



March 3, 2023

HB 855 — FAV

**Testimony from Olivia Naugle, senior policy analyst, MPP and Karen O’Keefe, director of state policies, MPP, in support**

Dear Chair Clippinger and members of the House Judiciary Committee:

We are Olivia Naugle and Karen O’Keefe, the senior policy analyst and director of state policies 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.

We are here today **in support of HB 855.**

This past election, Maryland voters voted overwhelmingly 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.

While the passage of Question 4 was a critical step to end the failed policy of cannabis prohibition, it required implementing legislation to flesh out a system for legal possession, cultivation, and sales. Last year, the legislature passed HB 837 to legalize adults’ personal possession and cultivation of cannabis, effective on July 1, 2023.

HB 855 is a simple bill to clarify possession limits by adding “one or more of the following” before the list of types of cannabis adults 21 and older may possess.

The different types of cannabis adults may possess — flower (“raw” cannabis), cannabis-infused products such as edibles, and plants — are separated in statute by “or.” It is unclear if a person can possess flower *and* edibles *and* concentrates *and* plants, as is common practice, or just one of the four. HB 855 adds the phrase “one or more of the following” before the types of cannabis to clarify that a person can possess the specified amounts of flower, edibles, concentrates, *and* plants, not just one of them.

HB 855 makes parallel changes to “civil use amounts” — amounts of flower and infused products which modestly exceed the possession limit, and which will subject consumers to a civil penalty — not criminal charges — post-legalization.

HB 855 provides clarity and certainty for consumers and cannabis businesses on how much cannabis is allowed. It avoids uncertainty, stress, and trauma for cannabis consumers who might otherwise be arrested, prosecuted, and possibly convicted. If any such cases would be pursued, it would save law enforcement officers', prosecutors', and courts' time.

**The bill would revise the statute as follows, starting July 1, 2023:**

“Personal use amount” means **ONE OR MORE OF THE FOLLOWING:**

- (1) an amount of usable cannabis that does not exceed 1.5 ounces;
- (2) an amount of concentrated cannabis that does not exceed 12 grams;
- (3) an amount of cannabis products containing delta-9-tetrahydrocannabinol that does not exceed 750 milligrams; or
- (4) two or fewer cannabis plants.

(e-2) “Civil use amount” means **ONE OR MORE OF THE FOLLOWING:**

- (1) an amount of usable cannabis that exceeds 1.5 ounces but does not exceed 2.5 ounces;
- (2) an amount of concentrated cannabis that exceeds 12 grams but does not exceed 20 grams; or
- (3) an amount of cannabis products containing delta-9-tetrahydrocannabinol that exceeds 750 milligrams but does not exceed 1,250 milligrams.

Thank you Chair Clippinger and members of the committee for your time and attention to this issue. We urge a favorable report of HB 855.

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

Sincerely,

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