

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1176
Judiciary

(Delegate Buckel, *et al.*)

Judicial Proceedings

Public Safety - Certification of Police Officers - Medical Cannabis Employment

This bill specifies that employment by a business licensed as a dispensary, grower, or processor by the Natalie M. LaPrade Medical Cannabis Commission does not constitute involvement in the illegal distribution, production, cultivation, transportation, or sale of a controlled dangerous substance (CDS) for purposes of police officer certification or recertification if the individual's employment was not terminated for illegal or improper conduct and the business was not subject to legal action arising from illegal or improper trade practices.

Fiscal Summary

State Effect: None. The change does not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law:

Maryland's Medical Cannabis Program

The Natalie M. LaPrade Medical Cannabis Commission is responsible for implementation of the State's medical cannabis program, which is intended to make medical cannabis available to qualifying patients in a safe and effective manner. The program allows for the licensure of growers, processors, and dispensaries and the registration of their agents, as

well as registration of independent testing laboratories and their agents. There is a framework to certify health care providers (including physicians, dentists, podiatrists, nurse practitioners, and nurse midwives), qualifying patients, and their caregivers to provide qualifying patients with medical cannabis legally under State law via written certification. Additionally, recent legislation extended legal protections to third-party vendors authorized by the commission to test, transport, or dispose of medical cannabis, medical cannabis products, and medical cannabis waste. In December 2018, the commission proposed regulations that require registration of secure transportation companies and address the shipment of products between licensees.

Protections Against Arrest, Prosecution, and Civil or Administrative Penalties

Current law establishes that any of the following persons acting in accordance with the statutory provisions of Maryland's medical cannabis program are not subject to arrest, prosecution, or any civil or administrative penalty, including a civil penalty or disciplinary action by a professional licensing board, nor may they be denied any right or privilege, for the medical use or possession of medical cannabis: (1) a qualifying patient who is in possession of a 30-day supply of medical cannabis, or a greater amount if authorized by the qualifying patient's written certification; (2) a grower or grower agent; (3) a certifying provider; (4) a caregiver; (5) a dispensary or dispensary agent; (6) a processor or processor agent; (7) a hospital, medical facility, or hospice program where a qualifying patient is receiving treatment; or (8) an authorized third-party vendor.

Possession of marijuana remains illegal under federal law.

Maryland Police Training and Standards Commission

Chapter 519 of 2016 reconstituted the former Police Training Commission as the Maryland Police Training and Standards Commission (MPTSC), an independent commission within the Department of Public Safety and Correctional Services. MPTSC operates approved police training schools and prescribes standards for and certifies schools that offer police and security training. In consultation and cooperation with various entities, it also sets minimum qualifications for instructors and certifies qualified instructors for approved training schools.

MPTSC certifies persons as police officers who have met commission standards, including submission to a criminal history records check and a specified psychological consultation. An individual who is not satisfactorily trained in the 12-month probationary period may not be employed as a police officer, and a police officer may not serve after certification has been revoked, suspended, or allowed to lapse.

Code of Maryland Regulations

Under the Code of Maryland Regulations, an agency head must perform a background and criminal history investigation on each applicant for a position as a police officer. As part of the background investigation, the agency head must investigate an applicant's prior use of CDS, narcotic drugs, and marijuana and may conduct interviews of current and past employers within the last five years of the applicant.

An individual is ineligible for initial certification as a police officer if the individual has:

- been convicted or otherwise found guilty of selling, manufacturing, or distributing CDS, narcotic drug, or marijuana;
- ever illegally sold, produced, cultivated, distributed, or transported CDS, narcotic drug, or marijuana;
- illegally used CDS, narcotic drug, or marijuana for any purpose within the 36 months before application for certification;
- ever illegally used CDS, or narcotic drug for other than experimentation, as specified; or
- ever illegally used CDS, narcotic drug, or marijuana while employed to enforce federal, State, or local law by any government entity.

An individual is ineligible for recertification if the individual illegally used, ingested, possessed, sold, produced, cultivated, distributed, or transported CDS, narcotic drug, or marijuana on or after the date of the individual's initial certification as a police officer in Maryland.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore, Charles, and Montgomery counties; Maryland Association of Counties; City of College Park; Maryland Municipal League; Maryland Department of Health; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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