



Testimony for the Senate Judicial Proceedings Committee
February 20, 2018

**SB 1039 Constitutional Amendment - Cannabis - Use, Possession, Cultivation,
and Sale**

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FAVORABLE WITH AMENDMENTS

The ACLU of Maryland supports SB 1039, which allows for the personal use, possession, and cultivation of a limited amount of marijuana, and establishes a regulatory structure for commercial production and sales.

Legalization of marijuana is appropriate and timely--the war on Marijuana has failed. For decades, the government has poured millions of taxpayer dollars into the drug war.¹ Yet it has failed to reduce the use of marijuana, failed to provide treatment to those who need it, and failed to keep our communities safer. Most alarmingly, the war on marijuana has been carried out in a racially biased manner, leading to the disproportionate criminalization of people of color and contributing to mass incarceration.² It's time for a more rational approach to marijuana policy—one that is based in science, health, and respect for personal autonomy.

While we appreciate the language included in section 2.(A)(2)(VII), to “ensure diversity among the owners of cannabis businesses, including taking measures to remedy the effects of past discrimination shown by disparity studies,” there is more that can and should be done to ensure that Maryland has an equitable marijuana market, both on the supply and demand sides.

Community investment

State revenue generated through the marijuana industry must be allocated towards programs supporting those communities most harmed by marijuana enforcement. Individuals who have stake in these communities and or have lived in these communities should have substantial oversight of the allocation of these funding sources.

Past marijuana-related convictions

Past marijuana-related convictions should not be the sole basis for the denial of a license. It is a cruel irony to forbid those who have been most harmed by the prohibition of marijuana from participating in the now-legal industry, particularly in light of racially biased enforcement. Already-wealthy, white investors are reaping the profits of the legal industry, while Black and Brown entrepreneurs

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¹ Drug Policy Alliance, “Wasted Tax Dollars.” Available at: <http://www.drugpolicy.org/wasted-tax-dollars>.

² ACLU of Maryland, “The Maryland War on Marijuana in Black and White” (October 2013). Available at: http://www.aclu-md.org/marijuana_reform.

will continue to be criminalized and stigmatized for engaging in the same activity. Not only must a marijuana-related conviction not serve as the basis for barring someone from participating in the marijuana business, but past marijuana-related convictions should be considered a preferential factor when awarding business licenses.

There should be no limits on the number of business licenses available.

A limit on the number of business licenses available artificially inflates the value of each license, creates additional barriers to entry, restricts supply, encourages cronyism, and necessarily leads to an even narrower and wealthier pool of applicants. Due to generations of discriminatory enforcement—and the resultant lack of community economic development, access to living wage employment, ownership of business assets, and wealth building—impacted communities generally lack the ability to meaningfully compete for a limited number of very lucrative cannabis business licenses.

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For the foregoing reasons, the ACLU of Maryland supports SB 1039, but we urge the committee to be more proactive and explicit in ensuring that the future legalized marijuana market is in fact equitable.