's bible (5th ed.). Van Patten Publishing.

Monostori, I., Heilmann, M., Kocsy, G., Rakszegi, M., Ahres, M., Altenbach, S. B., Szalai, G., Pál, M., Toldi, D., Simon-Sarkadi, L., Harnos, N., Galiba, G., & Darko, É. (2018). LED Lighting - Modification of Growth, Metabolism, Yield and Flour Composition in Wheat by Spectral Quality and Intensity. *Frontiers in plant science*, 9, 605.

<https://doi.org/10.3389/fpls.2018.00605>

Maryland HB 1 & HB 837 - Jax James NORML (Senate).

Uploaded by: Jax James

Position: FWA



Working to Reform Marijuana Laws

Maryland (2022): HB 1 & HB 837, Testimony in support of cannabis legalization and regulation efforts

My name is Jax James and I serve as the State Policy Manager for the National Organization for the Reform of Marijuana Laws (NORML). I would like to thank the Senate Finance Committee for considering House Bill 837. NORML is supportive of legislative efforts to give voters the opportunity to declare their position regarding important public health legislation such as cannabis policy reform, and is supportive of the establishment of a state-sanctioned, regulated cannabis market. However, our mission first and foremost prioritizes the safety and protection of consumers, and thus we outline various suggested amendments below.

The Maryland Cannabis Reform bill (HB 837) is intended to define what a legal system would look like if the cannabis legalization referendum bill (HB 1) becomes law and voters favor legalization in November. This legislation provides voters with the opportunity to decide whether or not to legalize adult-use marijuana possession in Maryland and also provides a framework for the adoption of a regulated marketplace in a fair and equitable manner.

HB 1 would finally allow voters to have their say on this important issue. HB 837 provides some guidance with respect to what activities would and would not be permissible after legalization. Specifically, when it comes to providing a regulatory framework for a fair and just adult-use legalization scheme, we believe that lawmakers consider making the following changes and/or clarifications to this bill:

Legalization should go into effect immediately upon voter approval

Adult-use possession and home cultivation would not be legalized until July 2023 — eight months after voter approval. There should not be a delay between voter approval and ending penalties and police intervention for cannabis possession.

Legalize safe home production of cannabis products, effective upon voter approval

Adults should be able to safely make cannabis-infused products (such as brownies) at home. HB 837 imposes up to three years in jail for home production of cannabis products.

Clarify and increase possession and cultivation limits





Working to Reform Marijuana Laws

We suggest legalizing personal cultivation of up to six plants, rather than two, which is more in line with other states, along with all of the cannabis produced by the plants, as long as any excess cannabis is kept at home .

We also recommend allowing personal possession of four ounces to mirror the medical law. Having consistency in the possession limits between adult -use and medical cannabis will protect patients, who may not have their card on them or have an expired card.

Express a commitment to repair the damages caused by unjust and racist marijuana prohibition laws.

The regulated marijuana industry cannot be successful without actively working to repair the harms caused by the failed war on drugs .

According to the 2020 Maryland Uniform Crime Report, the illegal status of marijuana accounts for 57 percent of all drug related arrests in the state (11,508 marijuana arrests in 2020). These arrest statistics are shocking, but they do not account for the tens -of-thousands of unnecessary, avoidable encounters cannabis consumers have with police on a daily basis that do not lead to an arrest. The harms that result from these encounters are real, measurable, and disproportionately affect communities of color .

Reforming how citizens engage with police and restoring confidence in public institutions requires immediate cannabis policy reform action. Adult -use marijuana legalization has broad, bipartisan support and we urge you to help us assure these prohibition -era laws are repealed this legislative session. Over 60 percent of Maryland residents endorse a regulated, adult -use marijuana market. They deserve the opportunity to democratically enact long overdue change through legislative action.

For these reasons, NORML urges Maryland lawmakers to thoughtfully consider and pass HB 1 and HB 837 with amendments .



LaWann Stribling Testimonyhb1.docx.pdf

Uploaded by: LaWann Stribling

Position: FWA



Maryland General Assembly
Maryland Senate Finance Committee
Annapolis, MD - March 3, 2022

Testimony from LaWann Stribling, Strib'ble District LLC

Support with Amendments: Cannabis - (HB0001)

Thank you for your commitment to end the “intentional” war on drugs. Before I go into the referendum request, I would like to begin with why Social Equity in Cannabis is extremely important.

In order to understand how we got to this point of inequalities, one needs to know the history behind the War on Drugs. In 1930, Harry Anslinger was appointed by his father to be the first Commissioner of the Federal Bureau of Narcotics, now known today as the DEA. From his appointed positions Anslinger opined for extremely harsh drug laws and ridiculously long prison sentences. This began the foundation that ultimately led to the mass incarceration of people of color, mainly those of African and Mexican descent. From then, Police Departments began to have militarized access to raid homes and businesses of Black and Brown residents which included known musicians, actors and actresses.

Persecuting Black and Brown Residents destroyed the backbone for these families for centuries to come. It is 2022 and we are still suffering from the damage caused by Anslinger’s – and later Richard Nixon’s, ramped up War on Drugs. This War on Drugs has created a profitable business for Private Prisons, bail bonds and cities across the country and nation. Anslinger associated cannabis use with the enabling of Black and Brown residents with the belief that it gave us a sense of entitlement for success. Being able to use laws to harass, incarcerate and murder have created the world we live in today that is full of inequities, inequalities and injustices.

Addressing the social inequities in Cannabis today would free those incarcerated, change the racist laws surrounding drugs and plants and give hope to our current and future generations. Social equity in Cannabis would allow families to rebuild what has been stripped from them. Addressing the equity would begin to correct the decades of unfairness to many Black and Brown families. It’s HOPE, hope that we can live our lives using natural holistic methods for wellness without criminalization and prosecution. To have a way for families to build up wealth and change the climate of poverty, red lining, lack of education and resources.

In 2019 I was hoping a local dispensary in Maryland would be given the opportunity to expand but that didn't happen. They were 1 amongst other minority owned businesses that were not awarding license expansion. If we are here to address social equity and the intentional drug war on black and brown residents then correcting these wrongs should not be a 2nd thought. I encourage a favorable vote with amendments to include Senator Carter's bill SB692 and Delegate Acevero's HB1342. I encourage a favorable vote on SB692, SB844, HB1342 and Bills 001, 833 & 837 with amendments stated above and below.

I aspired to apply to be a processor on the cottage level for cannabis infusions. That dream quickly faded when I began to read the application process. That dream would not come to fruition with current policies that emphasize the need for excessive equity and capital. I do not possess either! I could not afford step 1 in the application process which cuts my family's cottage business dreams down. Providing low barriers of entry into the industry seeks to amend the history of injustices surrounding marihuana, poverty, redlining, mass incarceration and lack of wealth and resources for Black and Brown residents. I'm HOPE, I'm a great example of needing equity, equality and inclusion as a family owned bootstrapping cottage business.

It is past time to correct the foundational racist laws that govern our everyday lives.
#lastprisonerproject #520

I fully support bills SB844, SB692, HB1342 and support bill 0001, 833 and 837 with amendments to address social equity, home grow, decriminalization and cottage businesses.

Harry Anslinger's quotes:

“ . . . the primary reason to outlaw marijuana is its effect on the degenerate races “ **---(attributed to) Harry Anslinger during congressional hearings**

“Marihuana leads to pacifism and Communist brainwashing.” — **(attributed to) Harry Anslinger during congressional hearings (era 1947-48)**

“Negro entertainers with their jazz and swing music are declared an outgrowth of marihuana use which possesses white women to tap their feet.” — **statements to Congress by Anslinger, FBN - 1937-50:**

Thank you for allowing my submission,

LaWann Stribling, a Wife, Mom, Entrepreneur, Advocate & Lobbyist

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Ref: [Anslinger's Quotes](#)

HB 1 & HB 837 - MoCo_Elrich_SWA (Senate) (GA 22).p

Uploaded by: Marc Elrich

Position: FWA



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

March 23, 2022

TO: The Honorable Delores G. Kelley
Chair, Finance Committee

FROM: Marc Elrich
County Executive

RE: House Bill 1, *Constitutional Amendment – Cannabis – Adult Use* and
House Bill 837, *Cannabis Reform*
Support with Amendments

I am writing to express my support for House Bill 1, *Constitutional Amendment – Cannabis – Adult Use*, and House Bill 837, *Cannabis Reform*. It is essential that Maryland move forward as quickly as possible to legalize the personal use of cannabis by adults and begin to repair the decades of harm done to individuals, families, and communities who have been disproportionately impacted by the “war on drugs” relating to marijuana and other cannabis products.

House Bill 837 would allow the State to move forward expeditiously upon enactment of the constitutional amendment proposed in House Bill 1 to implement much needed criminal justice reforms. The bill would also allow the State to move forward immediately with important efforts relating to public health, including completion of a baseline study of cannabis use in the State, creation of a Cannabis Advisory Council, and establishment of a Cannabis Public Health Fund to be used to support data collection and research, education and public awareness campaigns, treatment for substance abuse disorders, and training of law enforcement personnel to recognize impairments caused by cannabis.

Although the bill does not create a licensing and regulatory framework for the market structure that would be implemented in Maryland, it reflects an assumption that the State will eventually create a private sector model for the cultivation, processing, distribution, and sale of cannabis products. To the extent that Maryland moves in that direction, it is important to ensure that the State act aggressively to assist small, minority-owned, and women-owned businesses entering the industry. Importantly, House Bill 837 requires the State to conduct a disparity study to determine the types of remedial measures that would be needed to assist minority-owned and women-owned businesses and creates a Business Assistance Fund to further these efforts and

The Honorable Delores G. Kelley
Re: House Bill 1 and House Bill 837
March 23, 2022
Page

provide grants and loans to populations that have been disproportionality impacted by the enforcement of cannabis laws.

However, I also believe that any licensing and regulatory framework that implements a private sector model for the cannabis industry throughout the State should allow a county to opt out of that model at the retail level and establish an alternative county-operated system. Senate Bill 833, *Cannabis – Legalization and Regulation*, would create a private sector model for the industry but would also authorize local governments to prohibit any type of “cannabis establishment” through the enactment of local legislation or adoption of a local referendum. I submitted written testimony in support of Senate Bill 833 with amendments that would expand the local opt out authority in that bill to allow a county to establish a government-run retail system as an alternative to the private sector model established in the bill.

Montgomery County has decades of experience with the operation of retail liquor establishments, and I view this model as completely viable for cannabis products. With county control of the distribution of alcohol, the risk of over-marketing is greatly reduced, the alcohol is available and legal but is not over-hyped, and studies have shown that this type of restraint helps control alcohol abuse. Additionally, the revenues from alcohol sales continue to help fund important county initiatives. Similarly, this type of system would allow a county to better control advertising of cannabis products, prevent minors from accessing cannabis, protect public health, and maximize revenues for public purposes. The production of cannabis products, as with alcohol, would remain in the private arena.

Although government-run retail stores for cannabis are not common in the United States, a number of Canadian provinces chose to implement government-run retail systems after recreational cannabis was legalized in Canada in 2018. The issue is also being discussed in other jurisdictions closer to home. One recent example – while serving as Governor of Rhode Island last year, the current United States Secretary of Commerce (Gina Raimondo) proposed a State-run model for retail stores. It is a very legitimate option that might be more acceptable to some counties in Maryland as opposed to either a private sector model or the type of local “opt-out” mechanism included in Senate Bill 833.

If the Finance Committee moves forward with adopting legislation this year to create the licensing and regulatory framework for the cannabis industry, I respectfully request that the Committee include local enabling authority for county-operated retail shops in the final bill. If decisions about the market structure for the cannabis industry are delayed until after the passage of the constitutional amendment, I respectfully request that this year’s bill require the State to complete a study regarding the potential benefits of a government-operated retail system before the General Assembly meets again in 2023.

cc: Members of the Finance Committee

MPP_HB1_HB837_FWA_.pdf

Uploaded by: Olivia Naugle

Position: FWA



March 23, 2022

HB 1 and HB 837

Testimony from Olivia Naugle, senior policy analyst, MPP, favorable with amendments

Dear Chair Kelley and members of the Senate Finance Committee:

My name is Olivia Naugle, and I am senior policy analyst for the Marijuana Policy Project (MPP), the largest cannabis policy reform organization in the United States. MPP has been working to improve cannabis policy for 27 years; as a national organization, we have expertise in the various approaches taken by different states.

MPP has played a leading role in most of the major cannabis policy reforms since 2000, including more than a dozen medical cannabis laws and the legalization of marijuana by voter initiative in Colorado, Alaska, Maine, Massachusetts, Nevada, Michigan, and Montana. MPP's team spearheaded the campaigns that resulted in Vermont and Illinois becoming the first two states to legalize marijuana legislatively and played an important role in the recent Connecticut legalization effort.

The Marijuana Policy Project strongly supports legalizing and regulating cannabis for adults 21 and older and doing so in a way that repairs the damage inflicted by criminalization. That includes expungement of past cannabis convictions, provisions to ensure diversity and social equity in the industry, and reinvestment in communities hard-hit by the war on cannabis.

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 *how*.

We applaud House and Senate leadership for their commitment to ensure equitable legalization is achieved in Maryland. Marylanders have long supported moving forward with cannabis legalization, and there's no doubt that it is past time Maryland joined the 18 states (and D.C.) that have legalized cannabis for adults.

Here, I will discuss the positive impacts cannabis legalization will have and offer amendments to strengthen HB 1 and HB 837 as they are currently written.

I. Legalization should go into effect immediately upon voter approval.

As currently written, HB 1 and HB 837 would not legalize adult-use cannabis possession until July 2023 — eight months after voter approval. This delay would mean thousands of

Marylanders — disproportionately Black Marylanders¹ — will continue to be subjected to police interactions, citations, and arrests for cannabis for months *after* voters adopt legalization. There should not be a delay between voter approval and ending penalties and police interactions for cannabis.

New Jersey is the only other state that has taken the constitutional amendment route to legalize cannabis, and Maryland has an opportunity to learn from New Jersey's experience. New Jersey's voters approved legalization on the ballot in 2020, but that alone did not make cannabis legal. The legislature still had to come back and implement a law months later. In the three months between two-thirds of voters approving legalization and Gov. Phil Murphy signing implementing legislation, **more than 6,000 charges** for minor cannabis possession were filed. Maryland must not repeat New Jersey's mistake. When voters legalize cannabis in Maryland, cannabis needs to actually become legal.

II. Provide that the odor of cannabis is not grounds for a search

To further reduce police interactions for cannabis, it should be explicitly included in statute that the odor of cannabis is not grounds for a search.

We recommend using language like Connecticut's P.A. 21-1, § 18 to ensure cannabis is not grounds for a search, but to also allow the odor of burnt cannabis to form part of the basis for a DRE examination to determine whether a driver is impaired.

We do not recommend the language in SB 692's 1-211 (B), which creates an exception that swallows the rule, by seemingly allowing searches of areas, "(1) readily accessible to the driver or operator; or (2) reasonably likely to contain evidence relevant to the condition of the driver or operator" when an officer claims they are investigating a suspected DUI.

A DUI exception closer to Connecticut's allows officers to use the odor if it's relevant to probable cause for a sobriety test for driver *impairment* rather than to allow them to tear apart a car looking for legal cannabis.

For the DUI exception, we recommend language along the lines of:

"A law enforcement official may conduct a test for impairment based in part on the odor of burnt cannabis if such official reasonably suspects the operator of a motor vehicle of violating [DUI statutes]."

III. Increase possession and cultivation limits

We suggest legalizing personal cultivation of up to six plants, rather than two, which is more in line with other states.

¹ Black Marylanders are still twice as likely to be arrested for simple possession than white Marylanders. *A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform*, American Civil Liberties Union, 2020.

We also recommend allowing personal possession of four ounces to mirror the medical law. Having consistency in the possession limits between adult-use and medical cannabis will protect patients, who may not have their card on them or have an expired card. Further, other adult-use states have possession limits greater than two ounces. In New Jersey, for example, adults can possess up to six ounces of cannabis. Allowing for a higher possession limit will further reduce arrests, citations, criminalization, and police interactions for cannabis possession. There is no limit on how many bottles of wine one can have in their cellar.

IV. Allow possession of excess cannabis one harvests from their own plants

We recommend explicitly including in the definition of “personal use amount” any cannabis that is harvested from the plants an individual legally grows for personal cultivation, as long as the excess cannabis is stored at the same location where the plants were grown. SB 833 has language that can be used. As HB 837 is currently written, if a person’s plants produce more than the 1.5 ounce limit, they would exceed their personal use amounts and be subject to a civil fine.

V. Change “or” to “and” in the possession limit (p. 8, line 25; p. 9, line 5; p. 11, line 20; p. 11, line 28; p. 42, line 7; and p. 42, line 31)

Cannabis consumers often possess and purchase flower, plants, edibles, **and** concentrates, not just one or the other. However, the limit says a person can possess 1.5 ounces, 12 grams of concentrates, products with 750 mg of THC, **or** two or fewer plants. It is not clear if a person can even possess a gram and an edible. “Or” must change to “and” to ensure a person is not subject to a citation or criminal penalty if they have edibles and flower (or both two plants and some usable cannabis, etc.).

VI. Reduce penalties for other offenses, such as low-level sales

As currently written, possession with intent to distribute (PWID) and selling cannabis carry up to three years of imprisonment. The bill should reduce penalties for low-level sales.

Most of the earlier legalization laws removed state penalties for possession of a modest amount of cannabis and regulated commercial activity but did not reduce penalties for unlicensed sales. In several cases, even low-level sales remained felonies. Now, legalization states are increasingly working to reduce the harsh penalties for low-level sales to avoid harshly penalizing individuals who are simply trying to make ends meet. At least seven states reduced penalties for some or all unregulated sales either as part of legalization or shortly thereafter. Three of those states — Connecticut, New Jersey, and New York — “decriminalized” low-level sales as part of legalization. (Connecticut and New Jersey’s laws apply to first offenses only.)²

² <https://www.mpp.org/assets/pdf/issues/legalization/Sales-Penalties-After-Legalization.pdf>

VII. Provide that parole, probation, and pre-trial release cannot be revoked for state-legal cannabis activity

The bill should provide that parole, probation, and pre-trial release cannot be revoked for state-legal cannabis activity, including testing positive for cannabis, unless there is a specific finding that the individual's use of cannabis could create a danger to the individual or other persons.

VIII. Legalize safe home production of cannabis products, effective upon voter approval

Adults should be able to safely make cannabis-infused products (such as brownies) at home. HB 837 imposes up to three years in jail for home production of cannabis products.

Conclusion

HB 1 and HB 837 are a promising start, but with these equity-driven recommendations, the legislature can deliver immediate relief to cannabis consumers and patients across the state.

Thank you, Chair Kelley and members of the committee, for your time and attention. I urge you to consider our suggested amendments and issue a favorable report on HB 1 and HB 837.

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

Sincerely,

Olivia Naugle
Senior Policy Analyst
Marijuana Policy Project
onaugle@mpp.org
202-905-2037

HB0001_UNF_opposed_vmcaoy.pdf

Uploaded by: vince mcavoy

Position: UNF

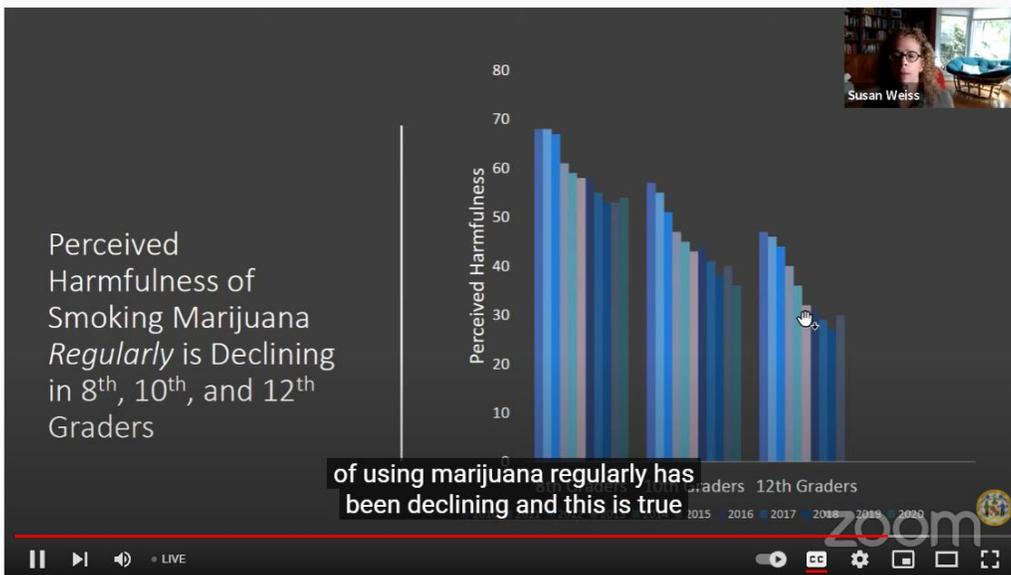
UNfavorable – HB0001 & HB0837
vince mcavoy po41075 baltimore md

Hello Senators

I urge an unfavorable for HB0001 and HB0837, which were presented as an interlinked pair in House Judiciary Testimony. I testified against those bills that day. I reminded the Committee of the numerous people in 2021 who presented neuroscience data, anecdotal describing and emergency room details about how this era's marijuana is not what Americans view as marijuana.

<https://mgahouse.maryland.gov/mga/play/4b22e772-da01-49dc-916f-b14044acab97/?catalog/03e481c7-8a42-4438-a7da-93ff74bdaa4c&playfrom=13530000> HB0032(2021)

In fact, in MDGA marijuana subcommittee hearings, the urgent problem of teens/young adults feeling that marijuana is largely a harmless weed (rather than a **HYPER-concentrated, artificially-modified drug delivery system**) has been unadvertised.



If you vote for these bills to go forward and do as the sponsor and his drug-promoting Vice Chair suggest, children will fail. There is a minuscule effort to research AFTER the issue of legalization has been wrought on Maryland. And we live in a serious region. Military outposts. Legislative and other governmental agencies. World-recognized and depended upon organizations. To blanket this area with marijuana smoke is to dismantle, weaken and dumb-down a primary hub and region of America.

They've given no thought to solving these problems other than that once upon a time, black men got arrested for smoking weed. That doesn't happen now. I live in Baltimore. Weed is smoked openly while walking, driving and working. There is no fact basis to these assertions that weed does anything more than keep blacks' school test scores low.

Don't do this, Finance. You can stop this and help these students. You will consign the youth to perpetual fog and underperformance if you pass these bills. You will wreck the work that educators, community activists and parents have painstakingly poured into the children.

humbly
~vince

HB1_Carr_unf.pdf

Uploaded by: Warren (Rusty) Carr

Position: UNF

HB1 Unfavorable
Warren (Rusty) Carr
4391 Moletton Drive
Mount Airy, MD 21771

Cannabis should be legalized this year. We don't need a "reeferendum" in November to write legalization legislation next January. We have such legislation currently before the Senate. If the referendum passes, we will still need to pass implementing legislation next session anyway. So a referendum is just a waste of time and money. If you need to know what the voters want, do nothing and you will hear our voices louder than for any referendum in November and at far less expense. You know that without any self-executing text, a referendum is an abuse of the amendment process. You are supposed to pass the bill and let the voters veto it via referendum if you got it wrong. We don't need to add the insult of the expense of a referendum to the injury of the delay that one year will cause. As a proponent of the repeal of the prohibition of cannabis I ask that you refer this bill as unfavorable because this bill was only meant to delay legalization.

Thank you,
Rusty Carr

HB 1_MDCC_Cannabis-Adult Use & Possession_INF.pdf

Uploaded by: Maddy Voytek

Position: INFO



LEGISLATIVE POSITION:

Letter of Information

House Bill 1

Constitutional Amendment – Cannabis – Adult Use & Possession

Senate Finance Committee

Wednesday, March 23, 2022

Dear Chairwoman Kelley and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 5,500 members and federated partners working to develop and promote strong public policy that ensures sustained economic recovery and growth for Maryland businesses, employees, and families.

HB 1 is a proposed constitutional amendment that, if passed by Maryland voters, would authorize an individual that is at least 21 years of age to use and possess cannabis in the state beginning July 1, 2023, subject to the requirement that the General Assembly provide for the use, distribution, possession, regulation, and taxation of cannabis through legislation.

While the Maryland Chamber of Commerce does not have a position on the policy of the legalization of cannabis for adult use, we would like to highlight some of the concerns shared by Maryland employers and their current and expected experiences relating to adult use legalization.

A primary concern is ensuring workplace safety. Maryland employers take seriously their role in providing a safe environment and experience for their employees and customers which has been aptly demonstrated throughout the COVID-19 pandemic. However, Maryland businesses are concerned that the legalization of adult use will lead to an increase in the number of individuals using cannabis and therefore an increase in the number of individuals under the influence at work. Without an accurate and reliable way to test for impairment during a shift, employers will face an additional challenge to maintain a safe working environment. For example, when operating heavy equipment and machinery is involved, an impaired employee could endanger their life and the lives of their coworkers. Further, the issue of impairment in the workplace will have ramifications for workers' compensation claims and an employee's ability to receive unemployment insurance benefits.

An additional concern voiced by Maryland employers is the impact a rise in the use of cannabis may have on workforce eligibility, particularly during such a challenging labor market. Maryland is home to many federal government contractors and small businesses that provide services to the federal government and federal installations. Many employers in these industries already face the challenge of finding qualified job candidates that must maintain a drug free lifestyle, as required by the federal government. Maryland's legalization of cannabis for adult use could stand to further winnow that eligible labor pool, resulting in a detrimental impact on many Maryland employers.

Finally, we have concern over the language used in the proposed Constitutional Amendment question. By only asking if Maryland citizens favor the legalization of adult-use, it leaves out the entire possession side of the policy.

Many Maryland employers are already experiencing these challenges since the legalization of medical cannabis in 2014. While these discrepancies will continue to exist without federal action on cannabis, we ask that you please consider the concerns of the Maryland business community when making this very important policy decision.

The Maryland Chamber of Commerce appreciates your consideration of our comments on **HB 1**.

