



Statement of Opposition: House Bill 1147

To: Economic Matters Committee

From: Eric Blitz, Chair, Libertarian Party of Maryland

March 1, 2023

Chair Wilson, Vice-Chair Crosby, Members of the Committee:

The Libertarian Party of Maryland opposes passage of HB 1147, a bill that would mandate regulations to monitor and prevent individuals diagnosed with cannabis-induced psychosis from receiving cannabis from either the medical cannabis program or the adult-use program. The bill would also place a limit on cannabis concentration of 15% for both programs. We oppose both ideas.

Cannabis-induced psychosis appears to be a rare occurrence. Whether there is a correlational or causal relationship between cannabis-induced psychosis and cannabis use or not (there appears to be some dispute), this should not be a determination of the legislature or regulators, but instead be a treatment decision of a physician and the patient. Medical science is in the best position of informing the medical provider and the patient and a mandate will only interfere with this private relationship. It may require patients to divulge personal information to non-medical providers. If the regulators proposed a 'do-not-sell' list for those diagnosed, to be effective it would have to be distributed to others without the consent of the patient. If the only point of effective limitation is by the doctor who would issue a medical cannabis certificate, then it is best to rely upon the medical judgment of the doctor than try to impose a limit from the legislature. If a mandate is imposed, patients may be less forthcoming to their physician about their symptoms for fear of losing the right to obtain cannabis.

Extending a medical litmus test on the adult-use program makes even less sense and it is hard to see how it could be implemented without intruding into the private medical information of cannabis customers. Would cannabis shops under the adult-use program be required to ascertain the private medical status of their customers? Should liquor stores begin questioning their customers about their possible alcoholism? The privacy of individual's medical status is something the law should protect.

In both instances, this kind of government intrusion into the private affairs of individuals is exactly what ending cannabis prohibition is seeking to achieve. It is through that prohibition that criminal markets can garner a premium on their profits and why violence can so easily derive from such criminal markets. On the narrow issue of this bill, what is to prevent a person diagnosed with CIP from obtaining cannabis through

criminal markets, where the product safety and social interactions with criminal markets are more likely to lead to bad or even tragic outcomes? Even in the case of medical cannabis, if a person diagnosed with CIP is driven to consume cannabis over the objections of a doctor, it seems far preferable to have that doctor make such an assessment and have open and accountable access to safe cannabis through the medical cannabis program so the physician can monitor the use, rather than incentivize patients to use criminal markets.

The only reason I can imagine why supporters of this bill want to impose such a medical litmus test on everyone through the adult-use program is that they realize that someone that is diagnosed with CIP and whose doctor refused to issue a medical certificate would simply purchase cannabis at the adult-use stores. In such cases, the only people who couldn't simply go to the adult-use market are people under 21. We already fear those adults 18 to 20 years of age will be induced to continue to utilize the criminal markets for cannabis and thereby continue to be exposed to the aforementioned risks of the criminal market's product and services. But even so, applying a medical litmus test on everyone could even lead to mandatory testing for CIP. Is that the kind of intrusion by government into our personal medical affairs that we should want? In our opinion, absolutely not.

Putting a cap on the concentration of cannabis products will only incentivize the continuation of the criminal markets which would become the destination for cannabis of greater concentrations. Again, this continues and sustains the problems associated with the criminal markets created by the prohibition of cannabis, rather than defeat them. To have a meaningful and more immediate impact on the current delivery of cannabis by the criminal markets, the legal markets must provide a safe, reliable, and consumer-driven product offering. That may, and probably does, require concentrations greater than 15%.

It should also be noted that the legalization bill provides limits on the 'personal use' amount for the possession of cannabis and it is not based upon a percentage, but on the gross weight (1.5 ounces of cannabis flower, 12 grams of concentrate, or 750 mg of THC for cannabis products). Adding a percentage cap in addition to these limits would distort the market and with every market distortion caused by government interference, there will be a criminal market workaround to meet the demand.

On behalf of the Libertarian Party of Maryland, I ask the committee for an unfavorable report on HB 1147.

Sincerely,

/s

Eric Blitz, Chair
Libertarian Party of Maryland