



# Marijuana Moment

## Why Marylanders are embracing Cannabis

**ACCORDING TO A JAN. 2020 POLL, 57 PERCENT OF ALL MARYLANDERS SUPPORT LEGALIZING MARIJUANA FOR RECREATIONAL USE, AS DO 76 PERCENT OF MARYLANDERS UNDER 50.**

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**G**iven this broad mandate for marijuana legalization across the state, one might believe that this is the year that adult-use, recreational marijuana legislation finally passes here in Maryland. But political realities are once again intruding on the best laid plans of Maryland legislators, as legislative priorities become shaped by the current events driving the day.

During the 2019 legislative session, leaders of the Maryland General Assembly created a legislative working group to study how to best implement the legalization of marijuana. Due to safety and health concerns created by the coronavirus, however, Maryland legislators voted to end this year's session early. Ultimately, the Working Group made no legislative recommendations for the 2020 legislative session.

Delegate Kathleen M. Dumais, a co-chair of the Marijuana Working Group, is concerned that pressing legislative priorities such as the constitutional mandate to pass a budget, COVID relief packages, eviction foreclosures, funding for programs, and police accountability measures just might take up all the General Assembly's time during Maryland's 90-day legislative session. She is also concerned that the 2021 legislative session will be shortened again, further limiting what can get done.

"So, the message that is coming from House and Senate leadership is to introduce whatever bills you want, and every bill will get a hearing, as it always does," said Dumais.

"But there will be a limited number of bills that actually pass this year. And if it's controversial and there is not a consensus on it, it may not get through this year."

Dumais acknowledged that the roll-out of medical Cannabis here in Maryland did not go very well a couple of years ago, and she expressed concern about how Maryland could create a diverse Cannabis legalization program with equity and fairness for everyone. "Whether we keep medical and recreational separate or not, there are still questions that we have not completely grappled with yet [as a legislature]. And I don't know if there will be the bandwidth to do it this session."

Nevertheless, nearly one year later, the world has changed dramatically. The pandemic has ravaged the country. Economic realities have left many Maryland residents without employment. Police reform has become unavoidable. And just last month, the nation participated in a highly divisive election where every Cannabis measure on the ballot across the United States passed with bipartisan support. With the passage of these initiatives, one-third of the United States population now live in jurisdictions that have legalized Cannabis for adult use, and 70% of all states have embraced Cannabis for medical use.

To top it all off, just last week the United States Congress passed the MORE Act [Marijuana Opportunity Reinvestment and Expungement Act of 2019] by a wide majority (228-164). While this act has no chance of passing in the Senate and becoming law this year, it does represent the first time in nearly 50 years that the House has taken up legislation to remove "marihuana and tetrahydrocannabinols" from the schedules of controlled substances.

But other Working Group members are more op-

timistic that current events are propelling the state towards Cannabis legalization. Delegate David Moon, another member of the Working Group, noted that events this year have only further highlighted why Cannabis legalization is an urgent issue. "I think the arguments not to do this [Cannabis legalization] are rapidly disappearing," said Moon. In past legislative sessions, Moon has co-sponsored Cannabis legalization legislation and he expects to introduce it once again this upcoming session – regardless of what else is on the agenda.

"Everybody is bracing for the possibility of budgets being tightened during the pandemic," Moon noted. "New revenue sources are few and far between. Cannabis legalization is one of the obvious ones left on the table that Maryland has not yet tapped. It won't solve all of our money woes, but certainly we're in a place right

now where every dollar, every million dollars, is going to matter quite a bit."

Moon opined that racial injustice and institutional inequality have forced Cannabis legalization to the top as a priority. "We've obviously been moving more and more towards a reckoning with our incarceration epidemic. By and large, the public in Maryland and nationally is quicker to get behind the concept that we need a system other than criminal prohibition as a policy framework."

But Moon hedged his answer, tempering expectations for legislative

action this session.

"If I were a betting person, and I'm not, I would say that Maryland is highly likely to pass legalization before the next election. We have two legislative cycles and two years tops where we are likely to see legalization move forward within that period. Now is that going to happen in the next two months? Well, that is a good question."

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*Since 2008, Mike Rothman has counseled clients regarding Cannabis laws and regulations as the founder and principal of the Medical Cannabis Law Group and the Law Office of Mike Rothman in Rockville, Maryland. Mr. Rothman has testified on Cannabis laws and regulations before the Maryland House of Delegates, taught classes, and lobbied the federal government on behalf of patients and businesses. Mr. Rothman's Law Office focuses on criminal defense, including use of the medical Cannabis defense.*