



Maryland Should Legalize in 2022 Complete with Implementing Legislation Grounded in Equity

Speaker Jones is committed to referring to Maryland voters a constitutional amendment to legalize cannabis in 2022. If a constitutional amendment is referred to voters, it would need to be fairly short and narrow in scope. The Maryland Cannabis Policy Coalition believes the time to replace the devastating war on cannabis with comprehensive, equitable legalization is now.

We strongly urge that:

- any voter referendum be self-executing — that it legalizes possession and home cultivation with no further legislative action needed.
- the legislature enacts equitable implementing legislation in 2022 with provisions to foster an equitable industry; expungement and release; and reinvestment of the bulk of tax revenue into disproportionately impacted communities.

If one or both measures are not taken, thousands of Marylanders will be arrested and cited for cannabis *after* voters adopt legalization. In New Jersey, legislators referred a non-self-executing constitutional amendment to voters on November 3, 2020. New Jersey’s legislature works full-time, but it did not adopt implementing legislation until February 22, 2021. In the three months between when two-thirds of voters adopted legalization and when Gov. Murphy signed implementing legislation, more than 6,000 charges for minor marijuana possession were filed. Maryland must not repeat New Jersey’s mistake. When voters legalize cannabis, cannabis needs to actually become legal.

Social equity, reparative justice, and community reinvestment must be at the heart of legalization and should be included from the outset. It is of utmost importance that the state legalize cannabis *right*. In New Jersey, advocates were distressed that the initial proposals for post-legalization implementation failed to have equity at their core. Maryland voters need to know that the state’s legalization law will be rooted in social equity and reparative justice — something a short constitutional amendment can’t do. Expungement and release should begin immediately after legalization, which can only happen if details pass in 2022, though they’d take effect only once the amendment passes.

The longer the delay for working out implementation, the longer people will be at risk. The illegal drug market is sometimes called “the trap” because of the financial reward that comes at great risk. People selling cannabis illegally risk arrest, serious charges, and violence. Many are underage. Meanwhile, illicit market consumers are at risk of theft, violence, and the dangers of an unregulated product that can have dangerous pesticides and additives, including ones linked to serious lung disease. The sooner the details of regulation are sorted out, the sooner these harms will be reduced and then eliminated. A carefully crafted law should also create opportunity for those involved in the “legacy market,” including both in ownership and staffing.

There is no guarantee implementing legislation would pass in 2023, so the harm could persist for even longer. There will be a new governor and a new legislature in 2023. It is entirely possible that the new voices in the debate could stall implementing legislation and push back equity-focused implementation of legalization.