



January 31, 2023

HB 135

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

Dear Chair Clippinger and members of the House Judiciary Committee:

My name is Olivia Naugle and I am a 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 12 of the 21 campaigns to enact legalization laws, including the first two states to legalize cannabis through the state legislature, rather than the ballot box — Illinois and Vermont.

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.

I am here today **in support of HB 135**.

This past election, Maryland voters voted overwhelming in favor (67.2 percent) of Question 4 – a constitutional amendment to legalize cannabis for adults in Maryland beginning July 1, 2023. In fact, the passage of Question 4 was the highest margin of any ballot measure to legalize cannabis.

HB 135 would reduce some incredibly harsh penalties for cannabis offenses as the state rolls out adult use legalization. Under current law, possession of 50 pounds or more of cannabis carries a felony conviction and *mandatory minimum* sentence of 5 years imprisonment. By comparison, other felonies carrying mandatory minimums (that range in sentences) in Maryland include serious violent crimes such as murder, rape, assault, burglary, and theft.<sup>1</sup>

Mandatory minimums strip judges of the discretion to determine the appropriate penalty. They are inappropriate for non-violent cannabis offenses, particularly post-legalization.

HB 135 would reduce the penalty for possessing 50 pounds or more of cannabis to a misdemeanor punishable by up to 5 years imprisonment — removing the mandatory minimum sentence. It would also reduce the penalty for conspiring to manufacture, distribute, dispense, or

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<sup>1</sup> Md. Code, Crim. Law §§ 2-201, 3-202, 3-304(c)(2), 5-612, 6-202, 7-104, 10-606

bring into the state 50 pounds or more of cannabis from a felony subject to 20-40 years imprisonment to a felony not exceeding 10 years imprisonment.

Notably, this legislation would not legalize or decriminalize such conduct — it would still carry criminal penalties and the possibility of lengthy incarceration. Rather, it would reduce existing criminal penalties to be more proportionate and restore judicial discretion.

For years now, Maryland has defined cannabis as medicine and has an effective medical cannabis program, and in a few months, adults will be able to legally possess cannabis for their personal use. Licensed businesses already grow and sell medical cannabis, and the legal market will soon expand to serve adult consumers.

Marylanders have already decided to end the failed policy of cannabis prohibition and begin to repair the decades of harm it has caused. Further reducing harsh penalties for a legal substance is an important and worthy goal the state should seek to achieve.

As Maryland has seen over the last 80+ years, draconian penalties are not an effective approach to stopping illegal cannabis sales. The path to absorbing as much of the market into the legal market as possible is ensuring an adequate supply to meet demand, having enough businesses to serve customers statewide, creating an onramp for legacy operators, avoiding excessive taxes, and otherwise making sure the legal market outcompetes illicit sales.

Thank you Chair Clippinger for your time and attention. I urge a favorable report of HB 135.

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

Sincerely,

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