



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter**

**In Favor of SB653 Child in Need of Assistance –  
Neglect – Cannabis Use**

**Before the Judicial Proceedings Committee**

**on March 15, 2023**

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

- **As Maryland has decriminalized the use and possession of cannabis, and legalizes the recreational use of cannabis, it is essential that the laws regarding parent use of cannabis in the child welfare system align with decriminalization.**
- **In 2017, 651 children were placed in foster care because of parental drug use. Among that number were children whose parents only used marijuana. While typically not the only issue when children are brought before the court in Child in Need of Assistance (CINA) cases, marijuana is generally used as additional evidence against parents challenging their ability to care for their child.**

- **However, far too often, for many parents, cannabis can be the sole barrier to them regaining custody of their children. Even for parents who have been determined by the court to have successfully addressed issues of parenting, mental health, housing, etc., a positive toxicology for cannabis could be the sole bases for preventing reunification.**
- **It is important to separate cannabis use from allegations of abuse. The two are not synonymous. There is no science or evidence to support family separation based solely upon parental cannabis use. Like alcohol use, cannabis use alone does not predict parental deficiency. It is only when the use of alcohol and/or cannabis causes parental neglect and abuse that such use should be considered.**
- **The use of marijuana as evidence of neglect only contributes to the racial discrimination already widely perpetuated in the child welfare system. While the data is not available for Maryland, “It is understood nationally, that like so many issues involving child welfare, people are often treated differently due to their race when it comes to parents who use marijuana.”**
- **In an article published by The Imprint, it was reported that well off parents have publicly testified to the calming effects of marijuana, openly participating in groups like, “Moms for Marijuana;” while black and Latinx parents are often held to a different standard, finding themselves accused of being unfit to raise their children if they use marijuana even occasionally.**

- **States like Texas, New York and Massachusetts have already passed laws that affirmatively state that a parent may not be found to neglect their children on the sole basis of marijuana use. Maryland needs to do the same.**
- **The law should reflect that the use of cannabis, by itself, is not evidence that parents are unable or unwilling to care for their child. While case law already exist that states there must be a nexus between drug use and the risk of harm, the way parents who use marijuana are treated in the child welfare system varies across jurisdictions. Having a statute that explicitly states that cannabis use alone does not mean a parent is neglectful will better align the child welfare law with what we know to be true about cannabis use, that it alone is not a nexus to abuse or neglect.**
- **This change in the law would also serve to align child welfare with the decriminalization and social acceptance of cannabis in the state and nation at large. And will also work to reduce the racial disparities that are inherent in child welfare.**

**For these reasons, I urge a favorable report of SB653.**

**Sincerely,**



**Jill P. Carter, Esq.**