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POSITION ON PROPOSED LEGISLATION

BILL: HB 171 - Criminal Law - Drug Trafficking Crime - Definition

FROM: Maryland Office of the Public Defender

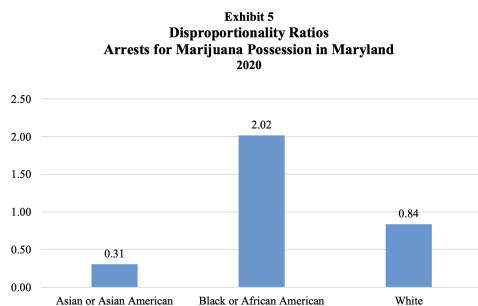
POSITION: Unfavorable

DATE: January 27, 2026

The Maryland Office of the Public Defender urges an unfavorable report on House Bill 171.

House Bill 171 expands the definition of a “drug trafficking crime” to include **misdemeanor** cannabis violations. Specifically, this bill seeks to include the misdemeanor §5-602(B)(1) or the conspiracy to commit §5-602(B)(1) “a person may not possess cannabis in sufficient quantity reasonably to indicate under all circumstances an intent to distribute or dispense cannabis” and the misdemeanor §5-602(B)(3) “a person may not cultivate or grow cannabis or manufacture a cannabis product, or manufacture, distribute, or possess a machine, equipment, an instrument, an implement, a device, or a combination of them that is adapted to produce cannabis or a cannabis product under circumstances that reasonably indicate an intent to use it to produce, sell, or dispense cannabis or a cannabis product in violation of this title.”

This bill would be a step backward for Maryland. When Maryland voters overwhelmingly chose to legalize recreational marijuana and it was a great first step towards ending the five-decades-long “war on drugs.” We were so excited to see Maryland move away from the criminalization of cannabis, in part because we know substance use is a health concern and should be treated as such and in part because we know that the criminalization of cannabis has *always* disproportionately impacted Black and Brown Marylanders. From 2015 to 2017, 96% of arrestees for marijuana in Baltimore were Black. That is an overwhelmingly large number when considering that the city's population is 62% Black. Source: [Baltimore Banner Article](#). The accumulation of prior convictions accumulate and disproportionately impact communities of color. These convictions generally drive further and deeper involvement in the criminal legal system. We have made progress and urge the General Assembly not to undo that progress.



Source: Department of Legislative Services

For the foregoing reasons, the Office of the Public Defender urges an unfavorable report on House Bill 171.

**Submitted by: Maryland Office of the Public Defender,
Government Relations Division**