

# MARYLAND CANNABIS PUBLIC HEALTH ADVISORY COUNCIL

*Deondra P. Asike, M.D.*

March 5, 2025

*Dawn Berkowitz, MPH, CHES*

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

*Jocelyn Bratton-Payne, MSW*

*David A. Gorelick, M.D., Ph.D.*

*Delegate Terri Hill, M.D.*

*Senator Benjamin Kramer*

**RE: HB 1392 Vehicle Laws - Cannabis Use in Motor Vehicle With Minor Occupant - Prohibition- Letter of Information**

*Elizabeth Kromm, Ph.D.*

Dear Chair Clippinger and Committee members:

*Karrissa M. Miller, MSW*

*Madhumi Mitra, Ph.D.*

*Martin Proulx*

*Jason Semanoff*

*Leah Sera, PharmD.*

*Nishant Shah, M.D.*

*Leigh Vinocur, M.D., MS*

*Bethany Young, Ph.D., J.D.*

The Maryland Cannabis Public Health Advisory Council (the Council) is submitting this letter of information for **House Bill (HB) 1392 - Vehicle Laws - Cannabis Use in Motor Vehicle With Minor Occupant - Prohibition**. HB 1392 would prohibit any form of consumption of cannabis (smoked, vaped, oral) in the passenger area of a motor vehicle when a minor is present. Violators could face up to one year in prison, a fine of up to \$1,000, or both.

The Council recognizes the public health intent behind this bill to protect minors from exposure to cannabis consumption in motor vehicles and brings to your attention several key issues that could have unintended public health and social justice consequences.

First, the potential harm caused to a minor from merely witnessing an adult consuming cannabis remains unclear. HB 1392 would penalize actions that may not pose a direct risk to minors' health or wellbeing, potentially overreaching in a manner that lacks sufficient evidence of harm. Current law already prohibits smoking cannabis in a motor vehicle, which poses a risk to minors from second-hand exposure.

Second, the Council recognizes the likelihood of unequal enforcement of this legislation, which could disproportionately affect marginalized communities, particularly those most impacted by the war on drugs. The criminal penalties in HB 1392 represent a regression from Maryland's recent strides toward cannabis reform and legalization. This bill would effectively recriminalize cannabis possession, without offering pathways for expungement, and impose harsher penalties for cannabis-related infractions compared to similar offenses involving alcohol or tobacco.

For example, Maryland's current laws impose only a civil fine of \$25 for possessing an open container of alcohol in a motor vehicle<sup>1</sup>—regardless of whether a minor is present—yet HB 1392 would introduce possible incarceration for cannabis consumption, even in cases where a minor is not directly impacted by the consumption itself. This inconsistency is troubling, particularly given the racialized history of cannabis prohibition, which continues to have disproportionate effects on communities of color. As such,

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<sup>1</sup> Md. Code Ann., Crim. Law § 10-126

any policy that revisits or intensifies cannabis restrictions carries the risk of exacerbating racial disparities in the criminal justice system.

The Council also brings to your attention the bill's impact on low-income communities and communities of color, which continue to face systemic over-policing and unequal law enforcement. As highlighted in the 2024 National Academies of Science, Engineering, and Medicine (NASEM) report on *Cannabis Policy Impacts Public Health and Health Equity*<sup>2</sup>, policies like those proposed in HB 1392 risk reinforcing economic and health disparities. The report discusses how the criminal justice system, even after cannabis legalization, continues to disproportionately affect marginalized populations. The Council believes that the current formulation of this bill risks further entrenching these inequities by enabling enforcement practices that already disproportionately harm vulnerable individuals<sup>3</sup>, families, and communities<sup>4</sup>.


Third, the Council believes that the bill's provisions could pose significant challenges to reasonable and equitable enforcement. The difficulty in visually distinguishing at a distance cannabis edibles from regular snacks or candy and cannabis vapes from tobacco vapes would be nearly impossible for law enforcement officers to enforce this law in a fair and consistent manner. Such vagueness opens the door for potential abuse, targeting individuals based on assumptions or biases rather than clear evidence of wrongdoing.

Lastly, the Council recognizes the undue burden this bill would place on medical cannabis patients. For example, under HB 1392, a medical cannabis patient who consumes an edible product to alleviate nausea during a ride to a medical appointment could be subject to arrest if a minor is present in the vehicle, even though this consumption would otherwise be considered responsible and medically necessary. This raises serious questions about the balance between public health goals and the rights of patients who rely on cannabis for therapeutic purposes.

In conclusion, the Council understands the efforts to protect minors from exposure to adults who are using cannabis products, especially in the confined space of a motor vehicle. We ask the legislature, when considering HB 1392, to take into account the public health and social equity issues we have raised, which would affect both the individuals involved and the broader community. We believe that the bill, as currently drafted, will exacerbate existing public health disparities, perpetuate racial injustices, and create enforcement challenges that could have harmful consequences for Maryland's most vulnerable communities.

The Council looks forward to engaging with you in the ongoing conversation about how best to protect public health while advancing equity and justice in Maryland's cannabis policies.

Sincerely,



Deondra Asike, M.D.

Chair, Maryland Cannabis Public Health Advisory Council

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<sup>2</sup> Cannabis Policy Impacts Public Health and Health Equity. (2024). In National Academies Press eBooks. <https://doi.org/10.17226/27766>

<sup>3</sup> Geller A, Fagan J, Tyler T, Link BG. Aggressive policing and the mental health of young urban men. *Am J Public Health*. 2014 Dec;104(12):2321-7. doi: 10.2105/AJPH.2014.302046. Epub 2014 Oct 16. PMID: 25322310; PMCID: PMC4232139.

<sup>4</sup> Balbus, A., & Kantorová, D. (2021). No Justice and No Peace: The Ongoing Traumatic Stress of Families Bereaved by Law Enforcement. *Journal of trauma & dissociation : the official journal of the International Society for the Study of Dissociation (ISSD)*, 22(2), 141–153. <https://doi.org/10.1080/15299732.2020.1869091>