



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

March 5, 2025

The Honorable Luke Clippinger
Chair, House Judiciary Committee
Room 101, House Office Building
Annapolis, MD 21401-1991

RE: HB 1392 Vehicle Laws - Cannabis Use in Motor Vehicle with Minor Occupant - Prohibition- Letter of Opposition

Dear Chair Clippinger:

The Maryland-DC Society of Addiction Medicine (MDDCSAM) submits this letter of opposition for **House Bill (HB) 1392 - Vehicle Laws - Cannabis Use in Motor Vehicle with Minor Occupant - Prohibition**. HB 1392 would prohibit any form of cannabis consumption (smoked, vaped, “edibles”) in the passenger area of a motor vehicle when a minor is present. Violation carries a penalty of a fine not exceeding \$1,000, one year in prison, or both.

While MDDCSAM supports efforts to protect minors from potential harms, we have concerns that HB1392 will have significant unintended consequences for public health and criminal justice equity, contradicting Maryland’s commitment to cannabis decriminalization.

HB 1392 would penalize behavior without a clear public health justification. Maryland law already prohibits smoking cannabis in a motor vehicle, which poses a risk to minors from second-hand exposure. This bill extends criminal penalties to other forms of cannabis consumption such as edibles, which pose no risk to minors from mere proximity of use and is not illegal in other settings.

HB1392 creates an environment for inequitable and inconsistent law enforcement. It would lead to significant enforcement challenges, permitting arbitrary and biased policing practices. Unlike alcohol, which can be visibly identified, cannabis products are often indistinguishable from legal foods or nicotine products. This ambiguity allows for selective policing, increasing the risk for racial and socioeconomic disparities being considered whilst patrolling. These types of practices unfairly target marginalized communities who have already been devastated by the unsuccessful war on drugs. Inequitable law enforcement disproportionately burdens low-income communities and communities of color. These impacts continue to occur even after the legalization of cannabis.¹ HB1392 could reinstate punitive measures which further entrench system inequalities, at a time when Maryland is making strides towards criminal justice reform.

The criminal penalties imposed by HB 1392 are especially severe compared to existing vehicle laws. Current Maryland law imposes only a civil fine of \$25 for possessing an open container of alcohol in a motor vehicle², regardless of the presence of a minor. Yet, HB 1392 allows for up to one year of incarceration for cannabis use. This represents a regression from Maryland’s recent steps toward cannabis decriminalization and legalization. Furthermore, this bill offers no pathway for expungement of a conviction.

Further, HB 1392 punishes persons who use medical cannabis without cause. A person consuming an edible enroute to a medical appointment - an otherwise legal action - could face charges if a minor is in the vehicle. This is an unfair and harmful restriction on individuals with a properly obtained medication.

In conclusion HB 1392 does not advance public health, but it does create new avenues for inequitable law enforcement, excessive criminal penalties, and barriers for medical cannabis patients. It contradicts Maryland’s progress toward cannabis decriminalization and disproportionately harms marginalized communities.

For these reasons, MDDCSAM respectfully urges this Committee to issue an unfavorable report on HB 1392.

Sincerely,

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¹ National Academies of Sciences, Engineering, and Medicine. 2024. Cannabis Policy Impacts Public Health and Health Equity. Washington, DC: The National Academies Press. <https://doi.org/10.17226/27766>.

² Md. Code Ann., Crim. Law § 10-126