

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 857
Judiciary

(Delegates Buckel and Moon)

Judicial Proceedings

Public Safety - Certification of Police Officers

This bill specifies that employment by a business licensed as a medical cannabis dispensary, grower, or processor 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.

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.

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) an academic research representative purchasing medical cannabis; (6) a dispensary or dispensary agent; (7) a processor or processor agent; (8) a hospital, medical facility, or hospice program where a qualifying patient is receiving treatment; or (9) an authorized third-party vendor. In addition, Chapter 456 of 2019 established that these same entities and persons acting in accordance with the State's medical cannabis program are not subject to revocation of mandatory supervision, parole, or probation for the medical use or possession of medical cannabis.

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: HB 1176 of 2019, a similar bill, passed the House as amended and received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Designated Cross File: SB 347 (Senator Ready, *et al.*) - Judicial Proceedings.

Information Source(s): Caroline, Montgomery, and Prince George's counties; cities of Baltimore, and Bowie; Maryland Department of Health; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 7, 2020
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Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510