

MDGA22

Legalize Marijuana & Establish Community Reparations

BILLS SB 692 & HB TBD

The “War on Drugs” failed, and the most damaging aspect of this failure is how the criminalization of marijuana has been a pretext for over-policing Black, Indigenous, and People of Color for decades. The question is not: should Maryland legalize marijuana? The question is: how can we do so through a racial justice lens to address the onslaught of harms that have been selectively aimed at BIPOC communities? According to a 2020 ACLU report, these harms include arrests, incarceration, and lifelong criminal convictions, as well as the loss of jobs, housing, financial aid eligibility, child custody, and immigration status.¹

MARIJUANA ARRESTS

The 2020 ACLU report documents that police made more marijuana arrests in 2018 than for all violent crimes combined. Similarly, in Maryland, arrests for the possession of marijuana made up 50 percent of all drug arrests in the state.

Despite Maryland decriminalizing possession of 10 grams or less of marijuana in 2014 – and despite comparable rates of use among Black and white people – Black people continue to be arrested overwhelmingly more than white people and at disproportionate rates. National trends reveal that on average, a Black person is 3.64 times more

likely to be arrested for marijuana possession. In some Maryland counties, Black people are arrested at double the national average. For instance, in Queen Anne’s County, Black people are eight times more likely to be arrested for marijuana. In Carroll County, Cecil, and Frederick, Black people are six times more likely to be arrested for marijuana, and five times more likely in Allegany County.

LEGAL MARIJUANA INDUSTRY

At the same time, the legal marijuana industry in the United States is booming, with projected revenue of \$89 billion² by 2025. However, only four percent of cannabis businesses³ are Black-owned. The contrast between the booming legal marijuana market, the continued criminalization of Black people for marijuana use, and the lack of opportunity to gain access to the industry, is unacceptable. That is why it is a moral imperative to ensure that the Black communities most impacted, where the most Marylanders who have been previously convicted and who are currently serving prison sentences for marijuana-related convictions, benefit retroactively from marijuana’s legal status.

Maryland cannot continue to delay legalization while white people continue to profit from it. Black people continue to be subject to unnecessary police interactions, improper search and seizures,



and incarceration for doing the same things. The generational impact of this racism is a cycle that we must break, and then heal through intentional reparations for the Black communities most harmed. We can do this by centering racial justice and equity in any effort to legalize marijuana in Maryland.

That is why during the 2022 legislative session, the ACLU of Maryland will work with partners to support legislation to:

1. Legalize marijuana for Marylanders who are 21 and older.
2. Raise the legal possession limit to 4 ounces and allow Marylanders to argue in court that possession of 4 ounces or less is not enough to charge with possession with intent to distribute.
3. Prohibit police from using the odor of marijuana, without other legitimate cause for suspicion, as the requisite probable cause to arrest and perform a warrantless search of a person or vehicle.
4. Vacate previous marijuana-related convictions, mandate opportunities for reconsideration hearings and vacatur for those currently serving time for marijuana-related convictions, and other low-level felonies and misdemeanors if those charges stem from a conviction based on a search due to the odor of marijuana.
5. Ensure that the legal use of marijuana cannot be the basis for denying someone housing, making child custody or visitation determinations, or negatively impacting someone's parole or probation status.

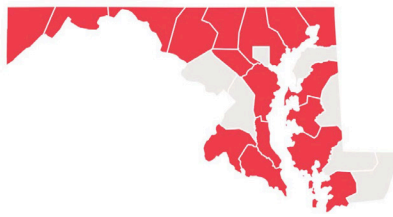
USE TAX REVENUES TO ESTABLISH COMMUNITY REPARATIONS

Use a metric to determine jurisdictions most impacted by the "War on Drugs," and reallocate 60 percent of the tax revenues from cannabis sales directly to those local jurisdictions. This reparations model empowers the communities most harmed to have a role in deciding how to distribute the resources.

A Tale of Two Countries: Racially Targeted Arrests in The Era of Marijuana Reform ACLU, 2020

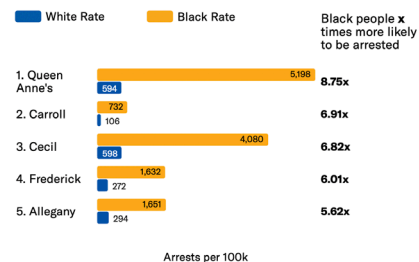
BY THE COUNTY

All counties with **racial disparities** above the national average (**3.64x**)



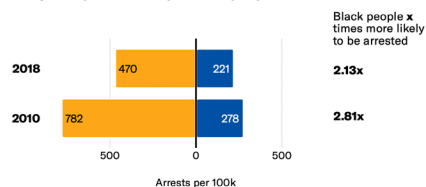
Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.

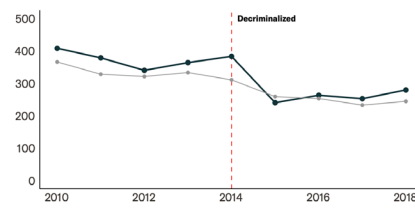


ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people



Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



- 1 "A Tale of Two Countries: Racially Targeted Arrests in The Era of Marijuana Reform". ACLU, 2020, https://www.aclu.org/sites/default/files/field_document/marijuanareport_03232021.pdf.
- 2 "Despite Ups and Downs, Cannabis Market Still Projected to Reach \$89 Billion by 2024". FinancialNewsMedia.com, April 29, 2020. <https://www.prnewswire.com/news-releases/despite-ups-and-downs-cannabis-market-still-projected-to-reach-89-billion-by-2024-301049037.html>.
- 3 "Chart: Percentage of cannabis business owners and founders by Race". MJBizDaily, December 8, 2021, <https://mjbizdaily.com/chart-19-cannabis-businesses-owned-founded-racial-minorities/>.