

# **SB 692 - Cannabis Legalization - SURJ3A Solidarity**

Uploaded by: Alicia Pereschuk

Position: FAV

To the members of the Senate Finance Committee,

I am a resident of District 43 writing in solidarity with Showing Up for Racial Justice Annapolis and Anne Arundel County. I am testifying in support of SB0692, which would legalize the use and possession of cannabis by an individual 21 years of age. This bill would also provide a pathway to clear criminal records and dispositions of certain charges relating to the use and possession of cannabis, and establish a system for the regulation and taxation of the market for the production and sale of cannabis within the State of Maryland.

Though *this* bill is focused on the taxation and regulation of cannabis legalization, curtailing the epidemic of mass incarceration by ending marijuana prohibition is one important step to repairing the harm that was done to communities of color by the war on drugs. The next step requires resources to be reinvested directly back into the same communities that were harmed. The system for these reparations can be achieved through the regulation and taxation piece of the State.

In order to ensure the creation of an equitable market, there needs to be a focus on lowering the barriers of entry into a legal market. Growers and dispensaries, which are part of the industry, are extremely capital intensive which puts Black and Brown communities at a stark competitive disadvantage due to the immense wealth disparity between those and white communities. There needs to be a focus on enabling and supporting minority owned businesses to establish themselves in the new legal market created by this bill.

For this bill to be most effective in restoring justice from the war on drugs, it should include the following eight policies:

1. Vacature of all cannabis/marijuana-related convictions.
2. Allow opportunities for resentencing for convictions pertaining to cannabis-related offenses (e.g. - distribution).
3. Eliminate legal mechanisms that allow cannabis to be used to criminalize individuals. This includes raising the legal possession limit and prohibiting law enforcement from using the odor of cannabis as probable cause to search or arrest someone.
4. Individuals should be able to grow small amounts of cannabis in their home for personal use.
5. Micro-businesses should be able to be licensed to grow smaller amounts of cannabis to sell to the public.
6. Licenses for transportation, security, and social consumption sites should have preferences for 'minority enterprises'.
7. The process for companies to be awarded commercial licenses should have incentives for companies that do business with 'minority enterprises.'
8. 50% of tax revenues from cannabis sales should go back into the communities harmed most by the war on drugs. The revenue should be allocated directly to the local distribution so that the community can have an active role in how the resources are distributed.

I urge you to support SB692, as it is one of the steps Maryland can take to right the wrongs of our carceral system and the war on drugs.

Thank you for your time, service, and consideration.

Sincerely,  
Alicia Pereschuk  
321 W. 28<sup>th</sup> St  
Baltimore MD 21211

**SB692 - Bruce Turnbull JUFJ fav.pdf**

Uploaded by: Bruce Turnbull

Position: FAV

March 3, 2022



THINK JEWISHLY. ACT LOCALLY.

Bruce H. Turnbull  
Bethesda, MD 20814

**TESTIMONY ON SB692- POSITION: FAVORABLE**  
**Cannabis Reform**

**TO:** Chair Kelley, Vice Chair Feldman, and members of the Finance Committee

**FROM:** Bruce H. Turnbull, on behalf of Jews United for Justice

**My name is Bruce H. Turnbull. I am a resident of District 16. I am submitting this testimony in support of SB692, Cannabis Reform, on behalf of Jews United for Justice (JUFJ) and on my own behalf.** JUFJ organizes 6,000 Jews and allies from across Maryland in support of state and local social, racial, and economic justice campaigns.

JUFJ's support of this legislation stems from our core goal of promoting racial equity and racial justice. This is a core goal because we believe in the Jewish teachings that every person is made in the Divine image, that we must love our neighbor as ourselves, and that destroying one life destroys the whole world. Those and other Jewish (and human) values drive our work in relation to our legal system in many ways.

It is quite possible that enacting SB692 could be the single action that would have the largest benefit for racial equity and justice in our state, more than any other single action this legislature could take. We want to thank Senator Carter for her leadership in sponsoring this legislation. Convictions for cannabis possession and trafficking have disproportionately and unfairly impacted communities of color, Black and brown. Making possession and trafficking a matter of a legally regulated system, and not subject to criminal penalties, would reduce the unfair burdens of our legal system on people from those communities.

In order to achieve this critical benefit, however, it is *essential* that any legislation to create a legal system for possession and distribution of cannabis and related products must include –

- automatic vacating of all previous convictions for acts this legislation would make non-criminal, including a mechanism to enable resentencing for any conviction that includes both a cannabis-related act and other actions found to be crimes;



- ensuring that Black and Brown businesses play significant roles in order to obtain substantial benefits from the development of cannabis-related businesses; and
- using all or a very substantial part of the tax revenue resulting from a legalized cannabis distribution system as a form of reparations to redress the long history of harm to Black Americans, starting with slavery and extending through the Jim Crow era, the War on Drugs, and most recently in the racial discrimination and inequities embedded in our society and society's institutions.

**In line with the above, JUFJ believes that SB692 contains all of the elements necessary to address the points noted just above.** While we appreciate Senator Feldman's intentions, as well as the intentions of those supporting a different approach in the House of Delegates, we believe that the elements noted above and others that are incorporated in SB692 must be in the authorizing legislation now, not studied, and that the realities of the current "marketplace" must be taken into account in setting the allowable quantities and the level of taxation to be imposed. Otherwise, we fear that the effort will be well-intentioned but a failure - continuing to cause the incarceration of too many Black and brown people and perpetuating the "extra-legal" sales and distribution system that now exists. Our primary concern is that the shift to recreational cannabis be done in the most equitable way possible. Accordingly, **we urge a favorable report of SB692.**

Thank you for the opportunity to provide this testimony.

# **SB 692 - Cannabis Legalization - SURJ3A Solidarity**

Uploaded by: Daryl Yoder

Position: FAV

To the members of the Senate Finance Committee,

I am a resident of District 12 writing in solidarity with Showing Up for Racial Justice Annapolis and Anne Arundel County. I am testifying in support of SB0692, which would legalize the use and possession of cannabis by an individual 21 years of age. This bill would also provide a pathway to clear criminal records and dispositions of certain charges relating to the use and possession of cannabis, and establish a system for the regulation and taxation of the market for the production and sale of cannabis within the State of Maryland.

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In order to ensure the creation of an equitable market, there needs to be a focus on lowering the barriers of entry into a legal market. Growers and dispensaries, which are part of the industry, are extremely capital intensive which puts Black and Brown communities at a stark competitive disadvantage due to the immense wealth disparity between those and white communities. There needs to be a focus on enabling and supporting minority owned businesses to establish themselves in the new legal market created by this bill.

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I urge you to support SB692, as it is one of the steps Maryland can take to right the wrongs of our carceral system and the war on drugs.

Thank you for your time, service, and consideration.

Sincerely,  
Daryl Yoder

309 Glenmore Ave.

Catonsville, MD 21228

# **Ramsey Testimony MD 692 Cannabis .pdf**

Uploaded by: Debbie Ramsey

Position: FAV



# LAW ENFORCEMENT ACTION PARTNERSHIP

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Detective Sergeant Neil Woods, Ret.  
Derbyshire, England, LEAP UK

Date: March 3rd, 2022

Re: SB 692: Cannabis Legalization and Reparations for the War on Drugs

Position: SUPPORT

To: The Maryland Senate Finance Committee

Distinguished Members of the Committee,

Thank you for the opportunity to testify in support of SB 692 today. Having spent the bulk of my career with the Baltimore Police Department, working as a detective with the Criminal Investigation Drug Enforcement Section, I believe I have a responsibility to offer my support for this bill. SB 692 legalizes the use and possession of a certain amount of cannabis by adults over the age of 21. It also clears criminal records and the disposition of certain charges relating to the use and possession of cannabis. Finally, the bill establishes a system for the regulation and taxation of the market for the production and sale of cannabis in the State.

In addition to my public safety career, I am a speaker for the Law Enforcement Action Partnership (LEAP). LEAP is a nonprofit group of police, prosecutors, judges, and other criminal justice professionals who speak from firsthand experience. Our mission is to make communities safer by focusing law enforcement resources on the greatest threats to public safety and working toward healing police-community relations.

As a veteran drug enforcement detective, I was dismayed to see scarce police resources spent on cannabis arrests. Every cannabis arrest took hours away from investigating homicides and attempted murders. We need our police to focus on the greatest threats to public safety -- and cannabis is not one of them.

In fact, I learned the hard way that arresting someone for selling cannabis makes things worse on the street. Every officer knows that an arrest does not stop the cannabis trade. Instead, it introduces more people into the justice system, where a criminal record will lock them out of employment, education, and housing opportunities.

**LawEnforcementActionPartnership.org**

*Formerly known as Law Enforcement Against Prohibition*

After retiring from policing, I founded the “Out of School Time” violence prevention program in West Baltimore, which engages kids in after-school activities to keep them off the street corner. Programs like ours pay huge long-term dividends in keeping kids on a positive path. But our progress is threatened every day by job offers from the illegal marijuana market.

Keeping the use and possession of certain amounts of cannabis illegal not only wastes the time of our officers, it also destroys community trust. You already know how Freddie Gray’s death led to the devastating 2015 uprising -- one of the greatest implosions in police-community relations since Rodney King. Freddie Gray had been in and out of handcuffs since age eighteen for selling drugs. We cannot place all of the blame on the officers who killed him -- when we ask officers to fight a war against drugs, some officers are going to treat those that possess cannabis as combatants rather than as neighbors and members of the community.

Some individuals believe that cannabis prohibition is useful so that officers have an excuse to threaten people with arrest if they do not cooperate. These same individuals wonder why many communities of color do not trust the police. Every time an officer threatens a community member with a cannabis arrest, we are digging ourselves deeper into this hole of distrust.

It has long been argued that legalizing cannabis would promote and encourage more usage. The truth is that it is already widely available and it does not necessarily encourage more usage. According to a study published in The Journal of the American Medical Association, there was no increase in usage in states where cannabis has been legalized.

Without community trust, police cannot protect public safety. Since the killing of Freddie Gray in April 2015, homicide rates in Baltimore have been sky-high. When people do not trust the police, our detectives cannot close cases. We must protect police-community trust as one of our most valuable public safety resources, and our War on Drugs is front and center in destroying that trust.

We are at a critical time for our state and nation. We need to do more to gain back the trust of the communities we took an oath to protect and serve. I believe that SB 692 is an important step forward to restore trust, improve public safety.

Thank you for the opportunity to share my experience in support of this bill.

Detective Debbie Ramsey (Ret.)  
Baltimore Police Department, Maryland  
Baltimore, MD

**Finalized OPD SB692 Favorable Testimony (1).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:** SB 692 -- Cannabis – Legalization and Regulation (Cannabis Legalization and Reparations for the War on Drugs Act)

**FROM:** Maryland Office of the Public Defender

**POSITION:** Favorable

**DATE:** March 2, 2022

The Maryland Office of the Public Defender strongly supports Senate Bill 692, Cannabis Legalization and Reparations for the War on Drugs Act. OPD supports all of the provisions in this bill, including the financial reinvestment in communities that have been ravaged by the War on Drugs, and the legalization of possession of up to four ounces of marijuana commensurate with the medical marijuana regime, along with the reduction of penalties for various marijuana related crimes. However, two particular components of this bill are essential to ensuring fairness in the criminal legal system post-legalization of marijuana.

### **1. Limiting the Role of Marijuana in Police Investigations**

SB692 explicitly precludes the police from relying solely on the odor of marijuana, simple possession of marijuana, or possession of marijuana in proximity to money, to conduct a stop, search, or arrest of a person, or to search a vehicle. This is an essential component of any marijuana legalization to make clear to the police that they cannot rely on legal conduct alone to infringe on the citizenry's Fourth Amendment rights.

Maryland's 2014 marijuana decriminalization bill did not explain what role the odor or possession of marijuana was to play in police-citizen interactions in the post-decriminalization world. The result is that in the past eight years countless people have been stopped, searched, and arrested based on the odor of marijuana and/or the possession of a small amount of marijuana—conduct that does not in and of itself indicate someone is engaged in criminal conduct. These issues are still actively being litigated in Maryland's courts. Thus, the role of marijuana odor in stops and searches post-decriminalization remains unclear. If the legislature does not limit police action based on the odor or possession of marijuana post-legalization, people will continue to be stopped, searched, and arrested based on legal conduct. As the legal marijuana industry continues to expand, this will create an unacceptable violation of civil liberties. Permitting stops based on marijuana odor or possession may invite biased policing, because there is a possibility that police will use the odor of marijuana as a pretext for otherwise illegal, race-based stops, searches, and arrests.



Additionally, even post-legalization, possession of large amounts of marijuana will remain subject to civil penalties and will therefore be contraband. Absent a legislative limitation, this leaves open the possibility that police can continue to search vehicles based on the odor of marijuana, because under the *Carroll* doctrine officers can conduct a warrantless roadside search of a vehicle whenever they have probable cause to believe it contains contraband. *Robinson v. State*, 451 Md. 94 (2017). If the legislature does not limit the role marijuana plays in police investigations at the same time as legalization, Marylanders' cars will continue to be searched in the course of any traffic stop based on possession of, or mere proximity to, a legal substance. This will undermine the entire legalization regime.

Making clear from the outset that police cannot stop, search, and arrest people, or search vehicles, based only on the odor or simple possession of marijuana (1) ensures that people's rights are not infringed upon for legal conduct, (2) ensures that police do not continue to use the odor of marijuana to disproportionately stop, frisk, and search people and vehicles in Black and Brown communities, and (3) and prevents another decade of litigation to answer the question of what is lawful police conduct post-legalization.

A key concern remains what the odor of marijuana should mean when an officer suspects an individual is driving a motor vehicle while impaired by drugs. In that context, officers would still need to have some initial basis to suspect that a person is impaired before stopping them. The odor or possession of marijuana in this context would be an additional factor in the totality of circumstances to support the officer's observations of suspected impairment, not the sole basis for a stop. SB692's language appropriately balances concerns for maintaining safe roads and highways, with protecting individual's rights to be free from police intrusion based on legal use of marijuana.

## **2. Expanding Opportunities to Reverse Marijuana-Related Convictions**

An essential component of community reparations is remediating harm caused by the over-policing of low-income communities and communities of color as part of the War on Drugs. The consequences from criminal convictions for marijuana crimes and crimes where police began their investigation based solely on the odor or sight of marijuana continue to harm these communities. People are incarcerated, deported, and evicted from public housing; they lose custody of their children; and they are unable to gain employment—all because of convictions that stem from marijuana. This is an injustice and a scourge on our state, particularly as we have established a lucrative medical marijuana industry and are on the verge of legalizing marijuana. We cannot move forward when our residents continue to be saddled with hefty and expansive collateral consequences from conduct that is legal.

SB692 vacates all prior convictions for possession of marijuana, marijuana paraphernalia, possession with intent to distribute marijuana, manufacturing marijuana, and distribution of marijuana. Importantly, it also allows anyone convicted of a crime where the stop, search, or arrest began based solely on the odor of marijuana, simple possession of marijuana, or the possession of marijuana in proximity to money, to have an opportunity to challenge the way the evidence was collected in their case. If the court determines in this new hearing that the evidence was gathered

in a way which is now impermissible under SB692, then that evidence is suppressed, and if that evidence is the sole basis for the conviction, the conviction is overturned.

SB692 is essential to righting the wrongs caused by the War on Drugs and over-policing in communities of color, and ensuring prospectively that marijuana is not still used as a tool to disenfranchise communities of color while the State reaps the financial benefits of legalization.

For the foregoing reasons, the Maryland Office of the Public Defender urges a favorable report on SB692.

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

**Authored by:** Michele Hall, Assistant Public Defender, Appellate Division, Maryland Office of the Public Defender, (410) 929-6616, [michele.hall@maryland.gov](mailto:michele.hall@maryland.gov);

Eva Shell, Assistant Public Defender, Appellate Division, Maryland Office of the Public Defender, (443) 470-9415, [eva.shell@maryland.gov](mailto:eva.shell@maryland.gov).

# **SB 692 - Cannabis Legalization - SURJ3A Solidarity**

Uploaded by: Erica Palmisano

Position: FAV

To the members of the Senate Finance Committee,

I am a resident of District 12 writing in solidarity with Showing Up for Racial Justice Annapolis and Anne Arundel County. I am testifying in support of SB0692, which would legalize the use and possession of cannabis by an individual 21 years of age. This bill would also provide a pathway to clear criminal records and dispositions of certain charges relating to the use and possession of cannabis, and establish a system for the regulation and taxation of the market for the production and sale of cannabis within the State of Maryland.

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I urge you to support SB692, as it is one of the steps Maryland can take to right the wrongs of our carceral system and the war on drugs.

Thank you for your time, service, and consideration.

Sincerely,  
Erica Palmisano  
5580 Vantage Point Rd, Apt 5, Columbia, MD

# **SB 692 - Cannabis Legalization - SURJ3A Solidarity**

Uploaded by: Holly Powell

Position: FAV

To the members of the Senate Finance Committee,

I am a resident of 46 writing in solidarity with Showing Up for Racial Justice Annapolis and Anne Arundel County. I am a licensed social worker who has worked in the foster care and educational system for the past 15+ years with children, adolescents, and families. I am testifying in support of SB0692, which would legalize the use and possession of cannabis by an individual 21 years of age. This bill would also provide a pathway to clear criminal records and dispositions of certain charges relating to the use and possession of cannabis, and establish a system for the regulation and taxation of the market for the production and sale of cannabis within the State of Maryland.

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I urge you to support SB692, as it is one of the steps Maryland can take to right the wrongs of our carceral system and the war on drugs.

Thank you for your time, service, and consideration.

Sincerely,

Holly Powell, LCSW-C  
2308 Cambridge Street  
Baltimore, Maryland 21224

# **SURJ Legalize cannabis 2022 3 2.pdf**

Uploaded by: Jan Kleinman

Position: FAV

To the members of the Senate Finance Committee,

I am a resident of District 40 writing in solidarity with Showing Up for Racial Justice Annapolis and Anne Arundel County. For many years, I have watch the so-called “war on drugs” with horror, as more and more people are arrested and convicted for possession and distribution of drugs. Some are highly addictive and destructive drugs; some are far less menacing, and even have medical applications. I am testifying in support of SB0692, which would legalize the use and possession of cannabis by an individual 21 years of age. This bill would also provide a pathway to clear criminal records and dispositions of certain charges relating to the use and possession of cannabis, and establish a system for the regulation and taxation of the market for the production and sale of cannabis within the State of Maryland.

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Thank you for your time, service, and consideration.

Sincerely,

Jan Kleinman

816 Union Ave

Baltimore, MD 21211



# **SB 692 - Cannabis Legalization - SURJ3A Solidarity**

Uploaded by: Jonathan Smeton

Position: FAV

To the members of the Senate Finance Committee,

I am a resident of District 40 writing in solidarity with Showing Up for Racial Justice Annapolis and Anne Arundel County. I am testifying in support of SB0692, which would legalize the use and possession of cannabis by an individual 21 years of age. This bill would also provide a pathway to clear criminal records and dispositions of certain charges relating to the use and possession of cannabis, and establish a system for the regulation and taxation of the market for the production and sale of cannabis within the State of Maryland.

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Thank you for your time, service, and consideration.

Sincerely,  
Jonathan Smeton  
Baltimore, MD 21211

**Senate Bill 692 3.3.22.docx.pdf**

Uploaded by: Josette Blocker

Position: FAV

March 1, 2022

Dear Senate Finance Committee,

On October 17, 2019, my nephew, Demonte Ward Blake was stopped by a Prince George's County police officer for driving a vehicle with suspended tags. The encounter was escalated by the officer requesting to search the vehicle because of the smell of marijuana. Unfortunately for Demonte this traffic stop left him paralyzed. He suffered a broken nose, neck, and back and due to complications from the excessive force administered by the officer, he is no longer with us today.

Traffic stops due to the odor of marijuana is disproportional in the black and brown communities than any other area and leads to unnecessary jail time. I stand with Senator Jill P. Carter and other partners to support Senate Bill 692, which calls for the following:

1. Legalize marijuana for Marylanders 21 and older
2. Raise the legal possession limit to 4 ounces
3. Prohibit police from using the odor of marijuana, without other legitimate cause for suspicion, as probable cause to arrest and perform a warrantless search of a person or vehicle
4. Vacate previous marijuana-related convictions and mandate reconsideration hearings and vacatur for those currently serving time for marijuana convictions, and other low-level felonies and misdemeanors if those charges stem from a conviction from a search due to odor of marijuana
5. Ensure that legal marijuana use cannot be the basis for housing, parole, or child custody denial
6. Reallocate 60% of the tax revenue directly to Black and Brown communities most targeted by police.

It is time for us to address these issues that implement unjust penalties to those in black and brown communities and to provide financial reparations to those communities that will fund programs in the fight for the War on Drugs. It is time to pass Senate Bill 692.

Respectfully,  
Josette Blocker

**KAMILLEJONES\_Testimony\_SB692 (1).pdf**

Uploaded by: Kamille Jones

Position: FAV

## **Testimony for the Senate Finance Committee**

**March 3, 2022**

### **SB 692 - Cannabis – Legalization and Regulation (Cannabis Legalization and Reparations for the War on Drugs Act)**

#### **FAVORABLE**

My name is Kamille Jones and I am writing to indicate my support for SB 692. This bill would legalize adult use and possession of certain amounts of cannabis, clear criminal records of certain marijuana related charges, and establish guidelines for the distribution of revenue from the marijuana industry. This bill seeks to provide redress to communities who have been hurt by the failed “War on Drugs” by centering race equity in provisions for tax revenue distribution, funding for community programs, and regulation of the legal marijuana industry.

This bill not only takes the necessary steps to ensure that legalization does not happen without consideration for the communities and individuals who have been hurt by marijuana enforcement, it ensures that those communities can enjoy the benefits of a legal marijuana industry. Black and brown individuals have been historically underrepresented in the legal marijuana industry. This bill would use a point system for the applicants for licenses that more heavily weigh things like working with "minority businesses." Additionally, this bill requires that 30% of the licenses be owned by a person who is a member of a group that has been historically, disproportionately impacted by marijuana prohibition. The bill also directs 2% of tax revenue to the Small, Women, Minority, Business fund that currently provides support to minority businesses.

Throughout November of 2020, I and 2 other Black Blair Wellness Center managers were each individually terminated immediately after bringing up wage discrimination and inequitable business practices to Matt Blair (Owner) or the Human Resource manager. Subsequent to my separation I personally experienced intimidation tactics from Human Resources to coerce me into signing a confidentiality agreement/ severance package that would stop me from moving forward with EEOC charges. After I refused to sign what I deemed an unconscionable contract without legal counsel, I was met with theft charges being pressed against me and former Black colleagues. My reason for termination changed 3 times prior to the theft accusation.

Matt Blair lied to the police and misrepresented our actions surrounding employee purchases in order to press criminal charges against us (11-19-2020). The 3 of us were being accused of theft and theft scheme for commonplace employee discounting practices every employee benefited from. These discounted transactions were performed by all managers, but only the whistle-blowers of color were charged criminally. Our white counterparts who benefited from the same employee discounting practices are still employed at Blair Wellness Center, have since

received promotions and are still currently discounting medical cannabis products in the same manner we were charged for.

These retroactive criminal charges that consisted of transactions months prior were only pressed against us in an effort to silence us and ultimately blackball us from the cannabis industry. Matt Blair understood that by ruining our reputations, onlookers would question our horrific experiences of discrimination and ultimately not believe us. The organization Black Cannabis Matters was informed of what happened via another Blair Wellness Center employee and posted a Discrimination Alert on social media to make the public aware of the blatant racism. In a statement written by a hired PR team (12-05-20), Matt Blair responded by telling the public that we are nothing but disgruntled thieves who created a “different narrative” behind our terminations. Mr. Blair also reached out to people via social media unsolicited and sent them our case numbers directly.

These lies have caused each of us insufferable trauma. This situation made it difficult to find work and maneuver within the very small Maryland medical cannabis industry over the last year and a half. We were publicly humiliated. The criminal cases were thrown out due to a lack of evidence and because the owner Matt Blair never showed up to court after alleging something so egregious (04-06-20). These alleged acts of diversion were also never reported to the MMCC by Blair Wellness Center ownership because there would have been an investigation. I have filed a civil suit that directly addresses the discrimination, retaliation, defamation and malicious prosecution at the hands of Matt Blair.

This bill presents a comprehensive approach to legalization that ensures that the communities who were hurt by marijuana prohibition are not left behind in legalization efforts.

For the foregoing reasons, I fully support SB 692 and encourage a favorable report on the bill

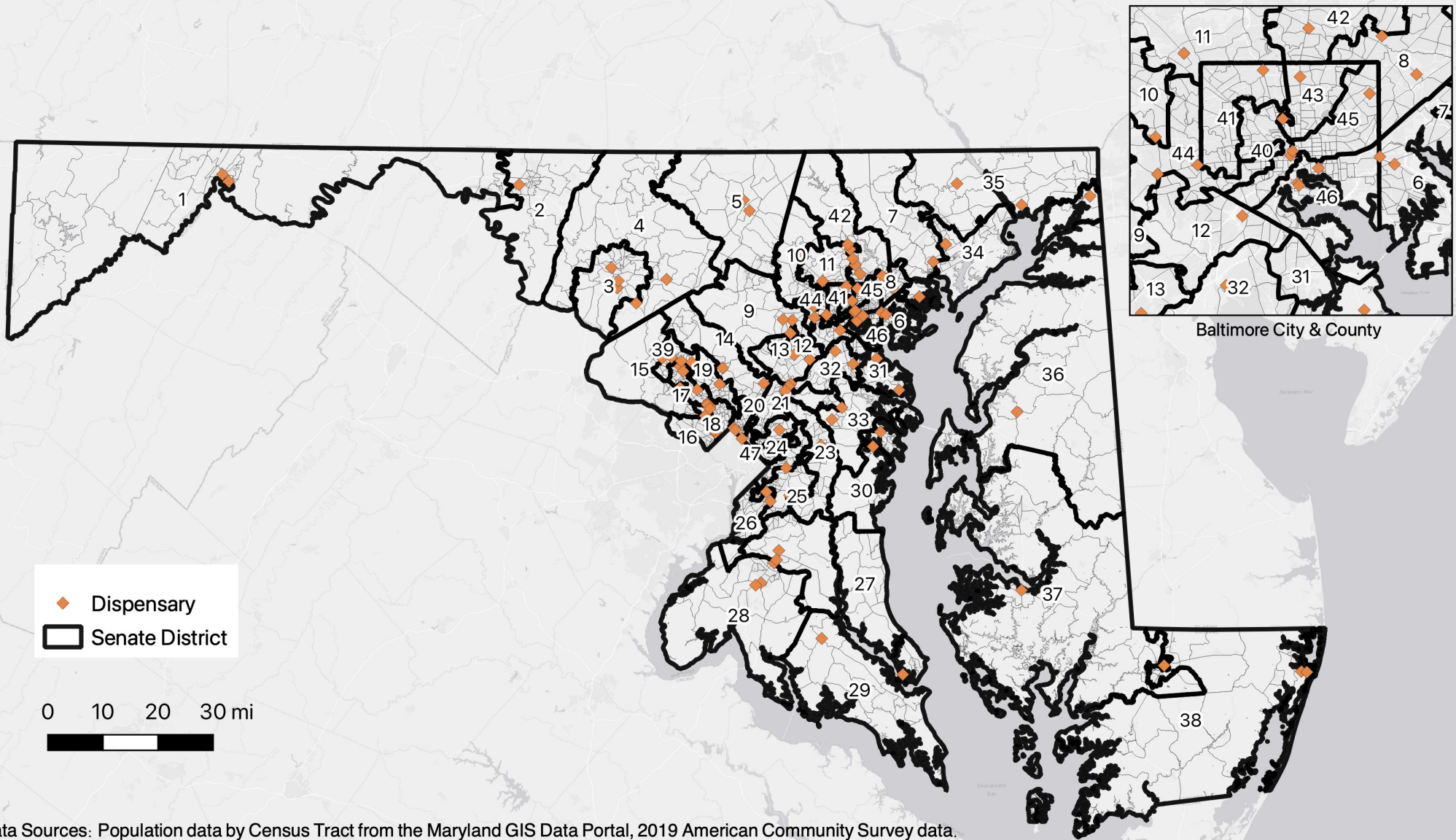
# **Cannabis State Senate Districts black-and-white.pdf**

Uploaded by: Lawrence Brown

Position: FAV



# Where are Maryland cannabis dispensaries located?



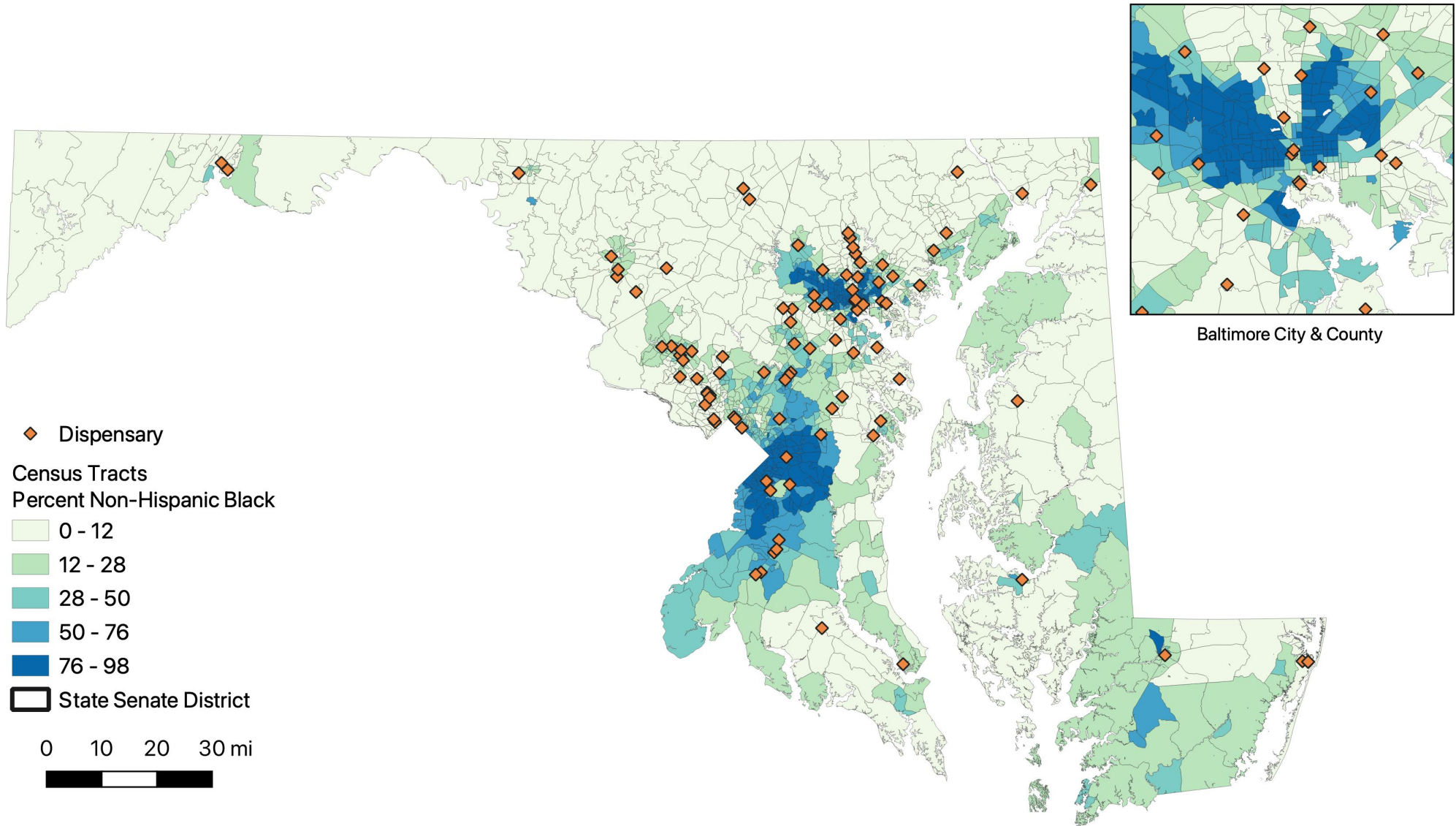
Data Sources: Population data by Census Tract from the Maryland GIS Data Portal, 2019 American Community Survey data. Cannabis dispensary locations from the Maryland Medical Cannabis Commission, 2022. Map by Susan Paykin: February 2022.

# **MD Cannabis Dispensaries.pdf**

Uploaded by: Lawrence Brown

Position: FAV

# Where are Maryland cannabis dispensaries located?



Data Sources: Population data by Census Tract from the Maryland GIS Data Portal, 2019 American Community Survey data.  
Cannabis dispensary locations from the Maryland Medical Cannabis Commission, 2022. Map by Susan Paykin: February 2022.

# **Support SB 692 - Cannabis - Legalization and Regul**

Uploaded by: Linnie Girdner

Position: FAV

To the members of the Senate Finance Committee,

I am a resident of District 21 and a member of Showing Up for Racial Justice Annapolis and Anne Arundel County. **I am testifying in support of SB0692.**

This bill would legalize the use and possession of cannabis by an individual 21 years of age. This bill would also provide a pathway to clear criminal records and dispositions of certain charges relating to the use and possession of cannabis, and establish a system for the regulation and taxation of the market for the production and sale of cannabis within the State of Maryland.

Though *this* bill is focused on the taxation and regulation of cannabis legalization, curtailing the epidemic of mass incarceration by ending marijuana prohibition is one important step to repairing the harm that was done to communities of color by the war on drugs. The next step requires resources to be reinvested directly back into the same communities that were harmed. The system for these reparations can be achieved through the regulation and taxation piece of the State.

In order to ensure the creation of an equitable market, there needs to be a focus on lowering the barriers of entry into a legal market. Growers and dispensaries, which are part of the industry, are extremely capital intensive which puts Black and Brown communities at a stark competitive disadvantage due to the immense wealth disparity between those and white communities. There needs to be a focus on enabling and supporting minority owned businesses to establish themselves in the new legal market created by this bill.

For this bill to be most effective in restoring justice from the war on drugs, it should include the following eight policies:

- 1) Vacature of all cannabis/marijuana-related convictions.
- 2) Allow opportunities for resentencing for convictions pertaining to cannabis-related offenses (e.g. - distribution).
- 3) Eliminate legal mechanisms that allow cannabis to be used to criminalize individuals. This includes raising the legal possession limit and prohibiting law enforcement from using the odor of cannabis as probable cause to search or arrest someone.
- 4) Individuals should be able to grow small amounts of cannabis in their home for personal use.
- 5) Micro-businesses should be able to be licensed to grow smaller amounts of cannabis to sell to the public.

- 6) Licenses for transportation, security, and social consumption sites should have preferences for 'minority enterprises'.
- 7) The process for companies to be awarded commercial licenses should have incentives for companies that do business with 'minority enterprises.'
- 8) 50% of tax revenues from cannabis sales should go back into the communities harmed most by the war on drugs. The revenue should be allocated directly to the local distribution so that the community can have an active role in how the resources are distributed.

I urge you to support SB692, as it is one of the steps Maryland can take to right the wrongs of our carceral system and the war on drugs.

Thank you for your time, service, and consideration.

Sincerely,

Linda Girdner  
941 Fall Ridge Way  
Gambrills, MD 21054

**LISAHENDERSON\_SB692\_FAV.pdf**

Uploaded by: Lisa Henderson

Position: FAV



## **Testimony for the Senate Finance Committee**

**March 3, 2022**

### **SB 692 - Cannabis – Legalization and Regulation (Cannabis Legalization and Reparations for the War on Drugs Act)**

#### **FAVORABLE**

My name is Lisa Henderson and I am writing to indicate my support for SB 692. This bill would legalize adult use and possession of certain amounts of cannabis, clear criminal records of certain marijuana related charges, and establish guidelines for the distribution of revenue from the marijuana industry. This bill seeks to provide redress to communities who have been hurt by the failed “War on Drugs” and also presents comprehensive provisions to ensure that legal marijuana use and possession is treated as such. One of these provisions would ban vehicle searches based solely on the odor of marijuana alone.

My son, James, was stopped by Howard County Police on February 25, 2021 around 8:30 p.m. He drove to the Exxon Station and saw someone with whom he is acquainted. As usual, the young people were gathered at the Exxon Gas Station to laugh and talk. This has been going on for over 20 years since the County removed all the basketball courts and only has recreational activities for those whom can afford their extremely high membership.

James’ friend asked James to drop him off not too far from the gas station. Howard County Police are known for surveilling the gas station and often assume that one of the young people have done something illegal. My son’s experience was no different. The police’s modus operandi (MO) is:

- 1) Stop all young Black/Brown males especially if they are driving a nice car.
- 2) Pull the young man over and lie that the vehicle has a tail/tag light out regardless of the truth of this claim.
- 3) Approach the vehicle and claim they smell marijuana and use that as an excuse to violate the civil rights of the young man regardless of the truth of this claim.
- 4) State they have “probable cause” to search the car because of the perceived smell of marijuana.
- 5) Lie on an official Police Report by stating they found drug paraphernalia and evidence of an intent to sell marijuana as a way to justify the arrest after the fact.
- 6) The charges are later dropped or reduced because of the lack of evidence. In my son’s case, the charges were reduced to, “failure to obey a lawful order.” However, because of blatant racial profiling by police, the lack of evidence of any criminal activity, and false pretext used to justify a search, the police violated my son’s civil rights.

Racial discrimination runs rampant in Howard County. In 2008, my home was raided by Howard County Police who came to the wrong home, shot and killed our dog, and charged my spouse and I with marijuana-related drug charges because of a “grinder” left on our coffee table.



The police did not have a warrant. Because I am a Legal Secretary, with over 30-years of experience, I asked to see the warrant. They only had a piece of white copy paper with nothing on it. However, this did not stop them from breaking down my door and killing my pet. The police held us for over two hours to go find a crooked judge to write one after the fact.

I knew they had violated our rights. However, when my husband and I filed a complaint, we were targeted. We had to spend over \$10,000.00 to defend our innocence and another \$10,000 to file a lawsuit for property damage, embarrassment, and the loss of our family pet. I made an official complaint and a week or two later my husband and I received documents for a marijuana charge, which was clearly an attempt to punish my husband and I for standing up for our civil rights.

The police have routinely used marijuana as a way to dishonor the badge and violate the public's trust. Legislative policies have routinely protected this small faction in place of protecting the people they serve.

My son's only crime was refusing to follow an order that he knew to be unlawful and unconstitutional. False claims of a broken tail light and claims that the officer smelled marijuana gave him a blank check to harass and arrest my son for "driving while Black." You have the ability to outlaw this kind of conduct. Marijuana is not the problem. The problem is the lack of protection for all aspects surrounding marijuana.

A 2020 Maryland Court of Appeals Decision ruled that a search of a person could not be conducted based on the odor of marijuana alone. Per the court's decision, the odor of marijuana does not constitute probable cause for a warrantless arrest, as the odor does not indicate the individual is in a possession of a criminal amount of marijuana. Vehicle searches were excluded from this ruling due to a decreased expectation of privacy. However, under the court's explanation for the 2020 ruling, the delineation between searches of one's body and searches of their vehicle seems quite arbitrary.

The provision in SB 692 banning odor-based searches would follow a 2021 New York law that banned searches of this nature. This provision would eliminate mechanisms to further criminalize a substance that would otherwise be legal and would close racial disparities in enforcement.

For the foregoing reasons, I fully support SB 692 and encourage a favorable report on the bill

**SB 692\_PJC\_fav.pdf**

Uploaded by: Michael Abrams

Position: FAV



**Michael Abrams, Attorney**  
Public Justice Center  
201 North Charles Street, Suite 1200  
Baltimore, Maryland 21201  
410-625-9409, ext. 222  
abramsm@publicjustice.org

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**SB 692: Cannabis – Legalization and Regulation  
(Cannabis Legalization and Reparations for the War on Drugs Act)**

**Hearing before the Senate Finance Committee  
March 3, 2022**

**Position: FAVORABLE**

The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty legal services organization that advances social justice, economic and racial equity, and fundamental human rights in Maryland. The PJC **supports SB 692** for its implementation of cannabis reform while genuinely and proactively prioritizing race equity.

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**Several states have reformed their cannabis laws with good intentions.** Many of those states specifically intended to repair longstanding racial disparities in the harms caused by criminalization. Nevertheless, in many states with legalized cannabis, racial disparities persist in enforcement outcomes, and new disparities have taken shape in the legalized private sector.

In D.C., where the legalization campaign focused on racist outcomes, Black residents “still account for just under 90 percent of those arrested on all pot-related charges.” For example, in the four years after possession was legalized, 84 percent of those arrested for public consumption were Black.<sup>1</sup> In Colorado, where legalization has had the longest runway, the State recently found that Black residents remain twice as likely to be arrested on cannabis-related charges as their white neighbors.<sup>2</sup> In some states, including Maine, Vermont, and Washington, disparities have even *increased* post-legalization.<sup>3</sup>

Similar results have played out in the legalized cannabis market. A 2017 survey found that, across all states with some form of legalized cannabis distribution, 81 percent of people with some amount of ownership in a cannabis business were white, with only 5.7 percent being Latine and 4.3 percent Black.<sup>4</sup>

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<sup>1</sup> Paul Schwartzman & John Harden, *D.C. Legalized Marijuana, but One Thing Didn't Change*, Wash. Post (Sept. 15, 2020), [https://www.washingtonpost.com/local/legal-issues/dc-marijuana-arrest-legal/2020/09/15/65c20348-d01b-11ea-9038-af089b63ac21\\_story.html](https://www.washingtonpost.com/local/legal-issues/dc-marijuana-arrest-legal/2020/09/15/65c20348-d01b-11ea-9038-af089b63ac21_story.html).

<sup>2</sup> Colorado Dep't of Pub. Safety, *Impacts of Marijuana Legalization in Colorado* (July 2021), [https://cdpsdocs.state.co.us/ors/docs/reports/2021-SB13-283\\_Rpt.pdf](https://cdpsdocs.state.co.us/ors/docs/reports/2021-SB13-283_Rpt.pdf).

<sup>3</sup> ACLU, *A Tale of Two Countries* 34–36 (2020), [https://www.aclu.org/sites/default/files/field\\_document/marijuanareport\\_03232021.pdf](https://www.aclu.org/sites/default/files/field_document/marijuanareport_03232021.pdf).

<sup>4</sup> Katherine Harris & William Martin, *Persistent Inequities in Cannabis Policy*, Judges J., Winter 2021, at 9–13, <https://www.bakerinstitute.org/media/files/files/Od04dbdb/inequities-in-cannabis-policy-2021.pdf>.

As it stands in Maryland, even after decriminalization, Black people remain twice as likely to be arrested for cannabis possession compared to white people, despite virtually equal usage rates.<sup>5</sup> In 2018, three Maryland counties were in the Top 10 *nationwide* for highest cannabis arrest rates.<sup>6</sup>

**Without the provisions of SB 692, Maryland would be another “good intentions” state.** While legalization in any form is a step in the right direction, “the expectation that legislation will improve racial equity [should not be] treated as a foregone conclusion, one requiring no additional action beyond legalization itself.”<sup>7</sup> To avoid the inequity that persists in other states, Maryland must not only follow their lead but learn from their mistakes and innovate better solutions.

**SB 692 anticipates future inequitable outcomes and implements proactive solutions by:**

- affirmatively legalizing possession of up to four ounces of cannabis and allowing home cultivation of up to six plants, while violations beyond those limits face only capped civil fines;
- preventing continued cannabis-based criminal legal consequences by legalizing paraphernalia, providing that legal possession is presumptively not evidence of intent to distribute, and addressing the use of odor as a basis for probable cause;
- recognizing that some charged with civil offenses will be unable to pay fines, and allowing community service instead to prevent collateral consequences predicated on cannabis alone;
- providing for vacatur of past convictions, not merely expungement, to end disproportionate punishment and stigmatization of Black and Latine Marylanders for now legal conduct;
- allocating 60% of cannabis tax revenue to communities most harmed by the inequitable enforcement of cannabis crimes, and 30% of business licenses to minority-owned companies.

**It is one thing to legalize cannabis. It is another thing to end the war on drugs.** SB 692 is the only legislation that focuses on the latter instead of treating legal cannabis as an end in itself. It would begin to repair the disproportionate harm the drug war inflicts on communities across Maryland.

Legalizing cannabis without SB 692’s proactive approach will mean continued interactions between law enforcement and the community, and entanglement of low-income people with legal systems, based solely on cannabis. It will be no surprise when those affected are disproportionately Black and Latine.

The General Assembly will take a vital step towards greater racial equity in Maryland when it implements cannabis reform. It should take this opportunity deliberately and proactively to repair the ongoing harms of cannabis prohibition and prevent racial disparities in the legal landscape results from its action. **The PJC strongly urges a favorable report on SB 692.**

For more information contact Michael Abrams, 410-625-9409 ext. 222, [abramsm@publicjustice.org](mailto:abramsm@publicjustice.org).

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<sup>5</sup> ACLU, *supra*, at 32.

<sup>6</sup> *Id.* at 23.

<sup>7</sup> Harris & Martin, *supra*, at 9–13.

# **SB 692 - Cannabis Legalization - SURJ3A Solidarity**

Uploaded by: Nathan Rehr

Position: FAV

To the members of the Senate Finance Committee,

I am a resident of MD District 45 writing in solidarity with Showing Up for Racial Justice Annapolis and Anne Arundel County. I am an active member of my community association and a health professional who is interested in eliminating the health disparities that occur with racial discrimination in our society. I am testifying in support of SB0692, which would legalize the use and possession of cannabis by an individual 21 years of age. This bill would also provide a pathway to clear criminal records and dispositions of certain charges relating to the use and possession of cannabis, and establish a system for the regulation and taxation of the market for the production and sale of cannabis within the State of Maryland.

Though *this* bill is focused on the taxation and regulation of cannabis legalization, curtailing the epidemic of mass incarceration by ending marijuana prohibition is one important step to repairing the harm that was done to communities of color by the war on drugs. The next step requires resources to be reinvested directly back into the same communities that were harmed. The system for these reparations can be achieved through the regulation and taxation piece of the State.

In order to ensure the creation of an equitable market, there needs to be a focus on lowering the barriers of entry into a legal market. Growers and dispensaries, which are part of the industry, are extremely capital intensive which puts Black and Brown communities at a stark competitive disadvantage due to the immense wealth disparity between those and white communities. There needs to be a focus on enabling and supporting minority owned businesses to establish themselves in the new legal market created by this bill.

For this bill to be most effective in restoring justice from the war on drugs, it should include the following eight policies:

1. Vacature of all cannabis/marijuana-related convictions.
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4. Individuals should be able to grow small amounts of cannabis in their home for personal use.
5. Micro-businesses should be able to be licensed to grow smaller amounts of cannabis to sell to the public.
6. Licenses for transportation, security, and social consumption sites should have preferences for 'minority enterprises'.
7. The process for companies to be awarded commercial licenses should have incentives for companies that do business with 'minority enterprises.'
8. 50% of tax revenues from cannabis sales should go back into the communities harmed most by the war on drugs. The revenue should be allocated directly to the local distribution so that the community can have an active role in how the resources are distributed.

I urge you to support SB692, as it is one of the steps Maryland can take to right the wrongs of our carceral system and the war on drugs.

Thank you for your time, service, and consideration.

Sincerely,

**Nathan Rehr**

**450 E. Federal Street Baltimore, MD 21202**

# **SB 692 - Cannabis Legalization - SURJ3A Solidarity**

Uploaded by: Patrick Sadil

Position: FAV

To the members of the Senate Finance Committee,

I am a resident of District 46 writing in solidarity with Showing Up for Racial Justice Annapolis and Anne Arundel County. I am testifying in support of SB0692, which would legalize the use and possession of cannabis by an individual 21 years of age. This bill would also provide a pathway to clear criminal records and dispositions of certain charges relating to the use and possession of cannabis, and establish a system for the regulation and taxation of the market for the production and sale of cannabis within the State of Maryland.

Though *this* bill is focused on the taxation and regulation of cannabis legalization, curtailing the epidemic of mass incarceration by ending marijuana prohibition is one important step to repairing the harm that was done to communities of color by the war on drugs. The next step requires resources to be reinvested directly back into the same communities that were harmed. The system for these reparations can be achieved through the regulation and taxation piece of the State.

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I urge you to support SB692, as it is one of the steps Maryland can take to right the wrongs of our carceral system and the war on drugs.

Thank you for your time, service, and consideration.

Sincerely,  
Patrick Sadil, PhD  
1637 Fleet Street, FL 1  
Baltimore MD, 21231



# **SB692\_Cannabis Legalization and Reparations for th**

Uploaded by: Rajani Gudlavalleti

Position: FAV



March 3, 2022

The Honorable Delores Kelley  
Chairman, Senate Finance Committee  
3 East Miller Senate Office Building  
Annapolis, MD 21401

**Senate Bill 692 - Cannabis - Legalization and Regulation (Cannabis Legalization and Reparations for the War on Drugs Act) - FAVORABLE**

Dear Chairman Kelley and Senate Finance Committee members,

Baltimore Harm Reduction Coalition (BHRC) is an advocacy organization that mobilizes community members for the health, dignity, and safety of people targeted by the war on drugs and anti-sex worker policies. As a certified Overdose Response Program, Naloxone distributor, and syringe service program, we have provided essential health care services across the state for years. BHRC supports Senate Bill 692 Cannabis - Legalization and Regulation (Cannabis Legalization and Reparations for the War on Drugs Act).

SB692 proposes comprehensive legalization that would support community health and justice. This legislation would legalize personal possession and home cultivation of cannabis for adults, automatically vacate previous marijuana-related convictions, provide for release of individuals currently incarcerated for some cannabis-related convictions, ensure that legal cannabis use cannot be the basis for denying someone a driver's license, professional license, housing assistance, social services, or other benefits, and reinvest 60% of tax revenue to communities hardest hit by the war on drugs.

**BHRC supports SB692 and broader efforts to gain community reparation from over a century of harm.** Over 145 years of criminalizing people - mostly Black people - who use drugs has devastated communities across the country. Maryland must prioritize the health, dignity, and safety of its residents, including systemic community healing after decades of over-policing and mass incarceration due to the war on drugs. We support the legalization efforts proposed in SB692 because it details steps toward repair from the violent drug war, including a Community Reinvestment and Repair Fund that will disburse funds to counties based on their rate of cannabis arrests. Counties must then distribute these funds to community-based organizations that benefit low-income communities or serve communities disproportionately harmed by the War on Drugs.

The relationship between substance use, housing instability, incarceration, survival behavior, and racism are deeply intertwined. It is our Black community members who are most often subjected to this cycle of homelessness and incarceration, making up the majority of both homeless and incarcerated individuals in Maryland. Adding to this incredible injustice and experiences of marginalization is the increasingly deadly overdose epidemic. During 2020, as the deadly COVID-19 pandemic flooded the U.S., drug and alcohol related intoxication deaths in Maryland reached a

staggering 2,799 fatalities. Overdose fatalities have steadily increased among Black Marylanders since 2012, increasing 16% from 2019-2020.<sup>1</sup>

In the midst of multiple intersecting public health crises, Marylanders deserve the relief that this bill provides by reducing policing, surveillance, and incarceration for cannabis possession and cultivation. It is the least we can do to begin a path towards repair for unjust laws and community devastation -- waged in part by mass criminalization and the war on drugs. **We ask that the Senate Finance Committee give SB692 a favorable report.**

For more information about Baltimore Harm Reduction Coalition or our position, please contact our Director of Mobilization, Rajani Gudlavalleti at [Rajani@BaltimoreHarmReduction.org](mailto:Rajani@BaltimoreHarmReduction.org)

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<sup>1</sup> Maryland Department of Health (June 2021). Unintentional Drug- and Alcohol-Related Intoxication Deaths\* in Maryland 2020 Annual Report.

# **SB 692 - Cannabis Legalization - SURJ3A Solidarity**

Uploaded by: Rebecca Shillenn

Position: FAV

To the members of the Senate Finance Committee,

I am a resident of District 45, though born and raised in Anne Arundel County, writing in solidarity with Showing Up for Racial Justice Annapolis and Anne Arundel County. I am testifying in support of SB0692, which would legalize the use and possession of cannabis by an individual 21 years of age. This bill would also provide a pathway to clear criminal records and dispositions of certain charges relating to the use and possession of cannabis, and establish a system for the regulation and taxation of the market for the production and sale of cannabis within the State of Maryland.

Though *this* bill is focused on the taxation and regulation of cannabis legalization, curtailing the epidemic of mass incarceration by ending marijuana prohibition is one important step to repairing the harm that was done to communities of color by the war on drugs. The next step requires resources to be reinvested directly back into the same communities that were harmed. The system for these reparations can be achieved through the regulation and taxation piece of the State.

In order to ensure the creation of an equitable market, there needs to be a focus on lowering the barriers of entry into a legal market. Growers and dispensaries, which are part of the industry, are extremely capital intensive which puts Black and Brown communities at a stark competitive disadvantage due to the immense wealth disparity between those and white communities. There needs to be a focus on enabling and supporting minority owned businesses to establish themselves in the new legal market created by this bill.

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8. 50% of tax revenues from cannabis sales should go back into the communities harmed most by the war on drugs. The revenue should be allocated directly to the local distribution so that the community can have an active role in how the resources are distributed.

I urge you to support SB692, as it is one of the steps Maryland can take to right the wrongs of our carceral system and the war on drugs.

Thank you for your time, service, and consideration.

Sincerely,  
Rebecca Shillenn  
5401 Elsrode Avenue Baltimore MD 21214  
rshillenn@gmail.com

# **SB 692 - Cannabis Legalization - SURJ3A Solidarity**

Uploaded by: Sarah Johnson

Position: FAV

To the members of the Senate Finance Committee,

I am a resident of Baltimore City, in District #41, writing in solidarity with Showing Up for Racial Justice Annapolis and Anne Arundel County.] I am testifying in support of SB0692, which would legalize the use and possession of cannabis by an individual 21 years of age. This bill would also provide a pathway to clear criminal records and dispositions of certain charges relating to the use and possession of cannabis, and establish a system for the regulation and taxation of the market for the production and sale of cannabis within the State of Maryland.

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In order to ensure the creation of an equitable market, there needs to be a focus on lowering the barriers of entry into a legal market. Growers and dispensaries, which are part of the industry, are extremely capital intensive which puts Black and Brown communities at a stark competitive disadvantage due to the immense wealth disparity between those and white communities. There needs to be a focus on enabling and supporting minority owned businesses to establish themselves in the new legal market created by this bill.

For this bill to be most effective in restoring justice from the war on drugs, it should include the following eight policies:

1. Vacature of all cannabis/marijuana-related convictions.
2. Allow opportunities for resentencing for convictions pertaining to cannabis-related offenses (e.g. - distribution).
3. Eliminate legal mechanisms that allow cannabis to be used to criminalize individuals. This includes raising the legal possession limit and prohibiting law enforcement from using the odor of cannabis as probable cause to search or arrest someone.
4. Individuals should be able to grow small amounts of cannabis in their home for personal use.
5. Micro-businesses should be able to be licensed to grow smaller amounts of cannabis to sell to the public.
6. Licenses for transportation, security, and social consumption sites should have preferences for 'minority enterprises'.
7. The process for companies to be awarded commercial licenses should have incentives for companies that do business with 'minority enterprises.'
8. 50% of tax revenues from cannabis sales should go back into the communities harmed most by the war on drugs. The revenue should be allocated directly to the local distribution so that the community can have an active role in how the resources are distributed.

I urge you to support SB692, as it is one of the steps Maryland can take to right the wrongs of our carceral system and the war on drugs.

Thank you for your time, service, and consideration.

Sincerely,  
Sarah Johnson  
1 Merryman Court  
Baltimore, MD 21210

# **MMG Testimony in Support of the Amendment to Senat**

Uploaded by: Stanley W. Tucker

Position: FAV



## **Meridian Management Group, Inc. Testimony In Support of an Amendment to S.B. 692**

*March 3, 2022*

Madam Chair and distinguished members of the Senate Finance Committee. Thank you for taking time to hear our testimony in support of an amendment to S.B. 692. My name is Stanley Tucker, President of Meridian Management Group, Inc. (“MMG”) and I am with my partners Timothy Smoot, our Chief Financial Officer and Sr. Vice President, and Anthony Williams, our Senior Investment Officer. MMG is the manager of the Maryland Casino Business Investment Fund (“MCBIF”), one of eight (8) fund managers for the Video Lottery Terminal (“VLT”) fund. In addition, MMG manages the Maryland Small Business Development Financing Authority (“MSBDF”) for the Department of Commerce. In total, our professional staff has over 150 years of experience providing financing, management and technical assistance to small, minority and women-owned businesses in the State of Maryland.

### **“CAPITALISM WITHOUT CAPITAL DOES NOT WORK”**

There continues to be a “lack of access to capital” to support the growth of small, minority and women-owned businesses (“SMWBs”) in Maryland. This lack of access to capital is supported by recent local and national studies, including the Maryland Department of Transportation most recent disparity study.

In view of this continuing disparity and capital need, an amendment to S.B. 692 has been submitted by Senator Jill Carter that proposes that the Recreational Cannabis Bill include a provision that **2% of the annual cannabis sales be directed into the Small, Minority, and Women-Owned Business Account (the “Account”) that is reserved for the purpose of providing equity investments and lending capital to SMWBs in the State of Maryland.** Such a provision will be very similar to the Video Lottery Terminal Fund (“VLT Fund”) legislation that was enacted in 2008, requiring 1.5% of all VLT revenues be allocated to financing for SMWBs. The VLT Fund became active in 2013 and Commerce has since certified eight (8) Eligible Fund Managers (soon to be 10) to manage these funds throughout the state.

**The VLT Fund has been very successful and has received a national award for its innovativeness. Maryland has also become a national model for how states can generate revenues to support small, minority and women-owned businesses as well as support education. From FY 2013 through FY 2021, approximately \$79 million has been allocated from the VLT Fund to the Eligible Fund Managers. According to the Department of Commerce's 2021 Annual Report, VLT generated: \$79 million in loans through 772 transactions that created 3,556 jobs and retained 5,148 jobs.**

The Account is already established. The structure has been in place for nearly 10 years. It is administered by the Dept. of Commerce which has extensive experience in managing such a fund. These funds are ready to be deployed to small, minority and women-owned businesses that are starving for additional capital.

Proposed Amendment:

1. The Recreational Cannabis Bill should include a provision that **2% of the annual cannabis sales be directed into the Account.** Using estimates developed by The Maryland Cannabis Policy Coalition, during the first 6 years, approximately \$5.6 billion in retail sales could be generated - resulting in approximately \$112 million going into the Account (see attachment).
2. If the two percent (2%) of the annual retail sales is not an acceptable approach, then **alternatively, we recommend that 10% of any excise tax that is assessed against the sale of recreational cannabis be directed into the Account.** Using the same The Maryland Cannabis Policy Coalition estimates, approximately \$94 million would go into the Account (see attachment).
3. Since Maryland currently does not allow funds in the Account to be provided to businesses in the cannabis industry, **we propose that the legislation allow the state financing programs to loan or invest in cannabis businesses.**
4. Finally, the current VLT Fund requires that a minimum of 50% of the funding be provided to businesses that are in certain geographical areas near the Maryland casino venues. **We recommend that none of the dollars from Recreational Cannabis funding be restricted to any geographic designations. Instead, we recommend that a minimum**

**of 50% of any allocation go to businesses that want to enter the Cannabis industry; and the remainder 50% to fund other types of small, minority and women-owned businesses throughout the state of Maryland.**

Once again, lack of access to capital has always been a challenge for SMWBs in Maryland. Most traditional sources of funding for SMWBs are limited due to the high-risk nature of financing these enterprises. VLT funding helps fill that void. However, additional capital will be needed to support SMWBs in and outside of the cannabis industry. We anticipate the need for access to capital will remain a central component to the future success of SMWBs and the State of Maryland. Hence, more capital will be needed.

# **Projected Revenue Schedule.pdf**

Uploaded by: Stanley W. Tucker

Position: FAV

## Maryland Estimated Cannabis Revenue Projections

Year	Total Anticipated Retail Sales *	Projected State Tax Rate	State Tax Revenue	Local Tax Revenue (3%)	SB 692 Original Proposal (2% of Retail Sales Tax)	Projected Allocation to SMWB Account	Amended Proposal (2% of Retail Sales)	Projected Allocation to SMWB Account	Alternative to SB 692 Proposal (10% of Retail Sales Tax)	Projected Allocation to SMWB Account
2024	\$ 300,220,263	10%	\$ 30,022,026	\$ 9,006,608	2%	\$ 600,441	2%	\$ 6,004,405	10%	\$ 3,002,203
2025	\$ 559,696,165	10%	\$ 55,969,617	\$ 16,790,885	2%	\$ 1,119,392	2%	\$ 11,193,923	10%	\$ 5,596,962
2026	\$ 825,132,237	15%	\$ 123,769,836	\$ 24,753,967	2%	\$ 2,475,397	2%	\$ 16,502,645	10%	\$ 12,376,984
2027	\$ 1,048,399,833	15%	\$ 157,259,975	\$ 31,451,995	2%	\$ 3,145,199	2%	\$ 20,967,997	10%	\$ 15,725,997
2028	\$ 1,184,882,989	20%	\$ 236,976,598	\$ 35,546,490	2%	\$ 4,739,532	2%	\$ 23,697,660	10%	\$ 23,697,660
2029	\$ 1,694,207,018	20%	\$ 338,841,404	\$ 50,826,211	2%	\$ 6,776,828	2%	\$ 33,884,140	10%	\$ 33,884,140
<b>Total</b>	<b>\$ 5,612,538,505</b>		<b>\$ 942,839,455</b>	<b>\$ 168,376,155</b>		<b>\$ 18,856,789</b>		<b>\$ 112,250,770</b>		<b>\$ 94,283,945</b>

\* The anticipated retail sales for Maryland are derived from the "Maryland Cannabis Policy Coalition" 2021 estimates which is based on the state of Colorado's annual retail sales.

**SB 692 Testimony\_MDPWC\_Quinton.pdf**

Uploaded by: Sylvia Quinton

Position: FAV



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March 2, 2022

SB 692 – Cannabis – Legalization and Regulation  
(Cannabis Legalization and Reparations for the War on Drugs Act)

**FAVORABLE**

Dear Chair Kelley and Members of the Finance Committee:

The companion to criminal record expungement is restorative justice. An investment in substance abuse prevention is restorative justice. Substance abuse prevention is the alternative to mass incarceration. During the period of mass incarceration of youth and young adults for drug related offences, the investment in substance abuse prevention was marginalized and substance abuse treatment valued. A direct reciprocal correlation exists between mass incarceration for drug offense and substance abuse prevention: increase in mass incarceration decrease in prevention investment, decrease in mass incarceration, increase in prevention investment. The strategy was lock them up and treat them which was an economic strategy not a public health strategy. An investment in prevention is the great State of Maryland's opportunity for restorative justice.

**Restore the investment in prevention.**

The Maryland Prevention Works Coalition (MD-PWC) is an advocacy and education coalition of coalitions, a statewide collaborative. The Coalition's mission is:

- (1) to influence policies, practices, and programs in the State of Maryland to reduce youth substance use and other youth problem behaviors such as youth mental challenges, youth violence, low academic achievement, sexual risk avoidance education, low neighborhood attachment, youth engaged with the juvenile justice system, and Adverse Childhood Experiences (ACEs), and
- (2) increase collaborative efforts among and within untapped prevention efforts locally, statewide, and nationally.

The MD-PWC seeks to connect community coalitions for collaboration across jurisdictional boundaries to increase the power of population-level change at the state-level. MD-PWC is a

statewide prevention movement for positive youth development, youth engagement, and adolescent healthy development, including social-emotional learning.

We strongly support SB 692 – Cannabis – Legalization and Regulation. The bill addresses many of the necessary strategies to restore justice to lives lost because of the systematic and structural prejudices from the past criminalization of people’s behaviors resulting from lack of adequate investment in underserved populations and environmental strategies to address poverty experiences, employment preparedness, affordable housing, and educational opportunities. Substance use prevention was casualty of the mass incarceration movement. Currently, the federal Substance Abuse and Mental Health Services Administration (SAMHSA) provides the state of Maryland with approximately \$34 million annual for substance use disorders counseling and treatment from the Substance Abuse Block Grant. The investment from the federal government and the state of Maryland in prevention is dismal. The proposed fund is an opportunity for a balance approach to mass incarceration restorative justice.

MD-PWC defines prevention as an active, assertive *movement* of creating community conditions and environments that promotes the well-being of individuals, families, and communities. A coalition is a partnership of various sectors in society that collaborate to address universal problems and create a pathway for solutions. Some of the sectors of society include youth-serving organizations, schools, businesses, healthcare professionals, civic/volunteer groups, law enforcement, youth, parents, institutions of higher education, elected officials, local government, religious/fraternal organizations, and the like.

The MD-PWC uses evidenced-based prevention tools develop by the Substance Abuse and Mental Health Services Administration (SAMHSA), Center for Disease Control and Prevention (CDC), and the Community Anti-Drug Coalition of America (CADCA). SAMHSA’s Strategic Prevention Framework (SPF) is the operational model. The SPF is a 5-step approach to community-level change: Assessment, Planning, Capacity Building, Implementation, and Evaluation. CADCA’s 7 Strategies for Community-Level Change are employed to guide the implementation of programs, activities, and services. The seven strategies are: providing information, building skills, providing support as well as environmental change strategies (enhancing access/reducing barriers, changing consequences, physical design, and modifying/changing policy).

The MD-PWC approach to primary prevention is the public health model advocating for a comprehensive strategy of individual and environmental strategies implemented by multiple organizations in the community. A coalition identifies and coordinates the implementation of the comprehensive strategies. Individual-focused strategies target youth protective and risky behaviors by providing information, building skills, and providing support to make healthy decisions, i.e., direct prevention services to individuals. Environmental-focused strategies focus on the availability of the substance, community norms, and promote regulations to impact community-wide behaviors in the entire community environment.



# **SB 692 - Cannabis Legalization - SURJ3A Solidarity**

Uploaded by: Tamara Todd

Position: FAV

To the members of the Senate Finance Committee,

I am a resident of District 10 writing in solidarity with Showing Up for Racial Justice Annapolis and Anne Arundel County. I am testifying in support of SB0692, which would legalize the use and possession of cannabis by an individual 21 years of age. This bill would also provide a pathway to clear criminal records and dispositions of certain charges relating to the use and possession of cannabis, and establish a system for the regulation and taxation of the market for the production and sale of cannabis within the State of Maryland.

Though *this* bill is focused on the taxation and regulation of cannabis legalization, curtailing the epidemic of mass incarceration by ending marijuana prohibition is one important step to repairing the harm that was done to communities of color by the war on drugs. The next step requires resources to be reinvested directly back into the same communities that were harmed. The system for these reparations can be achieved through the regulation and taxation piece of the State.

In order to ensure the creation of an equitable market, there needs to be a focus on lowering the barriers of entry into a legal market. Growers and dispensaries, which are part of the industry, are extremely capital intensive which puts Black and Brown communities at a stark competitive disadvantage due to the immense wealth disparity between those and white communities. There needs to be a focus on enabling and supporting minority owned businesses to establish themselves in the new legal market created by this bill.

For this bill to be most effective in restoring justice from the war on drugs, it should include the following eight policies:

1. Vacature of all cannabis/marijuana-related convictions.
2. Allow opportunities for resentencing for convictions pertaining to cannabis-related offenses (e.g. - distribution).
3. Eliminate legal mechanisms that allow cannabis to be used to criminalize individuals. This includes raising the legal possession limit and prohibiting law enforcement from using the odor of cannabis as probable cause to search or arrest someone.
4. Individuals should be able to grow small amounts of cannabis in their home for personal use.
5. Micro-businesses should be able to be licensed to grow smaller amounts of cannabis to sell to the public.
6. Licenses for transportation, security, and social consumption sites should have preferences for 'minority enterprises'.
7. The process for companies to be awarded commercial licenses should have incentives for companies that do business with 'minority enterprises.'
8. 50% of tax revenues from cannabis sales should go back into the communities harmed most by the war on drugs. The revenue should be allocated directly to the local distribution so that the community can have an active role in how the resources are distributed.

I urge you to support SB692, as it is one of the steps Maryland can take to right the wrongs of our carceral system and the war on drugs.

Thank you for your time, service, and consideration.

Sincerely,

Tamara Todd

221 Northway Rd, Reisterstown, MD 21136

**SB692\_NTEPB\_FAV.pdf**

Uploaded by: Therese Hessler

Position: FAV

**SB692 - Cannabis: Legalization and Regulation (Cannabis Legalization and Reparations for the War on Drugs Act)**

**March 3, 2022 – Senate Finance and Budget and Taxation Committees**

**FAVORABLE**

Dear Members of the Senate Finance and Budget and Taxation Committees;

As Chair of The National Trauma Education and Policy Board, it's my privilege to discuss the importance of the above bill. The war on drugs and caused immense unnecessary tax payer dollar expenditure on incarcerating people who have been traumatized and re-traumatized by the system as well as those looking for emotional and physical pain relief as a result of other types of traumas in life. Cannabis is showing in countless studies to be so much more effective and healthier than various other prescription medications.

As someone who has personally worked deep in drug and alcohol counseling, jail/prison diversion, and having managed several programs (Trenton, Philadelphia, Baltimore, and Washington, DC), I've witnessed countless times where an individual is trying to get help for addiction and seeking effective services to turn one's life around, only to be arrested and pulled into jail, preventing treatment from occurring. We have all learned by now that there is almost nothing "correctional" in the correctional system. The correctional system causes people to revert back to a childlike state and reverses the help the person may have been receiving from effective service provision in the community. I've also personally seen the relief people have experienced from simply coming off of opiate addiction and using cannabis for pain management, allowing them to live much more productive and healthy lives.

This bill is incredibly important and should be passed. I also would like to point out that drug treatment programs like what is provided by Empowerment Behavioral Therapeutic Services is an incredibly effective follow-up to ensure people get the treatment needed to be successful in their current and future endeavors in life. Thank you for taking the time to read this testimony.

Best Regards,

David Shrank, MSW, LCSW-C, LICSW

Chair: The National Trauma Education and Policy Board

Founder and CEO

Empowerment Behavioral Therapeutic Services

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# **Testimony in Favor of Senate Bill 692\_People's Com**

Uploaded by: Thomas Higdon

Position: FAV



**Testimony in Favor of Senate Bill 692 Cannabis – Legalization and Regulation (Cannabis Legalization and Reparations for the War on Drugs Act)**

**TO:** Chair Senator Delores G. Kelley and Vice Chair Senator Brian J. Feldman, and Members of the Finance Committee; and Chair Senator Guy Guzzone and Vice Chair Senator Jim Rosapepe, and Members of the Budget and Taxation Committee

**FROM:** Thomas Higdon, on behalf of The People's Commission to Decriminalize Maryland

I live in Reisterstown in the 10th district. I am survivor of the addiction and the “war on drugs.” Currently, I chair the Drug Policy work group for The People's Commission to Decriminalize Maryland. The Commission is grateful to Senator Carter for her tireless advocacy on behalf of the communities most harmed by prohibition drug policies. The interests of these communities are clearly reflected in SB 692, which includes the following provisions that are missing in other proposed legislation:

1. This bill is more comprehensive than other bills, as it will vacate past convictions and dismiss pending charges for possession, cultivation, and distribution. Other bills only address convictions and charges for possession of small amounts of cannabis. This would lead to an absurdly unjust outcome of someone rotting in prison for selling something that is now legal.
2. This bill dedicates 60% of cannabis revenue to a Community Investment and Repair Fund, which other bills only allocate up to 25%. Prohibition drug policies have destroyed lives, families, and entire communities. It is a moral imperative that most of the revenue from cannabis legalization go to repairing and restoring those communities.
3. This bill promotes justice by allowing a defendant to seek a new trial for any crime if the conviction was based on evidence discovered after a search in which probable cause was based solely on the presence or suspected presence. Too often in the past “cannabis odor” has been used as a pretext to perform otherwise unlawful searches.
4. This bill allows consumption of cannabis in public spaces where tobacco smoking is allowed. Without this provision, cannabis use will continue to be used as a pretext to stop, detain, and otherwise harass people from marginalized communities.

As a person in recovery, I have seen first-hand the harm caused by prohibition policies. Cannabis legalization is an incredible opportunity to begin undoing that harm. For these reasons, the People's Commission to Decriminalize Maryland urges this committee to support SB 692.

**SB 692\_FAV\_ACLU.pdf**

Uploaded by: Yanet Amanuel

Position: FAV



**Testimony for the Senate Finance Committee  
March 3, 2022**

YANET AMANUEL  
INTERIM PUBLIC POLICY  
DIRECTOR

**SB 692- Cannabis - Legalization and Reparations for the War  
on Drugs**

**Favorable**

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The ACLU of Maryland supports SB 692, which legalizes marijuana for Marylanders who are 21 and older and allows for the possession and cultivation of marijuana, clears previous marijuana related convictions, eliminates criminal penalties for marijuana related offenses and establishes community reparations for Black and Brown communities, who have been most impacted by the failed war on drugs.

The war on marijuana has failed. The most damaging aspect of this failure is the way in which the criminalization of marijuana is used as an excuse to over-police Black, Indigenous, and People of Color. While this body seems poised to legalize marijuana, it is critical that legalization be carried out through a racial justice lens to address the onslaught of harms that have been selectively aimed at Black and Latinx communities.

The Maryland General Assembly decriminalized the possession of 10 grams or less of marijuana in 2014 – in large part because of the disparate enforcement of marijuana laws on Black people. However, decriminalization was never enough, and legalization without adequately addressing the racial inequalities of the war on marijuana will not be enough to repair the harm done to communities or reduce disparities in arrests. Despite comparable rates of use among Black and white people, Black people are still significantly more likely to be arrested for marijuana. This is true across *all* states, regardless of whether marijuana has been legalized, decriminalized, or remained illegal. National trends reveal that, on average, a Black person is 3.64 times more likely to be arrested for marijuana possession.<sup>1</sup>

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<sup>1</sup>A Tale of Two Countries Racially Targeted Arrests in The Era of Marijuana Reform".  
ACLU, 2020, [https://www.aclu.org/sites/default/files/field\\_document/marijuanareport\\_03232021.pdf](https://www.aclu.org/sites/default/files/field_document/marijuanareport_03232021.pdf)



In Maryland, Black people continue to be arrested overwhelmingly more than whites and at disproportionate rates. In Queen Anne's County, Black people are eight times more likely to be arrested for marijuana. In Carroll County, Cecil, and Frederick, Black people are six times more likely to be arrested for marijuana and five times more likely in Allegany County. Between 2018- 2019, 76% of Marylanders arrested for possession of more than 10 grams of marijuana were Black, despite Black people only making up 30% of the state's population.<sup>2</sup>

Any association between Black people and marijuana often frames Black people as inherently criminal or bad people. In contrast, white persons continue to use marijuana, which is recreational or medicinal. As a result of this, Black persons are unfairly targeted and criminalized by the enforcement of our marijuana laws. When it comes to reforming our drug laws, policing, which more rightly can be titled over-policing, is at the root of the injustices communities of color suffer. SB 692 seeks to offer proper redress and reparations to Black and Brown communities who have had to endure the racist enforcement of our marijuana laws and entanglement in the criminal legal system.

**SB 692 raises the legal possession limit to 4 ounces and creates a presumption that possession of this amount is for personal use, not distribution**

Since the decriminalization of possession of 10 grams of marijuana in 2014, the uniform crime reports show an uptick in distribution charges. Specifically—according to the 2015 Uniform Crime Report, as compared to 2014, arrests for possession of marijuana decreased by 37%, while marijuana distribution arrests increased by 5% in 2015. This trend suggests that at least some portion of persons in possession of 10 grams or less are now being charged with a distribution offense, when the offense may, in fact, be more appropriately considered simple possession.<sup>3</sup>

In other words—law enforcement has found a way around the decriminalization law. Because they can no longer prosecute persons for *possession* of small amounts of marijuana, they are instead prosecuting persons for possession *with the intent to distribute*, for even very small amounts. In order to honor the Maryland General Assembly's goal of

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<sup>2</sup> Id.

<sup>3</sup> <https://mdsp.maryland.gov/Document%20Downloads/Crime%20in%20Maryland%202015%20Uniform%20Crime%20Report.pdf>

reducing unnecessary criminalization, there must be a minimum quantity (or a floor) for distribution charges.

**SB 692 expands reentry opportunities for persons who have been criminalized by the war on marijuana**

SB 692 allows for certain marijuana-related convictions, such as possession with intent to distribute and possession of drug paraphernalia for marijuana, to be vacated. Vacatur goes further than expungement by reversing the actual adjudication or finding of guilt. This is the best way forward because automatic expungement is not ideal for noncitizens.

SB 692 also creates opportunities for persons to have their cases reconsidered if marijuana improperly contributed to their conviction. Reconsideration hearings are a “look-back” to give some relief to those who the war on drugs has already harmed. There are so many people currently saddled with criminal records. It is crucial that those who have already gone through the criminal legal system have an opportunity to clear their records if their convictions were marijuana-related or the charges arose from an officer detecting the odor of marijuana.

**SB 692 prohibits police from using the odor of marijuana, without other legitimate cause for suspicion, as probable cause to arrest and perform a warrantless search of a person or vehicle.**

Marijuana is often used an excuse for police to stop and search people, disproportionately persons of color. SB 692 specifically includes a ban on using the odor of marijuana as a justification for stops, searches, and seizures. In the marijuana DUI context, just as with alcohol, there needs to be some evidence of impairment first before an officer conducts an arrest or additional searches. That is why the odor of marijuana alone is insufficient to support that type of stop. Those searches will also be limited to areas of the car where an officer would reasonably find evidence of a DUI. Legalization must do more than just allow for the recreational use of marijuana. To be equitable, legalization must disincentivize pretextual police searches and seizures, which result in all sorts of convictions, marijuana-related or not.

The criminalization of marijuana has not proven to be an effective public safety strategy. Between 2018-2019, Prince George's County arrested nearly 3,000 people for the possession of marijuana, over 10 grams— 90% of whom were Black. Of those 3,000 cases, only 20 cases resulted in a guilty conviction.<sup>4</sup> That same year, only 18% of all violent crimes in Prince George's were cleared.<sup>5</sup> Meaning that police spent more time arresting people for the possession of marijuana than they did for all violent crimes.

Public safety is of the utmost importance for all our communities, but diligent law enforcement can and should solve a crime using honest and evidence-based techniques without relying on pretextual bases (like the odor of marijuana) for stopping and searching people.

**SB 692 will ensure that the legal use of marijuana cannot be the basis for denying someone housing, making child custody or visitation determinations, or negatively impacting someone's parole or probation status.**

Criminal penalties are only the tip of the iceberg; convictions negatively impact people in countless ways, from access to stable housing to custody rights. SB 692 begins to address some of the ripple effects of the criminalization of marijuana by ensuring that the legal use of marijuana cannot be the basis for denying someone public benefits, child custody, or negatively impacting someone's parole or probation status.

Annually, 600,000 people return to jail nationally. At least 45% of these persons are re-incarcerated for violations of their terms of parole. 1 in 4 people returns to prison for technical violations, not for committing a crime<sup>6</sup>. In Maryland, nearly 60 percent of those sentenced to prison in 2014 were behind bars for breaking the rules of their community supervision. Technical violations, such as failing a drug test or missing a meeting accounted for more than 70 percent of parole and mandatory supervision returns to prison and over 40 percent of probation

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<sup>4</sup> Requested court data of marijuana possession over 10 grams from 2018-2019 made by Delegate Mosby in 2020.

<sup>5</sup> Id

<sup>6</sup> Handelman, S., Theriault, M., & Crime and Justice News. (2020, March 6). Recidivism's Hidden Drivers: 'Technical Violations' of Probation or Parole. Retrieved March 9, 2020, from <https://thecrimereport.org/2020/03/05/the-hidden-driver-of-recidivism-technical-violations-of-probation-or-parole/>

revocations.<sup>7</sup> As Maryland finally legalizes marijuana, its use should not be grounds for reincarcerating individuals.

### **Community investment**

State revenue generated through the marijuana industry must be reallocated directly to communities most harmed by the war on drugs. Financial redress should not be limited to those looking to participate in the cannabis industry but rather to all those who have been negatively impacted by cannabis prohibition and enforcement.

SB 692 establishes a community restoration fund that allocates 60% of the tax revenues directly to the local jurisdictions impacted by the failed war on marijuana. The proportion of those revenues each jurisdiction gets is based on what percentage of the overall marijuana-related arrest over the last 30 years that they contributed to.

For the foregoing reasons, the ACLU of Maryland supports SB 692 and urges the committee to give this bill a favorable vote.

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<sup>7</sup> Maryland's 2016 Criminal Justice Reform. (2017). Retrieved 9 March 2020, from <http://goccp.maryland.gov/wp-content/uploads/justice-reinvestment-advisory-20180220-supplemental-materials.pdf>



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GENERAL COUNSEL



# **Testimony PM Cannabis SB0692.docx.pdf**

Uploaded by: Zach Kovach

Position: FAV

**Testimony on Maryland [HOUSE OR SENATE] Bill NUMBER: SB692**

**Bill Name:** Cannabis – Legalization and Regulation (Cannabis Legalization and Reparations for the War on Drugs Act)

**TO:** Senator Brian Feldman, Finance Committee (Vice-Chair) and Executive Nominations Committee

Delegate Adrienne A. Jones, Speaker of the House

Senator Delores G. Kelley, Chair and of the Finance Committee

Senator Guy Guzzone, Budget and Taxation Committee (Chair), Executive Nominations Committee, Reapportionment, and Redistricting Rules Committee

Senator Jim Rosapepe, Budget and Taxation Committee (Vice-Chair) and, Executive Nominations Committee

Senator Joanne C. Benson, District 24

Benjamin L. Cardin, U.S. Senator of Maryland

Christopher Van Hollen, Jr., U.S. Senator of Maryland

Anthony G. Brown, U.S. Representative, 4th Congressional District

**FROM:** Ms. Alfrieda Hylton, Progressive Maryland, Member, Prince George’s County, Capitol Heights Maryland, District 24

**DATE:** March 2, 2022

**POSITION:** SUPPORT

**Thank you for the opportunity to submit written testimony. Progressive Maryland is grassroots, nonprofit organization with 9 chapters from Frederick to the Lower Shore and more than 100,000 members and supporters who live in nearly every legislative district in the state. Also, there are dozens of affiliated community, faith, and labor organizations across the state that stand behind our work. Our mission is to improve the lives of working families in Maryland. Please note our strong SUPPORT FOR this bill.**

Ms. Alfrieda Hylton is a member of the Progressive Maryland Drug Policy Task Force and Reentry Work Group. She’s a resident of Capitol Heights, Maryland, Prince George’s County, District 24. Two of her older sons were driven from their jobs and families and pushed into the Federal prison system for “possession with intent to distribute” and both served approximately 16 years which contributes to racial and social class inequalities. The War on Drugs has been around for more than 50 years, and it hasn’t been a war on drugs at all. It’s been a war on people: people like her, and her family. Black people. The part where it was supposed to decrease drug use? That part failed.

In the nineties, her two older sons were driven from their jobs and families and pushed into the federal prison system for marijuana possession. This was at the peak of the drug war, and both were punished with the harshest possible sentences. Her sons served their time, but when they first came home, they were offered no jobs, no housing, and no compassion. With no other way to make a living, both ended up arrested again for the same reasons and even harsher sentences. They were caught in the trap that was set up for them to fail, a revolving door from the street to prison.

There were nobody cameras worn to document the excessive force from police when her sons were arrested, the police violated laws when they were stopped, searched, arrested, and convicted, her sons and so many others. There was never a warning when police invaded the privacy of her home. After serving



sixteen years behind bars, her sons were finally released to come home. Because these years were spread out from their teens when they were first arrested into their early thirties, this War on Drugs has disrupted their adult lives. The criminalization of marijuana has been a terrible mistake, and the racially disparate enforcement of marijuana laws has only compounded this mistake, with serious consequences, particularly to the people of color communities. The War on Drugs has been a complete failure. African Americans and Latino people are far more likely to be criminalized than white people. It has torn apart families and communities, ruined individuals' lives, and acted as a vehicle for racial injustice.

**Recommend:** End policies that exclude people with a record of arrest or conviction from key rights and opportunities. These include barriers to voting, employment, public housing, other public assistance, loans, financial aid, and child custody. I do agree with taken steps to regulate and legitimize the production, distribution, and use of cannabis and its derivatives. Development of a more rational cannabis policy requires better evaluations of both the health consequences of regular cannabis use and of the costs and benefits of enforcing the existing prohibition on its use. End ineffective, racially biased, and unjust criminal enforcement and it need to decouple marijuana from vice and crime otherwise remains a federal controlled substance. The cannabis legalization framework should explicitly state that public health promotion and protection as its primary goals. **Example of Inspiring Change:** The Centre for Addiction and Mental Health (CAMH) is Canada's largest mental health teaching hospital and one of the world's leading research centers in its field. Instead, of a civil fine and prison confinement for first and, second-time offenses offer 6 months of community services, provide, and extend drug education, and drug treatment such as cognitive-behavioral therapy, contingency management, and motivational enhancement therapy. It reduces marijuana use, particularly among those involved with heavy use and those with more chronic mental disorders. Because people with marijuana use disorders, especially adolescents often also suffer from other psychiatric disorders. Rather than ban smoking of marijuana in a public place entirely expands places where marijuana smoking and vaping is allowed.

**We urge a FAVORABLE report on BILL NUMBER SB692. TESTIMONY ON CANNABIS LEGALIZATION IN THE STATE OF MARYLAND**

Testimony: 3/3/22

Cannabis – Legalization and Regulation (Cannabis Legalization and Reparations for the War on Drugs Act)  
: SB0692

Dear Maryland General Assembly;

As a volunteer with Progressive Maryland's Drug and Alcohol Policy Task force, it's my privilege to discuss the importance of the above bill. The war on drugs and caused immense unnecessary tax payer dollar expenditure on incarcerating people who have been traumatized and re-traumatized by the system as well as those looking for emotional and physical pain relief as a result of other types of traumas in life. Cannabis is showing in countless studies to be so much more effective and healthier than various other prescription medications.

As someone who has personally worked deep in drug and alcohol counseling, jail/prison diversion, and having managed several programs (Trenton, Philadelphia, Baltimore, and Washington, DC), I've witnessed countless times where an individual is trying to get help for addiction and seeking effective services to turn one's life around, only to be arrested and pulled into jail, preventing treatment from occurring. We have all learned by now that there is almost nothing "correctional" in the correctional system. The correctional system causes people to revert back to a child like state and reverses the help the person may have been receiving from effective service provision in the community. I've also personally seen the relief people have experienced from simply coming off of opiate addiction and using cannabis for pain management, allowing them to live much more productive and healthy lives.

This bill is incredibly important and should be passed. I also would like to point out that drug treatment programs like what is provided by Empowerment Behavioral Therapeutic Services is an incredibly effective follow-up to ensure people get the treatment needed to be successful in their current and future endeavors in life. Thank you for taking the time to read this testimony.

Best Regards,

David Shrank, MSW, LCSW-C, LICSW

Progressive Maryland Drug and Alcohol Policy Task Force Leader

Founder and CEO

Empowerment Behavioral Therapeutic Services

[www.EBTServices.com](http://www.EBTServices.com)

[David.shrank@EBTServices.com](mailto:David.shrank@EBTServices.com)

# **SB692\_AnthonyBuckler\_FWA**

Uploaded by: Anthony Buckler

Position: FWA

Anthony Buckler

9800 Marshall Corner Road

White Plains, MD, 20695

[buckler.anthony@gmail.com](mailto:buckler.anthony@gmail.com)

SB 692: Favorable with amendments

March 3, 2022

**Today I come to voice my support for the legalization of cannabis. I believe it is long past due for Maryland to legalize the recreational use of cannabis for adults. I believe the legalization of cannabis will bolster our economy and provide Marylanders with the job 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, the 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. The other significant difference is the directional square waveform emitted, and that is of particular concern to me. With all plants being photosensitive, and cannabis highly photosensitive, the light created by LED lights will mutate plants in general, and cannabis specifically.**

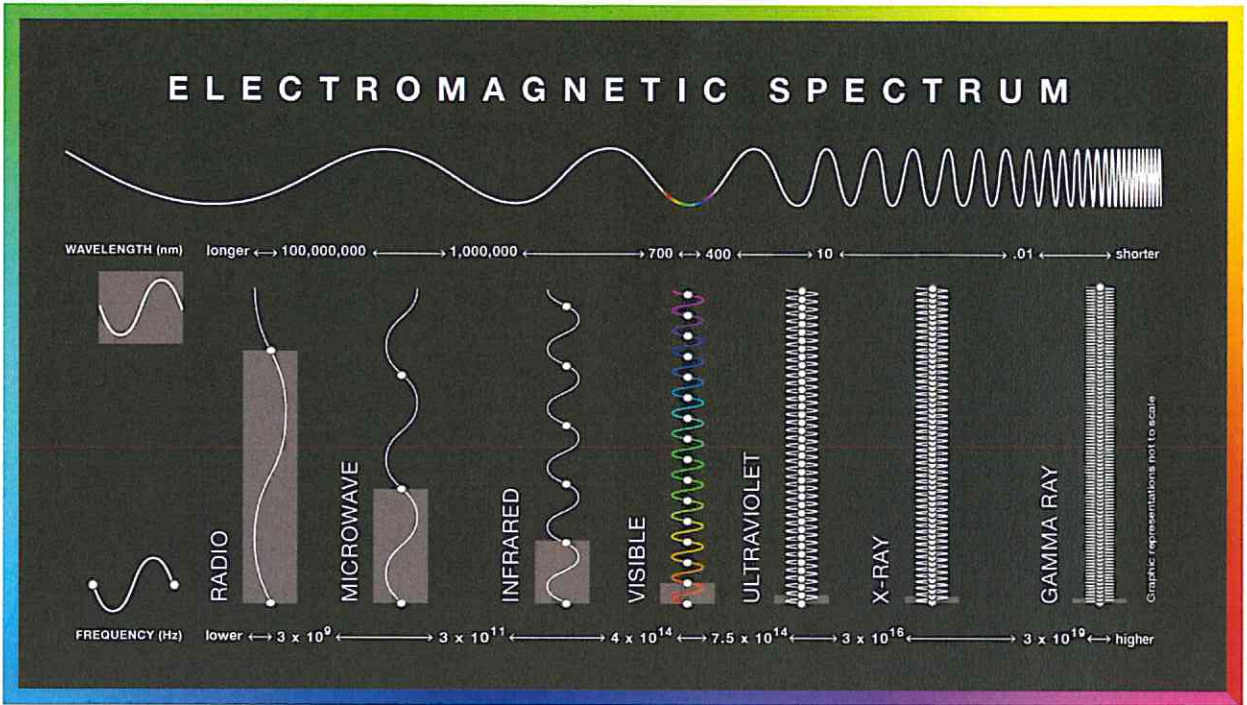
**To date, I have associated two (2) mutations to the cannabis plant via LED lighting. The first is auto-seeding throughout the cannabis flower itself. This occurs at every calyx, seedpod, within the cannabis flower and is a survival mechanism for the plant. The second is a mutation called cylindrical flower formations. This mutation is common with cannabis and is generally associated with too much atmospheric heat. So with that in mind, I experimented, with some help. After flowering a known feminized strain with LED lighting and monitoring**

atmospheric conditions throughout the plant's entire life cycle, I believe LED lighting creates heat within the flower itself. It does this by destabilizing the cells which trigger both mutations.

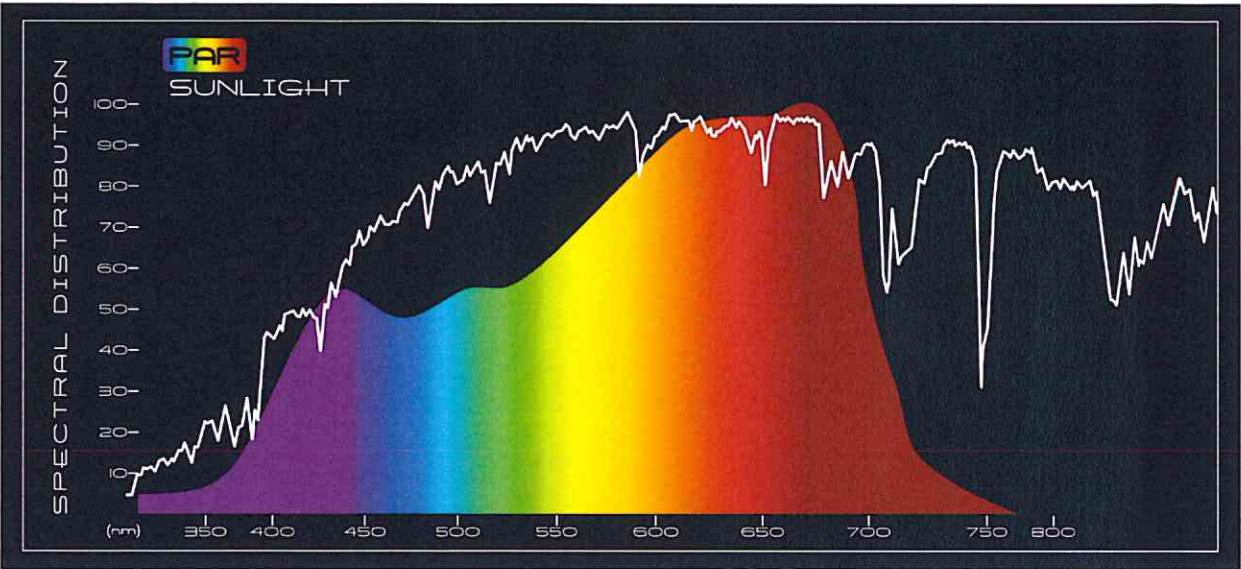
Knowing this and still receiving seeded cannabis flower from businesses within the Maryland Medical Cannabis Commission jurisdiction, I made the commission and certain cultivators aware of what I found. Although my intentions were pure, I was not received well. The commission refuses to accept what I found as reality. Cultivators blame the problem on poor genetics. Meanwhile, patients are stuck with a bait and switch and cannabis industry employees simply refuse to discuss the problem, likely because they are too busy counting money.

I support the legalization of cannabis in general, however, I believe some amendments need to be added. I would like the use of LED lighting banned for cannabis flower production; or have all cannabis flower manufactured with LED lighting be labeled as such. Led lighting may be used for flower production only if the cannabis flower is processed for the concentrate within it. Additionally, having found these mutations, reported them appropriately to government and business alike, and being dismissed, I believe citizens deserve the right to cultivate their cannabis, with limitations. I trusted and asked the Maryland Medical Cannabis Commission and their businesses to do the right thing and they have simply refused.

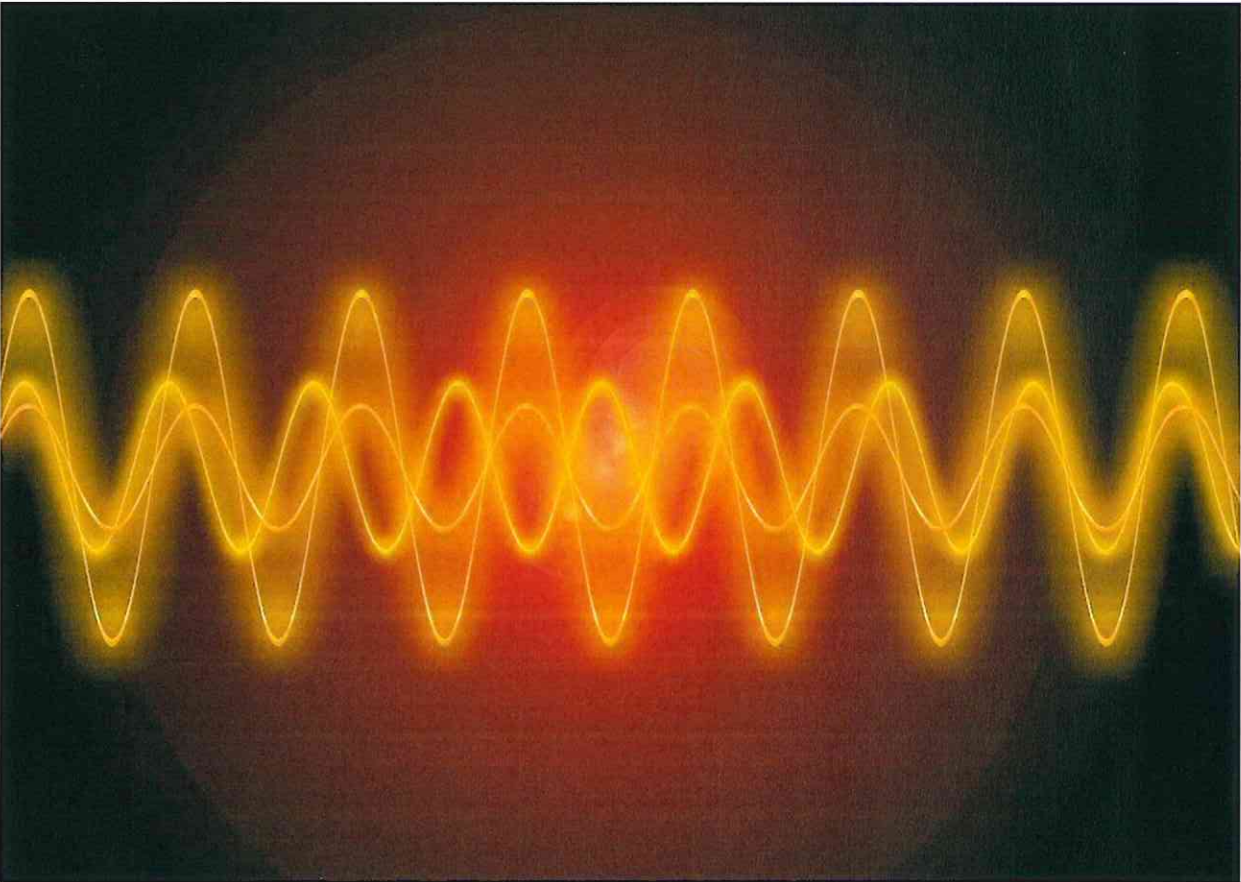




This chart shows different natural waveforms. The visible light waveform shown has an artificial equivalent, high-pressure sodium. The square waveform emitted by LED lights does not have a natural equivalent. Instead, the waveform of LED lighting can only be compared to that of gamma rays, with their increased frequency and tightly stacked wavelength.



**This is a visual representation of a square waveform emitted by LED lighting. The waveform is directional and lacks a frequency. The bottom picture is a representation of natural light and the waveform of all lights using alternating current.**





# **2022 GBCC SENATE LEGALIZATION BILLS.pdf**

Uploaded by: Ashlie Bagwell

Position: FWA



**STATEMENT BY  
THE GREATER BETHESDA CHAMBER OF COMMERCE REGARDING**

**SENATE BILL 692-CANNABIS-LEGALIZATION AND REGULATION (CANNABIS  
LEGALIZATION AND REPARATIONS FOR THE WAR ON DRUGS ACT) AND**

**SENATE BILL 833—CANNABIS-LEGALIZATION AND REGULATION**

**SENATE FINANCE COMMITTEE  
MARCH 3, 2022  
POSITION: FAVORABLE REPORT**

The Greater Bethesda Chamber of Commerce (GBCC) was founded in 1926. Since then, the organization has grown to more than 550 businesses located throughout the Greater Bethesda area and beyond. On behalf of these members, we appreciate the opportunity to provide written comments on Senate Bill 692—Cannabis-Legalization and Regulation (Cannabis Legalization and Reparations for the War on Drugs Act) and Senate Bill 833—Cannabis—Legalization and Regulation.

The cannabis industry is one of the country's fastest growing industries. An estimated 321,000 people now work in the legal cannabis industry, and that number will only continue to increase. The Greater Bethesda Chamber of Commerce supports this industry as it is an important part of Maryland's economy, now and moving forward.

We support what many surrounding states have already done, which is to legalize cannabis for adult use. However, we are agnostic on the regulatory approach the state takes, including the licensing structure, and would simply hope that whatever tax structure the committees deem appropriate would allow the State to compete with the illicit market and prevent diversion of legally produced cannabis into the illicit market.

For these reasons, we respectfully urge the committee to pass some version of Senate Bills 692 and Senate Bill 833.



# **HB 692 - Cannabis - Legalization and Regulation.pdf**

Uploaded by: Donna Edwards

Position: FWA



# MARYLAND STATE & D.C. AFL-CIO

AFFILIATED WITH NATIONAL AFL-CIO

7 School Street • Annapolis, Maryland 21401-2096

Office. (410) 269-1940 • Fax (410) 280-2956

*President*

Donna S. Edwards

*Secretary-Treasurer*

Gerald W. Jackson

**SB 692 – Cannabis – Legalization and Regulation  
(Cannabis Legalization and Reparations for the War on Drugs Act)  
Senate Finance Committee  
March 1, 2021**

**SUPPORT WITH AMENDMENT**

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

Madam Chair and members of the Committee thank you for the opportunity to provide testimony in support of SB 692 – Cannabis – Legalization and Regulation (Cannabis Legalization and Reparations for the War on Drugs Act) with amendments. My name is Donna S. Edwards, and I am the President of the Maryland State and DC AFL-CIO. On behalf of the 340,000 union members in the state of Maryland, I offer the following comments.

Sixteen 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, and it is time for Maryland to join their ranks. SB 692 sets us on the pathway to legalize recreational cannabis, in small amounts for personal use, while restoring the rights of those previously convicted of personal possession through automatic expungement of criminal records. Legalization and regulation of cannabis will reduce the stress on our criminal justice system, allowing for more resources to be used to prevent and mitigate serious crimes. It will provide much needed revenues to the state to meet the needs of Maryland's residents. Most importantly, providing justice to those who have been convicted in the past, is morally just.

With legalization and regulation of a brand new industry, businesses will fill the market need for cannabis products, bringing new jobs to fulfill demand. It is imperative that, whenever we have the opportunity to create new jobs, that we ensure workers have a voice in that process. Those who create the entirety of the value of any business should have a say in their own future. Therefore, we support the following amendments to SB 692, that will provide the workers in this new industry a level playing field by which they can exercise their rights in the workplace:

On p. 36, after line 33, please insert:

*(3). Grants from the Fund for small, minority-owned, or women-owned businesses in the cannabis industry can only be awarded to applicants who submit an attestation signed by a bona fide labor organization stating that the applicant has entered into a labor peace agreement with such bona fide labor organization.*

On p. 45, at the end of line 28, please insert:

*;INCLUDING*

*1. A requirement that all applicants for a license that have 10 or more employees to submit an attestation signed by a bona fide labor organization stating that the applicant has entered into a labor peace agreement with such bona fide labor organization.*

On p. 52, after line 4, please insert:

*(F) Each application or renewal application for a license from an entity that has 10 or more employees needs to include an attestation signed by a bona fide labor organization stating that the applicant has entered into a labor peace agreement with such bona fide labor organization.*

*(G) The maintenance of a labor peace agreement with a bona fide labor organization shall be an ongoing material condition of maintaining a cannabis establishment license with 10 or more employees beginning 200 days after the cannabis establishment hires its 10th employee.*

Maryland's unions ask that you include strong Labor Peace language within this legislation. California, Connecticut, New Jersey, New York, and Virginia have Labor Peace language in their recreational cannabis legislation, and those states are enjoying a boom in recreational cannabis business license applications and business profits. Far from being a hindrance, Labor Peace provides a level of security for workers and businesses by creating continuity across the industry.

**For these reasons, we ask for a favorable report on SB 692 with the above amendments.**

**SB0692-653527-01 (1).pdf**

Uploaded by: Elizabeth Vigna

Position: FWA



SB0692/653527/1

AMENDMENTS  
PREPARED  
BY THE  
DEPT. OF LEGISLATIVE  
SERVICES

14 FEB 22  
12:56:22

BY: Senator Carter  
(To be offered in the Finance Committee)

AMENDMENT TO SENATE BILL 692  
(First Reading File Bill)

On page 70, in line 27, after “(C)” insert “**(1)**”; and in line 28, strike “**(1)**” and substitute “**(1)**”.

On page 71, on lines 1, 4, 6, and 9, strike “**(2)**”, “**(I)**”, “**(II)**”, and “**(III)**”, respectively, and substitute “**(II)**”, “**1.**”, “**2.**”, and “**3.**”, respectively; in line 6, before “**2%**” insert “**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**”; and after line 9, insert:

**“(2) (I) THE MONEY DISTRIBUTED UNDER PARAGRAPH (1)(II)2 OF THIS SUBSECTION SHALL BE COLLECTED BY THE COMPTROLLER AND USED FOR THE PURPOSE OF PROVIDING EQUITY INVESTMENTS AND LENDING CAPITAL TO QUALIFYING BUSINESSES, INCLUDING A QUALIFIED CANNABIS BUSINESS.**

**(II) AN INVESTMENT OR LOAN MAY BE DISBURSED TO A QUALIFYING BUSINESS REGARDLESS OF WHETHER A BUSINESS IS WITHIN A VIDEO LOTTERY TERMINAL TARGET AREA.”.**



**Testimony\_JPC\_SB0692\_LR0987.pdf**

Uploaded by: Elizabeth Vigna

Position: FWA



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter  
In Favor of Senate Bill 692**

- **The Cannabis Legalization and Reparations for the War on  
Drugs Act -  
Before the Judicial Proceedings Committee  
On March 3, 2022.**

**Chairman Smith, Vice Chair Waldstreicher, and Members of the  
Committee:**

**I am proud to introduce Senate Bill 692, the Cannabis Legalization and Reparations for the War on Drugs Act. As the title of this legislation implies, the bill is designed to not only legalize the personal use of cannabis but also to help address some of the long-term, negative effects done to low-income communities and communities of color targeted by the failed campaign against drugs. Senate Bill 692 does so in a myriad ways, some of which I will touch on in my testimony.**

**Among other things, the bill establishes the amount of cannabis that an individual can possess legally to no more than four (4) ounces. Possession of more than four ounces will be punishable by a civil fine of up to \$150 or 15 hours of community service. Persons under the age of 21 who violate this provision will face a civil fine of up to \$50 and a court will provide the person with information relating to cannabis use disorder and the harms of underage cannabis use.**

**The bill also provides regulations for the cultivation of cannabis. For example, individuals are prohibited from growing more than six (6) plants in a residence, in public places or in areas accessible to persons under 21 years of age. The bill also prohibits law enforcement officers from solely basing reasonable suspicion or probable cause to search someone or a vehicle on the smell of cannabis. The bill vacates the convictions of those found guilty of cannabis possession, possession of cannabis paraphernalia, cannabis manufacturing, or cannabis distribution entered before July 1, 2022. And it affords individuals whose convictions sprung from cannabis-related searches, the right to petition the court for vacatur or a new trial.**

**To help address the harm done to certain communities targeted by the War on Drugs, the bill establishes The Community Reinvestment and Repair Fund. The fund will provide for economic reinvestment into impacted communities by allowing proceeds from the cannabis industry to be designated in ways that benefit minority-owned businesses. The Comptroller would have the power to prioritize the distribution of fund monies to those communities that have faced disproportionate criminalization for cannabis-related offenses.**

**Contrary to what some may believe, the data demonstrates that there is no connection between cannabis legalization and rising crime rates, and provides no evidence that cannabis legalization will result in an increase in auto accidents or fatalities. Legalization will, however, generate more tax revenue and create jobs. Senate Bill 692 is a continuation of this body's work because it recognizes that the War on Drugs has caused harm to marginalized communities that need healing.**

**For these reasons, I urge a favorable report on Senate Bill 692. Thank you.**

**Respectfully,**

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is written in a cursive style with a large initial "J" and a distinct "P" and "C".

**Jill P. Carter**

# **Maryland SB 692 - Jax James NORML.pdf**

Uploaded by: Jax James

Position: FWA



Working to Reform Marijuana Laws

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## Maryland (2022): SB 692, Testimony in support of legislation to establish a regulated, adult-use cannabis market

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 Senate Bill 692. NORML is supportive of legislative efforts to protect cannabis consumers from an unregulated cannabis market.

Senate Bill 692, also known as the Cannabis Legalization and Reparations for the War on Drugs Act, seeks to legalize the limited use and possession of cannabis by individuals aged 21 years and older. If passed, the bill would also provide for the clearing of criminal records and disposition of certain charges relating to the use and possession of cannabis and establish a regulatory framework and market taxation system for the production and sale of cannabis in the state.

Never in modern history has there existed greater public support for repealing the nation's nearly century-long experiment with marijuana prohibition. According to statewide polling data, 60 percent of Maryland residents endorse regulating the adult use of marijuana.

Licensing the commercial marijuana marketplace will bring long overdue controls to this market. Voters do not desire replacing nearly a century of criminalization with a marijuana free-for-all. They are aware of the reality that marijuana possesses some potential level of risk and that there exists the potential for abuse, particularly among young people. In fact, it is precisely because of this reality that NORML believes that society ought to regulate its use, production, and dispensing accordingly. By contrast, we believe that advocating for the plant's continued criminalization and for the proliferation of the black market does nothing to offset these risks; it compounds them.

This is because marijuana prohibition drives markets underground and abdicates control of these markets to those who typically operate outside the boundaries of law. Regulation, by contrast, allows for lawmakers to establish legal parameters regarding where, when, and how an adult cannabis market may operate. Legalization also provides oversight regarding who may legally operate in said markets and provides guidelines so that those who do can engage in best practices.





**Working to Reform Marijuana Laws**

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Such regulations already exist for alcohol and tobacco – two substances that are far more dangerous and costly to society than is the adult use of cannabis. The imposition and enforcement of tobacco and alcohol regulations, coupled with public awareness campaigns highlighting these products' risks and acknowledging the distinctions between their use versus abuse, has proven effective at reducing the public's overall consumption of these substances, especially among teens.

Unfortunately, a legal environment in which marijuana is criminalized is not conducive to imposing such common sense, evidence-based practices. A pragmatic regulatory framework that allows for the legal, licensed production and retail sale of cannabis to adults, but restricts and discourages its use among young people best reduces the risks associated with the plant's use or abuse, and provides an environment whereby consumers can best learn the skills and knowledge to readily delineate between the two behaviors.

Passage of this legislation will also make it so that minor offenders are no longer stigmatized and disenfranchised by the collateral consequences of an arrest record for an incident that is no longer a crime. People with otherwise clean records do not deserve for the rest of their life to be derailed because of an erroneous marijuana conviction that would not have been prosecuted today.

It's time to stop ceding control and revenue of the marijuana market to unregulated and untaxed enterprises. A pragmatic regulatory framework that licenses production and sale of marijuana to adults—but continues to criminalize sale to minors—best reduces the risks associated with its use and commerce.

NORML urges Maryland lawmakers to thoughtfully consider SB 692 to ensure a safe and regulated cannabis market for responsible adult consumers.



# **UFCW Local 27 Testimony on SB 692.pdf**

Uploaded by: Jessica Hack

Position: FWA





WRITTEN TESTIMONY IN SUPPORT OF SB 692

Cannabis Legalization and Regulation

March 3<sup>rd</sup>, 2022  
Finance Committee  
Maryland Senate

TO: Hon. Delores Kelly, Chair, and Members of the Committee

FR: Jason Chorpenning  
President, United Food & Commercial Workers International Union Local 27  
21 West Road, Towson, MD 21204

Chair Kelly, Vice Chair Feldman and Members of the Committee, on behalf of the 23,000 working men and women represented by United Food & Commercial Workers International Union (UFCW) Local 27, I am submitting testimony in support of SB 692 with Amendments.

Nationally, UFCW represents over 1.3 million hard-working men and women who work in highly regulated industries including the emerging legal cannabis industry. Our cannabis members can be found across multiple states in growing and cultivating facilities, manufacturing, and processing facilities, and in laboratories and dispensaries, including in Maryland.

UFCW Local 27 supports the legalization of recreational cannabis in Maryland with the addition of labor peace agreements as a condition of cannabis regulation. Labor peace agreements protect businesses, workers, and consumers, and are an effective regulatory tool for the state.

Wherever cannabis is legalized, the UFCW is committed to building family sustaining jobs and a strong, diverse, and skilled workforce. These are good-paying, union jobs in an area that has a higher unemployment rate than the state average.

We want to emphasize one important fact: the cannabis industry in Maryland does not operate in a free-market environment. It is a state-sanctioned and regulated. Unlike a traditional market not anyone is entitled to open a business and compete for business; a limited number of licenses are awarded by the state.

As a regulated, non-competitive industry, the state has an interest in ensuring the industry promotes the public good. That the industry is open to women and minority owned businesses. That we are growing local businesses instead of only promoting multi-state operators backed by venture capital.

The bill includes numerous provisions that address outstanding criminal justice reform issues and the need for equity and inclusion to ensure the industry is reflective of the state and grows local businesses.


As a regulated, non-competitive industry, the state also has an interest in ensuring the jobs created will pay a family sustaining, living wage.

The inclusion of labor peace language allows employees to exercise their right to unionize without intimidation or coercion and ensures a democratic process. In addition, collective bargaining agreements generally mean employees will be covered by health and welfare plans, removing the drain of the state established social safety net.

The inclusion of this language is also closing a loophole some employers have used to deny worker's their rights. Since the federal government still considers cannabis an "federally" illegal industry, the federal government has avoided a decision on employee's right to organize under the normal procedure of National Labor Relations Act. The inclusion of a labor peace language in the regulations ensures that workers in this industry have the same rights as other workers in Maryland.

**I urge the Committee to SUPPORT SB 692 with Amendments.**

In Solidarity,

  
Jason Chorpenning, President

**2022\_SB 692\_CANMD\_MDMDA\_FWA.pdf**

Uploaded by: Joe Bryce

Position: FWA



**SENATE BILL 692 – Cannabis – Legalization and Regulation (Cannabis Legalization  
and Reparations for the War on Drugs Act)  
March 3, 2022**

The Honorable Delores Kelley  
Chair, Senate Finance Committee  
3 East, Miller Senate Office Building  
Annapolis, MD 21401

Dear Chair Kelley:

The Maryland Wholesale Medical Cannabis Trade Association (CANMD) and the Maryland Medical Dispensary Association (MDMDA) appreciate the opportunity to comment on **Senate Bill 692 – Cannabis – Legalization and Regulation (Cannabis Legalization and Reparations for the War on Drugs Act)**. We applaud Senator Carter for her long history of advocating on issues of equity, justice and civil rights; that dedication is evident throughout the provisions of Senate Bill 692.

We have separately submitted testimony on substantially similar legislation being heard today – Senate Bill 833. Our focus on writing to you today is on a major difference between the bills – while Senate Bill 833 contemplates that medical licensees will be permitted to participate in the new adult market, with an expectation that they will play a role in ensuring the success of new social equity licensees, Senate Bill 692 is, at best, silent on that issue.

CANMD and MDMDA have long supported efforts to increase diversity in the cannabis industry. Most recently, our organizations supported House Bill 2 of 2018, legislation that added grower and processor licenses in the medical cannabis program to increase diversity among license holders. As a result of that legislation, licenses have been awarded to 3 majority African American owned grower entities, and 7 majority African American owned processor entities.

In establishing an adult use market, the State will seek to compete with the illicit market and prevent diversion of legally produced cannabis into that illicit market. The State also wants to ensure products are safe for use. Senate Bill 692 contemplates the establishment of a strict testing program “identical” to the standards under the current medical program. Additional

requirements include regulations on a range of issues – security, seed-to-sale tracking, testing, diversion, labeling, advertising, child-proof packaging, transportation, crop protection, marketing to children, and more – all of which are currently addressed in the medical cannabis regulations. Existing medical licensees have a proven history as well-regulated, compliant actors that have produced safe, quality products for Maryland patients and should be a part of this expanded market.

It is important to note the experience in other States that had a medical market and later passed an adult use market. In almost every instance, medical patient enrollment and sales decrease, often significantly. Oregon, Alaska, Nevada, and Colorado experienced declines ranging from 20% to over 60%. More recently, as Arizona prepares for adult use sales in March 2022, applications for patient enrollment declined from almost 18,000 in July 2021 to just over 4,000 in November 2021. In Michigan, which commenced adult use in 2018, over 30,000 patients have left the medical market; last calendar year, adult use sales double while medical sales declined 20%.

Every State with a medical program that adopts adult use has included medical licensees in the new market. Medical licensees are expected to maintain a comparable supply of medical products for patients to ensure access to their medicine. In addition, medical licensees are expected to support efforts to increase ownership diversity in the industry. Senate Bill 692 omits a provision in Senate Bill 833 that is common in recently-adopting States – medical licensees are required to pay a fee into a Social Equity Fund to assist social equity licensees entering the industry. A variety of tools – incubators; mentorships; application assistance; access to capital; joint venture partnerships; tax credits and other approaches – also are used in other States. Existing licensees are an important part of providing that support and stand ready to do so.

We appreciate Senator Carter’s leadership on this issue and look forward to working with her and the Committee to help craft an adult use program. As compliant existing licensees that will see a decline in the existing medical market, medical licensees should be included in the adult use market. As participants in that market, existing licensees also have a responsibility to help support current patients and diverse new companies entering the industry.

Mackie Barch  
President  
Maryland Wholesale Medical  
Cannabis Trade Association

Tracey Lancaster Miller  
President  
Maryland Medical  
Dispensary Association

# **UFCW 400 Favorable with Amendments Written Testimo**

Uploaded by: Kayla Mock

Position: FWA

## **Testimony in Support with Amendments of SB 692**

### **Cannabis – Legalization and Regulation**

**March 2, 2022**

**To:** Hon. Chair Kelley, Vice Chair Feldman, and members of the Senate Finance Committee

**From:** Kayla Mock, Political Organizer  
United Food and Commercial Workers Union, Local 400

Chair Kelley and members of the Finance Committee, I appreciate the chance to share my testimony on behalf of our over 10,000 members in Maryland, working on the front lines of the ongoing pandemic in grocery, retail, food distribution, law enforcement, and health care. Through collective bargaining, our members raise the workplace standards of wages, benefits, safety, and retirement for all workers. Union members are critical to addressing inequality and uplifting the middle class.

#### **We support SB 692 with friendly amendments.**

We are excited Maryland is poised to become the 32<sup>nd</sup> state, plus Washington, D.C., to either legalize or decriminalize adult use cannabis, especially since 67% of Marylanders are supportive of legislation to do so. We appreciate the hard work and thoughtfulness that has gone into this legislation and understand the extreme complexity that comes with adult use cannabis reform.

We also welcome the thought and consideration that has gone into the future Maryland cannabis workers that will be employed in these multimillion-dollar industries. We believe this bill is a good start to figuring out how to make these jobs as sustainable and equitable for the workers and the communities they live in.

The United Food and Commercial Workers Union (UFCW) represents tens of thousands of cannabis workers across the United States in dispensaries, labs, kitchens, manufacturing, grow facilities, and more.

UFCW advocates for reform that sets up an equitable system of legalization and regulation centering around social equity prioritizing impacted communities and community reinvestment, and labor peace agreements for cannabis workers.

We propose, instead of giving points for companies that providing plans for “labor and employment practices,” and how they propose to “provide a safe, healthy, and economically beneficial working environment for the cannabis establishment’s agents including codes of conduct, health care benefits, educations benefits, retirement benefits, and living wage standards,” as proposed in SB 692, we propose that cannabis companies must sign “Labor Peace Agreements.”

A "labor peace agreement" is an agreement between a marijuana establishment and a bona fide labor organization protecting the state's proprietary interests by, at a minimum, prohibiting the labor organization from engaging in picketing, work stoppages, or boycotts against the cannabis establishment. A "Bona fide labor organization" is a labor union representing, or is actively seeking to represent, cannabis workers. Labor peace agreements would also prohibit employers from interfering with their workers choice to organize or form a union.

Labor peace agreements create a fair process for workers to decide whether they would like union representation by prohibiting employers to use intimidation or retaliation for organizing. The Economic Policy Institute estimates U.S. employers spend nearly \$340 million each year on advisors that conduct “‘union vulnerability tests’ and provide companies with important recommendations for crushing union drives at their companies.” Labor peace agreements in cannabis licensure will ensure workers can choose to form a union in a neutral environment, without employer interference.

Labor peace agreements does not mean a cannabis company would have to unionized; it simply means that if the workers choose to organize, the company will respect their right to do so without interference.

While the law under the National Labor Relations Act forbids employers from interfering with, restraining, or coercing employees in the exercise of rights relation to organizing, forming, joining, or assisting a labor organization for collective bargaining purposes, employers find ways to legally intimidate employees from exercising their rights all the time. A perfect example of this is a current organizing drive at Starbuds, a medicinal cannabis dispensary in Maryland. The workers have been subjected to anti-union literature, captive audience meetings, and vote no intimidation.

Additionally, the cannabis industry is fast growing and a multimillion-dollar industry, and it is important to ensure workers obtain a fair share of the economic growth. The “Ensuring



the High Road in Cannabis” report by the Economic Policy Institute found that union representation in the cannabis industry was key to ensuring jobs were safer, better paying, and more likely to provide benefits like healthcare, paid leave, and fair scheduling.” The report also found that union representation could significantly increase cannabis worker wages, with cultivation workers making over \$7,000 more a year, processing workers could make more than \$8,700 more a year, and retail employees making \$3,000 more a year on average than non-unionized employees.

Labor peace agreements also address social equity issues, addressing inequity in the hardest hit communities from the “War on Drugs.” The EPI study also found people of color and women would enjoy a bigger wage boost from unionizing in the cannabis industry. For example, unionized cannabis workers of color in processing jobs earn 26.4% to 32.4% more than nonunion workers. “Unions offer a powerful mechanism for promoting greater racial equity in cannabis,” the report stated.

Labor peace agreements can also help ensure quality training for this new and emerging workforce, and safety regulations in these facilities. When workers have access to representation their ability to advocate for training or additional education, is increased. Additionally, unionized workers are less likely to have workplace accidents because of safety regulations and enforcement by collective bargaining. By requiring safe working conditions, labor peace agreements also protect the health and welfare of workers and consumers. A well-trained workforce can produce quality products that meet higher safety standards.

Social equity is an incredibly important piece of cannabis legalization, and we are appreciative of the pieces placed in this bill. We ask that labor peace agreements be included to promote social equity and ensure good sustainable jobs for Marylanders by requiring freedom of choice without interference, opening access for collective bargaining for wages, benefits, racial and gender equality and equal treatment, safe working conditions.

**For all of these reasons, UFCW 400 supports SB 692 with the proposed friendly amendments.**

# **SB692\_MPP\_FWA**

Uploaded by: Olivia Naugle

Position: FWA



**March 3, 2022**

**SB 692**

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

Dear Chair Kelley, Chair Guzzone, and members of the Senate Finance Committee and Senate Budget and Taxation 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 Senate leadership and Sen. Carter for their leadership on this important issue. Marylanders have long supported moving forward with cannabis legalization, and it is past time Maryland joined the 18 states (and D.C.) that have legalized cannabis for adults.

SB 692 includes many excellent provisions, including home cultivation, vacatur of past cannabis convictions, and community reinvestment. I am here today to discuss the positive impacts cannabis legalization will have and to offer amendments to strengthen SB 692 as it is currently written.

**1) Allow possession of excess cannabis harvested from personal 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, if the excess cannabis is stored at the same location where the plants were grown. SB 833 has language that can be used. As SB 692 is currently written, if a person's plants produced more than the four-ounce limit, they would exceed their personal use amounts and be subject to a civil fine.

## **2) Create a limit specified for cannabis-infused products in personal use amounts**

We recommend including a possession limit for cannabis-infused products in the definition of “personal use amount.” Without a specified limit for cannabis-infused products, the weight of food ingredients mixed with cannabis may be counted toward the four-ounce limit. Individuals could be cited for possessing edibles weighing over four ounces. (For comparison, three Hershey’s bars would weigh over four ounces.) SB 833’s definition of “personal use amount” includes “an amount of cannabis products containing delta-9 tetrahydrocannabinol that does not exceed 1,500 milligrams.”

## **3) Improve language to specify that the odor of cannabis is not grounds for a search**

We strongly agree that the odor of cannabis should not be grounds for a search. Once cannabis is legal, we expect courts would rule that the Fourth Amendment prohibits a search based on the odor of cannabis, since cannabis would no longer be contraband, and possessing a legal substance does not create probable cause for any criminal violation.<sup>1</sup> Although we believe courts would rule that way, a successful motion to suppress cannot erase the harm done by wrongful stops and searches, which disproportionately target people of color. We support spelling out in statute that odor is not grounds for a search to reduce the chances of wrongful searches.

While we strongly support the goal, we are concerned that the exception included in SB 692 (p. 30, lines 19-27) is so broad that it would swallow the rule. As written, SB 692 appears to allow law enforcement to search most areas of a vehicle while *investigating* if the person is driving while impaired. This appears to allow police to tear apart a vehicle looking for a legal product, if they merely claim they are “investigating” the possibility of impaired driving. (Note: “investigating” is a far weaker standard than “probable cause” or even “reasonable suspicion.”) We believe the Fourth Amendment itself would prohibit such a search post-legalization if SB 692 were silent on the matter.

We recommend using language like that in Connecticut’s legalization law instead. Connecticut’s law does not allow police to search a vehicle based on the odor of cannabis. Instead, it allows law enforcement to test for *impairment* of the driver if the officer reasonably suspects the driver is driving while impaired. The odor can help form the basis for that reasonable suspicion.

For example, the language could read: “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].”

## **4) Allow more retail licenses to be issued**

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<sup>1</sup> See Meghan Matt, “In the Age of Decriminalization, is the Odor of Marijuana Alone Enough to Justify a Warrantless Search?,” *Southern University Law Review*, April 20, 2020, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3528781](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3528781); “2021 State Analysis Chart: Probable Cause to Stop and Search Based on the Smell of Cannabis Alone,” [https://www.mpp.org/assets/pdf/issues/criminal-justice/2021.11.19\\_State\\_Analysis\\_Chart.pdf](https://www.mpp.org/assets/pdf/issues/criminal-justice/2021.11.19_State_Analysis_Chart.pdf).

SB 692 provides that 47 retail licenses would be issued in 2024, with one per senatorial district. This would be less than 50% of the number of medical cannabis dispensaries, even as the number of legal consumers increases by more than five-fold (Maryland has 147,070 medical patients, while 758,000 Maryland adults admit past-year cannabis use according to SAMSHA). This would result in far fewer stores than other states. For example, Washington has a statewide cap of 556, which would be 442 in Maryland if adjusted per capita.

This too-low limit would leave many cannabis consumers without access to safe, lab-tested cannabis and is determinantal to a healthy, competitive market with reasonable pricing. Only 47 retailers in 2023 would mean far fewer opportunities for social equity applicants. It would also mean consumers would have to travel further and have fewer choices of cannabis products. This would also likely lead to more illicit market activity.

#### **5) Allow all qualified applicants to get a micro-cultivation license**

SB 692 does not specify the number of cultivation licenses, but it envisions a limited number of licenses with a competitive, scored application process. This repeats the mistakes of medical cannabis licensing.

Capping licenses results in the government picking winners and losers. SB 692 would require applicants to spend large sums on applications to throw their hats in the ring. Avoiding a cap, and instead having discrete application periods, prevents that injustice and related litigation and delays. Many states do not cap cultivators, and more still do not cap micro-cultivators. Uncapped grow licenses give everyone a fair shot to compete. SB 692 could require growers to start fairly small to prevent an oversupply and allow them to expand if they meet conditions.

#### **6) Change “or” to “and” in the possession limit (p. 7, lines 5-16)**

Cannabis consumers often possess flower/ usable cannabis, plants, *and* concentrates, not just one of them. However, the "personal use amount" definition allows four ounces of cannabis, 24 grams of concentrated cannabis, *or* six or fewer plants. It is not clear if a person can even possess an ounce of flower and plants. “Or” must change to “and.”

#### **7) Ensure that Black communities benefit from the community reinvestment fund**

We strongly support having a bulk of tax revenue from legal cannabis sales reinvested into communities that have been disproportionately impacted by cannabis prohibition. We know that Black communities have borne the brunt of cannabis criminalization, and it is critical for restorative justice and equity that these communities benefit from legalization.

We’d like to flag that, as currently written, SB 692 would disperse funds from the established community reinvestment and repair fund to counties in an amount that is proportionate to their rate of cannabis arrests. As currently drafted, majority Black communities may get far less revenue than majority white communities. The counties with the highest arrest rates are less diverse than Maryland as a whole. They are Worcester (83% white alone, 13% Black alone),

Dorchester (67% white alone, 29% Black alone), and Calvert (81% white alone, 13% Black alone).<sup>2</sup>

## **Conclusion**

Thank you, Sen. Carter, for your leadership on this legislation. Thank you, Chair Kelley, Chair Guzzone, and members of the committees, for your time and attention today.

I respectfully urge the committee to consider our suggested amendments and issue a favorable report of SB 692. 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](mailto:onaugle@mpp.org)  
202-905-2037

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<sup>2</sup> See [https://www.mpp.org/assets/pdf/issues/criminal-justice/tale\\_of\\_two\\_countries\\_racially\\_targeted\\_arrests\\_in\\_the\\_era\\_of\\_marijuana\\_reform.pdf](https://www.mpp.org/assets/pdf/issues/criminal-justice/tale_of_two_countries_racially_targeted_arrests_in_the_era_of_marijuana_reform.pdf).

**sb692.pdf**

Uploaded by: Sara Elalamy

Position: UNF

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Joseph M. Getty  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Finance Committee  
Senate Budget and Taxation Committee

**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523

**RE:** Senate Bill 692  
Cannabis – Legalization and Regulation

**DATE:** February 16, 2022  
(3/3)

**POSITION:** Oppose

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The Maryland Judiciary opposes Senate Bill 692. This legislation legalizes the use and possession of a certain amount of cannabis by an individual who is at least 21 years old; provides for the clearing of criminal records and disposition of certain charges relating to the use and possession of cannabis; establishes a system for the regulation and taxation of the market for the production and sale of cannabis in the State. The legislation takes effect July 1, 2022.

The Judiciary has several concerns with this bill. First, the legislation imposes an unreasonable burden on court clerks to identify and track those charges that are not subject to public inspection and may not be included on the Judiciary's public website. For example, without a request from the defendant, court clerks would be required to catalogue and follow up on cases in which a defendant is charged with a civil citation offense to determine whether one or more of the seven (7) events specified in Crim. Law. §5-601.1 has occurred.

More problematic, the legislation requires that any conviction prior to July 1, 2022 for a violation of Crim. Law §5-601 §5-619 or § 5-620 shall be automatically vacated by the court. The legislation imposes on courts an insurmountable burden to *sua sponte* identify and locate all such cases in which convictions might need to be vacated. If vacated, a new trial may need to be set. If the case is vacated and dismissed, other legislation requiring automatic expungement might be triggered. The cost of implementing this legislation would be staggering.

The Judiciary is particularly concerned about the potentially large burden on courts that could result from the requirement that courts hold new trials in certain circumstances for certain persons, and about the removal by the bill of court discretion to decide between fines and community service for certain offenses. The Judiciary believes it important for



judges to have discretion to craft judgments or sentences based on the particular circumstances of a case.

The bill would require the Judiciary to identify and maintain approved community service providers as track participation compliance for the required community service. The bill is unclear if a defendant who chooses to participate in community service in lieu of a civil penalty fails to complete the ordered amount of community service.

There are also no criminal court record data fields indicating how much marijuana (“cannabis”) the defendant possessed in cases prior to 2012. From 2012 to 2014, there was a criminal charge for the possession of less than 10 grams of marijuana, for which the Judiciary has statistics. In 2014, violations involving the use and possession of less than 10 grams of marijuana (“cannabis”) were issued on a civil citation in accordance with CR 5-601.1. After 2014, any criminal charge for the use and possession of marijuana (“cannabis”) that involved an amount over 10 grams was charged as a misdemeanor violation. There are no data fields indicating how much marijuana (“cannabis”) the defendant possessed in these cases, other than it was an amount over 10 grams.

The Judiciary may be unable to verify historical criminal cases, prior to 2014, involving the use and possession of an amount of marijuana/cannabis that did not exceed the personal use amount, because charges were not recorded by the amount in possession. From 2014 to 10/01/2021, the Judiciary may be unable to expunge criminal charges for the possession of more than 10 grams to under 2 ounces of marijuana/cannabis because charges are not recorded by the amount in possession. A manual review of each case with a charge of possession of marijuana would need to be undertaken to determine if the charge contained an indication of the amount of marijuana involved and if so, was it eligible for expungement.

Finally, this legislation will also have a significant fiscal impact on the Judiciary.

The following violations involving the criminal and civil possession of marijuana were recorded in the District Court and the circuit courts in fiscal years 2020 and 2021:

	District Court FY 20	District Court FY 21	Circuit Court FY 20	Circuit Court FY 21
CR § 5-601 – Possession of more than 10g of marijuana	3,285	3,064	891	1,263
Civil Citations – Possession of less than 10g of marijuana	11,606	10,645		

\* Please note that FY20 and FY21 numbers are impacted by the COVID-19 pandemic and may not be an accurate reflection of a true year of data.

Possession with intent to distribute charges are not separated out by type of controlled substance. Therefore, the court does not have the ability to provide the data related to possession with intent to distribute marijuana (cannabis).

This legislation would require the court to make programming changes to adjust the amount of cannabis that is considered a civil violation, to allow community service in lieu of a civil penalty, and to allow a person who is incarcerated for possession of cannabis to apply for resentencing, vacating convictions and expungement of cannabis related charges. The Judicial Information Systems division estimates that implementing the necessary programming changes will require 2,311.2 hours at an approximate cost of \$283,318.32.

The Maryland Judiciary is currently in the process of implementing a single Judiciary-wide integrated case management system that will be used by all the courts in the Judiciary. Maryland Electronic Courts (MDEC), which has been implemented in 92 percent of the jurisdictions; ( however, the bulk of the process still requires the clerks to do manual processing. The average time to complete expungement of an entire case in the District Court or circuit courts has been determined to be 1.5 hours. The average time to complete the more complex process of expunging a single charge from a case with multiple charges, which requires reading through all documents and docket entries, has been determined to be 3 hours for the District Court and 5 hours for the circuit court due to the size of case files. Time estimates could increase depending on circumstances such as the complexity of the case, the difficulty in locating files, and the number of custodians. The time to complete the expungement process is not currently available for the appellate courts.

The expungement process is a long, labor-intensive, and expensive process involving the determination of eligibility; the use of multiple NCR forms; postage costs for mailing petitions and orders to State's Attorneys, law enforcement agencies, defendants, defendant's attorneys; copying expenses; holding periods for pending expungements, physical redaction, and storage costs for the expunged records for three years. Court records that need to be redacted include all official records maintained by the clerk or other personnel pertaining to any criminal action or proceeding for expungement, including indices, docket entries, charging documents, pleadings, orders, memoranda, assignment schedules, disposition sheets, transcriptions of proceedings, electronic recordings, orders, judgments, exhibits, and decrees. Some circuit courts do not have indexes of old cases. Searching for marijuana charges would involve manually going through docket books and microfilm to review each case to determine if a charge exists. In cases where there are multiple charges in a case but only one charge needs to be expunged, clerks would need to read through all aspects of the court record to properly redact references to the expungable charge. The appellate court process would be similar to the circuit court process, with a significant number of paper records needing to be researched. In addition, the bill does not cover the removal of "published" opinions of a court. Part of the expungement process for paper and electronic files is identifying all the custodians of the records that must expunge their files and then respond to the court with

a Certificate of Compliance. Not all custodians are readily apparent by looking in a computer. Court commissioners can be a custodian of a record when a defendant applies for Public Defender eligibility determination. The entire file needs to be checked.

The Judiciary maintains that it is not able to effectively expunge one charge in a unit. There is no functionality currently within CaseSearch to remove records at the charge level without displaying a space for a missing charge(s). When a person is charged with multiple offenses, the charges are numbered and reported to the Criminal Justice Information System (CJIS) in the order presented on the charging document. For instance, there are three charges, and charge 2 is expunged, the system will still reflect charges 1 and 3. They are not and cannot be renumbered because the case information reported to CJIS must align with the same charge numbers initially reported. A missing numbered charge may raise questions and red flags, thereby, nullifying the purpose of the expungement.

The clerk would need to review the file, page by page to remove any information pertaining to the expunged charge. Charge information is repeated throughout the case many times and the charging document outlines what the alleged events are that occurred. There may not be a clear way to obliterate all information in a charging document related to a specific charge. In addition, there is currently no functionality to build programmatic relationships between CaseSearch and the six case management systems that process criminal information to remove any reference to the existence of specific charges that may exist in any of the various components within those systems as required by the proposed legislation. As explained in the current and prior legislative sessions, the Judiciary anticipates that the implementation of CaseSearch Version 2 will provide the needed functionality to enable the removal of case information at a more granular level such as individual charges and will parallel the final rollout of MDEC. **The CaseSearch rebuild is estimated to cost at a minimum \$1.14 million.**

The bill is retroactive and involves any charges involving the use and possession, possession with intent to distribute, and cultivation of marijuana/cannabis in an amount that is considered less than personal use filed in the District Court since it was established in 1971, as well as charges filed in the circuit court going back even further. All District Court records prior to 1981 are archived and having to retrieve them would be burdensome for the Judiciary and the State Archives. Locating old cases can take up a significant amount of clerk time. If a case is not in the electronic case management system, it is sometimes difficult to locate or obtain a case number. Some old cases are referenced in index books, if there is an index, that clerks can look through to locate a case. If a case number is located, clerks can look through warehouse listings to see if the box that houses that case file may be located. The case file may be on microfilm or may be located at the Maryland State Archives. Sometimes it takes several tries to find the correct case file location. The process varies for the circuit courts. Some courts have no index of cases with paper records, or the index does not indicate the charges. Unless the legislation specifically directs the Archives to redact the expunged information, courts would have to retrieve files from storage and manually review *every* criminal case to determine if there were any marijuana possession (less than a personal amount) charges.

Even in cases with the lead charges listed, subsequent charges or violations of probation would not be listed in the index, necessitating a thorough review of all criminal cases. While some circuit courts have older records (approximately 1986 and older) with State Archives, others have maintained all their court records on-site or in warehouses. In addition to the paper files, many older circuit court files are on microfilm or microfiche with no obvious way to expunge a case or charge within a case. In courts where the paper record was lost due to flood or fire, the microfilm may be the only record remaining of cases for a given timeframe.

The Judiciary is not able to estimate the number of staff that will be needed because single charges of possession of marijuana are already shielded on CaseSearch and the number of petitions that will be filed to completely expunge those records cannot be predicted. It is also not possible to know how many petitions will be filed before the records are automatically expunged 3 years after their dismissal, nolle prosequi, acquittal, etc. There will still be an increase in petitions filed due to the possession of paraphernalia involving marijuana being repealed and no longer being a crime. The Judiciary does not have the relevant data necessary, and it is therefore not possible at this time to anticipate the need for additional staff due to this legislation. However, due to the expansion of eligible cases, use of civil citations, petitions for reconsideration, and future representation by the Public Defender, it is likely that impact will be substantial.

This legislation will have a significant fiscal and operational impact on the Judiciary. The following table represents the anticipated initial cost of implementation **without taking into account the staffing costs** which cannot be calculated at this time but are anticipated to be significant.

<b>SB 0692 Initial Cost of Implementation</b>	
Case Search 2.0	\$1,140,000.00
Programming, including Reports	\$283,318.32
Brochure	\$6,000
Civil Citation	\$25,000
<b>TOTAL</b>	<b>\$1,454,318.32</b>

cc. Hon. Jill Carter  
Judicial Council  
Legislative Committee  
Kelley O'Connor

# **SB0692 UNF opposed mcavoy.pdf**

Uploaded by: vince mcavoy

Position: UNF

## **UNFAVORABLE on SB692**

vince mcavoy baltimore maryland

In testimony in the House Judiciary, regarding legalization and liberalization of drug laws, a teenager once-addicted to marijuana said this “I was never a religious or spiritual person, but I started realizing people have a soul. And I realized I lost mine to marijuana. This is a REAL thing; people don't talk about it oftentimes.

This is silently affected a lot of youth...this legislation is going to create a lot more cases like mine...."

Jordan Davidson, former marijuana addict  
Testimony in House Judiciary

Legalization of a drug which intoxicates and alters perception of mental and physical faculties works to destroy society. It lessens the heights to which mankind can achieve. This teenager's testimony mirrored that of others giving testimony in House Judiciary in 2021. There, emergency room doctors, neuroscientists, parents of child-addicts and others gave testimony of suicide attempts, addiction, prostitution to be around people who smoke drugs, as well as car accidents and deaths.

A Colorado mom discussed leaving her area because the smoke & smell was “everywhere we go”. She complained about predatory profiting on marijuana edibles in used by 8th graders. About dabs causing emergency room visits and suicide attempts. About how children she saw graduating from marijuana as a gateway drug to other drugs such as “meth”.

Legalization opens a Pandora's Box which will cost humans much in pain and death. Other locations such as Canada and Colorado are amid this pain and are backtracking their legalization laws.

Legalization is said to eliminate all types of issues from backpain to black market drugs to taxes to reducing arrests.

Each of these arguments have been up-ended by the facts after legalization/liberalization of drug laws. In California and Oregon, there are rampant illicit markets. It's gotten so bad the Governor of Oregon has declared state of emergency. Sin taxes never pay off; we found that with the gambling taxes which were supposed to pay off school funding.

The Speaker and others are using the words Black Agenda in connection with – what – engineering & jobless rates?

No, DRUGS and VIOLENT CRIME.

Thirty years of living in Baltimore City tells me you talk to agendists and opportunists, not real people, if you're someone who equates blacks with drug use. Blacks hate the crime that riddles their neighborhoods due to (primarily fatherlessness and) declining morals, endemic among drug users.

So many people talk about “black and brown” being represented by drug use. Or arrests from drugs. If this is what people tell you blacks and Hispanics discuss as needs, try speaking to people who have jobs and are ardently trying to raise & protect their children in a world you lawmakers have brought about where 8 year olds end up in REHAB in Baltimore City. EIGHT!

There's been no “war on drugs” because if there WAS a war, the fighters of that war wouldn't tolerate teens in Drug REHAB.

Year after year because people get arrested – and honestly folks, if you get arrested for smoking dope in Baltimore you don't have 2 brain cells to rub together – teens smoke dope in the open outside my downtown offices – who are not productive citizens striving to produce. They're striving to mistreat their personal issues with constant intoxication.

You're not thinking of children when you bring these bills. Kids will taunt others with a “legal” substance – I place in quotes because it is Federally-declared as an ILLEGAL substance – and children who would otherwise avoid the temptation will give in due to peer pressure.

Our students and our children deserve better than this bill.

And – as this isn't the first time each of you has advocated for this bill –  
for real, for real.  
Our children will pay the price.

vince mcavoy baltimore maryland



# **ALA\_Letter of Information\_Cannibas Legalization Re**

Uploaded by: Aleks Casper

Position: INFO



American Lung Association Senate Bill 692

Finance Committee

March 3, 2022

Letter of Information

Chair Kelley and Members of the Committee:

Thank you for the opportunity to provide comments on Senate Bill 692, Cannabis – Legalization and Regulation sponsored by Senator Carter.

The American Lung Association is the leading organization working to save lives by improving lung health and preventing lung disease, through research, education and advocacy. The work of the American Lung Association is focused on four strategic imperatives: to defeat lung cancer; to improve the air we breathe; to reduce the burden of lung disease on individuals and their families; and to eliminate tobacco use and tobacco-related diseases.

The American Lung Association strongly believes that the use of electronic smoking devices should be prohibited in all places where the smoking of other tobacco products or marijuana are prohibited.

The current Clean Indoor Air statute in Maryland, has a significant loophole by not currently including the use of electronic smoking devices. Under Senate Bill 692 as drafted it could potentially exacerbate this loophole and allow for the vaping of marijuana indoors. The American Lung Association is extremely concerned by this and the potential exposure to harmful secondhand aerosol to Marylanders. Since marijuana smoke harms lung health, the American Lung Association opposes the inhalation of smoke or aerosol of marijuana. The American Lung Association supports measures to require totally smokefree environments, including prohibiting the smoking or vaping of marijuana.

We are glad to see that the smoking of marijuana is prohibited in all places where smoking is prohibited under state law in this bill and urge that those provisions remain in the bill unaltered going forward. However, we would strongly recommend that the legislation before you be amended to also prohibit the use of electronic smoking devices or vaping indoors for all products containing tobacco, nicotine and marijuana.

In order to protect the health of Marylanders from the harmful effects of secondhand smoke and aerosol the American Lung Association is encouraging the following changes:

- The definition of “environmental smoke” be removed as it is not necessary in the legislation.
- To ensure that the legislation captures electronic smoking devices properly we would encourage the addition of a definition of electronic smoking devices which would read: *“Electronic Smoking Device” means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.”*
- Update the definition of smoking to be comprehensive of all products. If the current definition of smoking is kept, adding the 2<sup>nd</sup> sentence below will add electronic smoking devices (e-cigarettes) to it. We suggest: *“Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in any form. “Smoking” includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.”*

The U.S. Surgeon General has concluded that there is no safe level of exposure to toxic secondhand smoke.<sup>1</sup> The U.S. Surgeon General has also concluded that separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposure of nonsmokers to secondhand smoke. In addition in a 2016 report, the Surgeon General concluded that secondhand e-cigarette emissions contain, “nicotine; ultrafine particles; volatile organic compounds such as benzene, which is found in car exhaust; and heavy metals, such as nickel, tin, and lead.”<sup>2</sup> The only effective way to fully protect nonsmokers from exposure to secondhand smoke and aerosol is to completely eliminate smoking and vaping in indoor public spaces.<sup>3</sup>

The American Lung Association thanks the Maryland General Assembly for their continued commitment to the health and wellbeing of the residents of Maryland and encourages the committee to include the recommended changes included in the bill as it moves forward.

Sincerely,



Aleks Casper  
Director of Advocacy, Maryland  
202-719-2810  
[aleks.casper@lung.org](mailto:aleks.casper@lung.org)

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<sup>1</sup>U.S. Department of Health and Human Services (HHS). *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.

<sup>2</sup> U.S. Department of Health and Human Services. *E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General—Executive Summary*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.

<sup>3</sup>HHS, 2006.

**SB0692-FIN\_MACo\_LOI.pdf**

Uploaded by: Dominic Butchko

Position: INFO



## **Senate Bill 692**

### *Cannabis – Legalization and Regulation*

#### *(Cannabis Legalization and Reparations for the War on Drugs Act)*

MACo Position:

To: Finance and Budget and Taxation  
Committees

### **LETTER OF INFORMATION**

Date: March 3, 2022

From: Dominic Butchko

## **MACo Statement on Adult Use Cannabis Implementation**

The General Assembly is considering legislation seeking to authorize adult use cannabis, or to pose that matter to the voters for their approval. On these central questions, MACo does not take any position on the central matter. Some implementation factors are of county concern, which we note here.

### **Local Autonomy to “Opt Out” of Facilities**

Multiple states legalizing cannabis use have affirmatively created a process for a local governing body to recognize the sentiment of its residents to not authorize certain facilities within their bounds. Current Senate proposals contain such a provision. MACo urges that any implementation legislation passed retain this local authority, through the appropriate actions of a local governing body – each of which embeds procedures for public input and participation.

### **Appropriate Taxation Reflecting Local Needs**

Maryland needs to establish not only appropriate state/local tiered regulation, but also taxation, of the products made newly legal under such legislation. Again, the experience of other states may serve as a guide on the suitable structure of excise or sales-based taxation of cannabis. Local jurisdictions will bear the primary burden of related enforcement and compliance with most such measures, and with any public safety matters arising from cannabis facilities, and should be a central component of any such tax structure.

Counties stand ready to work with the General Assembly to ensure adult use cannabis implementation aligns with these local priorities.

**SB 692\_ACS CAN\_LOI.pdf**

Uploaded by: Jocelyn Collins

Position: INFO



American Cancer Society Cancer Action Network, Inc.  
655 15<sup>th</sup> St. NW, Suite 503  
Washington, D.C. 20005  
fightcancer.org/md

March 3, 2022

The Honorable Delores G. Kelley, Chair  
The Honorable Brian J. Feldman, Vice-Chair  
Members of the Maryland Senate Finance Committee  
3 East  
Miller Senate Office Building  
Annapolis, MD 21401

The Honorable Guy Guzzone  
The Honorable Jim Rosapepe  
Members of the Maryland Senate Budget and Taxation Committee  
3 West  
Miller Senate Office Building  
Annapolis, MD 21401

**RE: Letter of Information on SB 692 Cannabis – Legalization and Regulation (Cannabis Legalization and Reparations for the War on Drugs Act)**

Dear Chair Kelley, Chair Guzzone, Vice-Chair Feldman, Vice-Chair Rosapepe, Members of the Senate Finance Committee, and Members of the Senate Budget and Taxation Committee,

The American Cancer Society Cancer Action Network (ACS CAN) is the nonprofit, nonpartisan advocacy affiliate of the American Cancer Society. We support fact-based policy and legislative solutions designed to eliminate cancer as a major health problem. On behalf of our constituents, many of whom have been personally affected by cancer, we thank you for the opportunity to provide public comments on **SB 692**.

ACS CAN supports prohibiting smoking of marijuana, hemp, and other cannabinoids, including through the use of e-cigarettes, in workplaces and public places –such as, restaurants, bars, and gaming facilities— because the carcinogens in marijuana smoke pose numerous health hazards to the user and others in the user’s presence. Furthermore, ACS CAN does not have a position on the legalization of marijuana for recreational or medical purposes and supports the need for more scientific research on the use of cannabinoids by cancer patients, and on better and more effective therapies that can overcome the often-debilitating side effects of cancer and its treatment.

Therefore, ACS CAN appreciates the inclusion of cannabis into the Clean Indoor Air Act to protect everyone’s right to breathe clean smoke-free air. However, we do have concerns that the language in the bill around Clean Indoor Air needs to be strengthened to include electronic smoking devices and hemp to close current and further loopholes.

Maryland’s current Clean Indoor Air statute does not include electronic smoking devices, as at the time of the law passing in 2007 – the device in which individuals can also use to smoke nicotine, cannabis, aerosol, and other substances for human consumption did not exist. Additionally, the current definitions in the statute do not cover the inclusion of hemp. There needs to be updated language around these two products and we encourage that this language is written, as noted below:





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- **Remove “environmental smoke” from proposed statute as it is not necessary in the legislation. Instead, update the smoking definition to be inclusive of all products (including hemp) and here is our recommended definition:**

“Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in any form. “Smoking” includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form.

- **We’d also want to add a definition of electronic smoking device to statute. The definition would be written as follows:**

“Electronic Smoking Device” means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

Since the introduction of e-cigarettes to the U.S. market almost a decade ago, the marketing and use of these products have increased. A study from the Centers for Disease Control and Prevention (CDC) found that e-cigarette use increased 78 percent in high school students. Among middle school students, e-cigarette use increased 48 percent. That translates to more than three million youth who have tried e-cigarettes.<sup>1</sup> In Maryland, 23 percent of our high school students use e-cigarettes.<sup>2</sup>

Unlike a vapor, an aerosol contains fine particles of liquid, solid, or both. One study found up to 31 ingredients in the aerosol, including nicotine, acetaldehyde, and diacetyl, a chemical linked to serious lung disease.<sup>3</sup> Studies have found the aerosol to contain ultrafine particles that can be inhaled deeply into the lungs, heavy metals, and volatile organic compounds, among other potentially harmful chemicals.<sup>4 5 6</sup>

According to a report from the Surgeon General, “E-cigarette aerosol is not harmless. It can contain harmful and potentially harmful constituents, including nicotine.”<sup>7</sup> Studies have shown that the use of e-cigarettes can cause short-term lung changes and irritations.<sup>8</sup> According to the Centers for Disease Control and Prevention, e-cigarette aerosol can contain harmful and potentially harmful substances

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<sup>1</sup> Centers for Disease Control and Prevention. Tobacco Use Among Middle and High School Students—United States, 2011–2015. *Morbidity and Mortality Weekly Report*, 2016;65(14):361–7

<sup>2</sup> CDC. Youth Risk Behavior Surveillance System Survey RBSS Results. Available at: <https://www.cdc.gov/healthyyouth/data/yrbs/results.htm>

<sup>3</sup> Sleiman M, et al. Emissions from Electronic Cigarettes: Key Parameters Affecting the Release of Harmful Chemicals. *Environmental Science & Technology* 2016; 50 (1&) 9644-9651.

<sup>4</sup> Cheng, T. Chemical evaluation of electronic cigarettes. *Tobacco Control* 2014; 23: ii11-ii17.

<sup>5</sup> Goniewicz, ML et al. Levels of selected carcinogens and toxicants in vapor from electronic cigarettes. *Tobacco Control* 2014; 23:122-9.

<sup>6</sup> U.S. Department of Health and Human Services. E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.

<sup>7</sup> HHS, 2016

<sup>8</sup> Callahan-Lyon, P. Electronic cigarettes: human health effects. *Tobacco Control* 2014; 23: ii36-ii40.



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[fightcancer.org/md](http://fightcancer.org/md)

including nicotine; ultrafine particles; flavoring such as diacetyl, a chemical linked to a serious lung disease; cancer-causing chemicals; volatile organic compounds; and heavy metals such as nickel, tin, and lead. E-cigarettes also pose a potential risk to non-users through secondhand exposure to toxicants in the aerosol. Secondhand exposure occurs when the user exhales the aerosol exposing nonusers. Smoke-free laws protect workers and patrons from exposure to secondhand smoke and reduce the acceptability of smoking which, in turn, reduce the number of people, especially youth, who start smoking and provide a supportive environment for those who are trying to quit. The increased protection and reduced acceptability have led to lower smoking rates and improved health status, including fewer heart attacks and cancers.

The use of e-cigarettes in public places including, but not limited to, restaurants, bars, and gaming facilities unnecessarily complicates enforcement of our State's current smoke-free law and undermines the public health benefits that continue to be achieved by comprehensive smoke-free laws.

Prohibiting the use of e-cigarettes in public places including restaurants, bars, and gaming facilities can protect the public's health by preventing nonusers from being exposed nicotine and other potentially harmful chemicals in the aerosol emitted by these products. Everyone has the right to breathe clean smoke-free air, and no one should have to choose between their health and their job.

We appreciate everything you are doing to keep Marylanders safe from the effects of secondhand smoke and to protect Maryland's smoke-free law, and we thank you for your consideration of our input and suggested amendments to SB 692.

I can be contacted at [jocelyn.collins@cancer.org](mailto:jocelyn.collins@cancer.org) or **301-254-0072** with any questions.

Sincerely,

Jocelyn I. Collins

# **MDDCSAM Cannabis SB692 Ltr of Information.pdf**

Uploaded by: Joseph Adams, MD

Position: INFO

*MDDCSAM is the Maryland state chapter of the American Society of Addiction Medicine whose members are physicians and other health providers who treat people with substance use disorders.*

SB 692. Cannabis – Legalization and Regulation (Cannabis Legalization and Reparations for the War on Drugs Act) Senate Finance Committee. March 3, 2022

pg. 1

## **LETTER OF INFORMATION**

MDDCSAM applauds robust cannabis decriminalization and expungement measures generally, including reduction and elimination of unaffordable, harmful & unnecessary civil penalties.

Cannabis legalization can limit profound harms primarily borne by minority communities targeted by the failed War on Drugs and mass incarceration.

However, **a public health regulatory framework** is needed to reduce harms of increased **cannabis use disorder (CUD)**, aka addiction, which is not uncommon and can impair functioning just as severely as other substance use disorders.

Over time the cannabis industry will **increasingly resemble the tobacco and alcohol industries**; it will become increasingly consolidated, and will adopt marketing, promotion, government relations, and product design practices now used to increase sales. **Powerful economic incentives will lead to increased cannabis use**, and an increase in **unhealthy use, or use disorders, which account for a disproportionate share of sales in all of these industries.**

**Therefore, independent entities similar to the ‘Public Health Advisory Council,’ and ‘Cannabis Public Health Fund,’ as described in HB 837, need a robust Conflict of Interest Policy** for vetting Council members and guiding operations, which should conform with Conflict of Interest best practices as described by the National Council of Nonprofits.

A ‘Public Health Advisory Council’ should collect information on health and other harmful impacts, and disperses funds to minimize these harms, as described in HB 837. However, this Council, and Fund, should be established with a more robust public health framework than is described in that bill.

Because of industry incentives to promote increased consumption (which are correlated with increased harmful use), **guardrails must be “built-in” to the regulatory framework, to protect against industry influence.** Only persons who are not directly or indirectly affiliated with the cannabis industry should be in a position to influence regulation and enforcement of the cannabis industry.

It should be specified that membership of the regulatory agency excludes persons that receive any items of value such as salary, payment, equity interest, investment instruments, benefits, or other forms of compensation from any cannabis-related business such as cannabis dispensaries, growers, processors,

other retail or wholesale cannabis-related businesses, or persons who receive similar items of value from business partners, consultants, suppliers or entities with any significant financial relationship with a cannabis business, or their immediate family members, with the exception of one representative of a laboratory that tests for cannabis, if said individual only receives items of value from the aforementioned laboratory.

**Dr. Susan R.B. Weiss**, Director of Extramural Research at the National Institute of Drug Abuse (NIDA), **reported to the Maryland House Cannabis Referendum and Legalization Workgroup** (Oct 2021) that cannabis business operatives should not be involved in setting or overseeing the implementation of regulations on the industry. She also expressed concern that federal legalization could lead to large alcohol and tobacco companies becoming more involved in the cannabis sector.

According to the October 2020 Public Policy Statement on Cannabis by the American Society of Addiction Medicine (ASAM), "The history of major multinational corporations using aggressive marketing strategies to increase and sustain tobacco and alcohol use illustrates the risks of corporate domination of a legalized cannabis market. . . **The marketing and lobbying muscle of a for-profit industry is likely to influence the future trajectory of cannabis policy. . . with regulators drifting over time toward more industry-friendly postures.**" (1: ASAM)

A public health framework for legalized cannabis should be based on best public health practices established for tobacco control. (2. Barry RA et al). **The World Health Organization Framework Convention on Tobacco Control**, ratified by 180 parties, calls for protecting the policymaking process from industry interference. It states that "[Governments] **should not allow any person employed by the tobacco industry or any entity working to further its interests to be a member of any government body, committee or advisory group that sets or implements tobacco control or public health policy.**" (2. Barry RA et al.)

In view of powerful incentives to expand consumption, and learning from decades-long efforts to "denormalize" tobacco consumption, avoiding the encouragement of increased consumption should be one of the goals of any adult use cannabis regulatory scheme. Promoting cannabis use is not socially or economically beneficial to our communities in the long run. (3. Gettingitrightfromthestart)

Public health education **should focus on prevention and intervention of unhealthy cannabis use IN ADULTS as well as youth.** Lessons learned from tobacco control efforts revealed that public health messages focused exclusively on youth were largely ineffective.

In addition, adult use cannabis **should be labeled with THC potency, and taxation should be based, at least in part, on THC potency**, as in several other states. THC potency is associated with adverse outcomes including the risk of CUD. (4) (5) (6) (7) (8)

Taxation based on weight incentives producers to create ever more concentrated products. Possibly as a result, the THC potency of retail cannabis products have roughly tripled in recent years. According to the

aforementioned ASAM policy statement, "The concentration of THC in commonly cultivated marijuana plants has increased three-fold between 1995 and 2014 (from 4% to 12% respectively), while THC concentrations in cannabis sold in dispensaries averages between 17.7% and 23.2%." (1. ASAM)

Respectfully,

Joseph A. Adams, MD, FASAM, Chair, Public Policy Committee

## REFERENCES

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# **SB 692 - Cannabis Legalization - SURJ3A Solidarity**

Uploaded by: Martha Schmitz

Position: INFO

To the members of the Senate Finance Committee,

I am a resident of District 42B writing in solidarity with Showing Up for Racial Justice Annapolis and Anne Arundel County. I am testifying in support of SB0692, which would legalize the use and possession of cannabis by an individual 21 years of age. This bill would also provide a pathway to clear criminal records and dispositions of certain charges relating to the use and possession of cannabis, and establish a system for the regulation and taxation of the market for the production and sale of cannabis within the State of Maryland.

Though *this* bill is focused on the taxation and regulation of cannabis legalization, curtailing the epidemic of mass incarceration by ending marijuana prohibition is one important step in repairing the harm that the war on drugs has done to communities of color. The next step requires resources to be reinvested directly back into the same communities that were harmed. The system for these reparations can be achieved through the regulation and taxation piece of the State.

In order to ensure the creation of an equitable market, there needs to be a focus on lowering the barriers of entry into a legal market. Growers and dispensaries, which are part of the industry, are extremely capital intensive which puts Black and Brown communities at a stark competitive disadvantage due to the immense wealth disparity between those and white communities. There needs to be a focus on enabling and supporting minority owned businesses to establish themselves in the new legal market created by this bill.

For this bill to be most effective in restoring justice from the war on drugs, it should include the following eight policies:

1. Vacature of all cannabis/marijuana-related convictions.
2. Allow opportunities for resentencing for convictions pertaining to cannabis-related offenses (e.g. distribution).
3. Eliminate legal mechanisms that allow cannabis to be used to criminalize individuals. This includes raising the legal possession limit and prohibiting law enforcement from using the odor of cannabis as probable cause to search or arrest someone.
4. Individuals should be able to grow small amounts of cannabis in their home for personal use.
5. Micro-businesses should be able to be licensed to grow smaller amounts of cannabis to sell to the public.
6. Licenses for transportation, security, and social consumption sites should have preferences for 'minority enterprises'.
7. The process for companies to be awarded commercial licenses should have incentives for companies that do business with 'minority enterprises.'
8. 50% of tax revenues from cannabis sales should go back into the communities harmed most by the war on drugs. The revenue should be allocated directly to the local distribution so that the community can have an active role in how the resources are distributed.

I urge you to support SB692, as it is one of the steps Maryland can take to right the wrongs of our carceral system and the war on drugs.

Thank you for your time, service, and consideration.

Sincerely,  
Martha Schmitz  
14 Greentree Drive  
Phoenix, MD 21131



# **NCADD-MD - SB 692 Letter of Info - Cannabis Legali**

Uploaded by: Nancy Rosen-Cohen

Position: INFO



Senate Finance Committee  
March 3, 2022

**Senate Bill 692 - Cannabis – Legalization and Regulation  
(Cannabis Legalization and Reparations for the War on Drugs Act)**

**Letter of Information**

This letter of information is being submitted by the Maryland Chapter of the National Council on Alcoholism and Drug Dependence (NCADD-Maryland). Having conducted research and engaged in conversations with professionals from several states that have legalized cannabis, NCADD-Maryland has identified and suggests a number public health approaches to be taken should the State decide to legalize cannabis for recreational adult use.

NCADD-Maryland strongly urges the General Assembly to ensure if a Constitutional Amendment is passed, legislation clearly defining how revenue generated from this new, legal market will be committed to public health measures to prevent and respond to the negative impacts of cannabis use. There also must be a component reinvesting revenue in communities disproportionately impacted by the failed war on drugs.

***Policies Addressing Consumption– Advertising and Packaging***

Nearly all states that have legalized recreational cannabis have advertising and packaging policies to curb cannabis use amongst adolescents and vulnerable populations. Advertising and packaging restrictions are particularly important because the risks of negative health effects associated with cannabis use are not widely recognized by the public. Any legalization effort should:

- Clearly define specific restrictions and requirements on how, when, and where advertising of cannabis products can take place and what content and images can and cannot be in advertisements and on packaging.
- Incorporate the extensive knowledge Maryland and the federal government has developed over the last few decades in successful efforts to deter minors from using tobacco and alcohol products.

*(over)*

### ***Public Health Education Campaigns***

Negative health impacts can be a result of heavy cannabis use. Other states have found public health messaging and policies that fund, require, and support educational campaigns are effective ways to minimize adverse outcomes in high-risk groups such as adolescents, people with mental health disorders and pregnant women. Any legalization effort should:

- Develop age-appropriate public education campaigns designed to ensure the public understands cannabis and to mitigate any negative public health impact.
- Require the development of public health campaigns be led by the Department of Health’s Public Health Administration, in consultation with health and educational campaign experts.

### ***Policies Related to Potency and Mitigating Negative Public Health Impacts***

Potency is an emerging issue as more states legalize recreational cannabis. As cannabis products become more diverse, THC potency has increased and the methods of use have changed significantly. Any legalization effort should:

- Set clear and specific limits on potency levels in the various products for sale to the public. Policies should prohibit potencies above a certain percentage, such as Maryland does with alcohol content.
- Create a higher tax rate on higher potency products to deter young people from accessing those products and to influence the market.

### ***Fee Structures to Promote Public Health***

The “war on drugs” policies in the United States have resulted in mass incarceration of primarily Black and Hispanic males, undermining public health in these communities. Black and Hispanic individuals are also less likely to complete addiction treatment. Legalizing cannabis provides an opportunity, through revenue generation, fees, and taxes, to reinvest in communities that have been historically impacted by discriminatory practices. Any legalization effort should specify minimum percentages of revenue generated by taxes and licensing fees for specific purposes. Revenue should significantly support:

- Public health education campaigns
- Youth prevention strategies
- Treatment and recovery services for people with substance use and mental health disorders
- Treatment and recovery workforce development
- Re-entry services
- Community programs that benefit disadvantaged communities, including those communities disproportionately impacted by the war on drugs

### ***Public Use***

Similar to alcohol and tobacco, there are public health and safety interests associated with the public use of certain substances. It is important to address the use of cannabis in public without creating additional criminal penalties. Any legalization effort should:

- Restrict the use of cannabis in public without creating additional criminal penalties. Smoking cannabis indoors should be restricted consistent with Maryland’s Clean Indoor Air Act.
- If considering the issue of “clubs” or other public spaces to allow for the consumption of cannabis products, Maryland should look to consistencies with restrictions and requirements on bars and other locations where alcohol is consumed on-site.

### ***Driving Safety***

Driving impairment has been a prominent issue of concern in a number of states, with data showing an increase in driving while impaired by cannabis. Maryland’s laws on impaired driving should be applied as consistently as possible to laws addressing any impairment, whether caused by cannabis or alcohol. While the technologies are not equal at this time, the policies should not create substantially different standards.

### ***Governing Structures***

Some governing structures in other states have placed responsibility with existing state agencies, while other states have created new entities to oversee this new market. In Maryland, public health authorities should be placed in leadership positions and ensure cannabis related regulations are overseen by appointed public health officials.

### ***Data Collection***

States that have legalized recreational cannabis have recognized the significant gaps in baseline data, which is incredibly important to quantify whether public health strategies are effective. Collection of baseline data is needed now, prior to any legalization implementation, to ensure policy makers have the most comprehensive and accurate data when regulating this industry.

*The Maryland Affiliate of the National Council on Alcoholism and Drug Dependence (NCADD-Maryland) is a statewide organization that works to influence public and private policies on addiction, treatment, and recovery, reduce the stigma associated with the disease, and improve the understanding of addictions and the recovery process. We advocate for and with individuals and families who are affected by alcoholism and drug addiction.*