

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 1339
Judiciary

(Delegate Heller)

Task Force to Study Issues Relating to Medical Marijuana in Maryland

This bill establishes a Task Force to Study Issues Relating to Medical Marijuana in Maryland. The task force, staffed by the Department of Health and Mental Hygiene (DHMH), must study specified legal and feasibility issues related to the research, use, and procurement of medical marijuana in the State. The task force must report its finding and recommendations, including a recommendation regarding the maintenance or repeal of the State's law on medical marijuana, to the Governor and the General Assembly by December 31, 2009.

The bill takes effect July 1, 2009, and terminates December 31, 2009.

Fiscal Summary

State Effect: Given the State's fiscal difficulties, agency budgets have been constrained. Thus, the requirement to staff the task force, conduct the required study, and then report recommendations is not absorbable within the existing budgeted resources of DHMH. Instead, general fund expenditures increase minimally in FY 2010 for contractual staff to conduct research and submit the required report. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A person charged with possession or use of marijuana or related paraphernalia may introduce evidence related to medical necessity and, if the person is

convicted and the court finds there was medical necessity, the maximum punishment is limited to a fine of \$100. Otherwise, violators of prohibitions against simple possession or use of marijuana are guilty of a misdemeanor and subject to fines of up to \$1,000 and/or imprisonment for up to one year.

Marijuana has been a Schedule I controlled dangerous substance under both State and federal drug prohibitions since 1970. It is a violation of federal law to medically prescribe marijuana. Federal policy dictates that a physician who prescribes marijuana or other Schedule I drugs to a patient may lose his or her federal license to prescribe drugs and be prosecuted.

Background: Thirty-one states, including Maryland and the District of Columbia, have some current statute relating to the medical use of marijuana. Thirteen of these states have removed criminal penalties for patients who use and possess medical marijuana with their doctor's approval or certification.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Commission on Criminal Sentencing Policy, Marijuana Policy Project, Department of Legislative Services

Fiscal Note History: First Reader - March 19, 2009
ncs/mwc

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