



HB 813

Possession of Medical Cannabis - Local Correctional Facilities and Home Detention Center Program – Prohibition

MCAA Position: **SUPPORT**

TO: Health and Government Operations Committee

DATE: February 19, 2020

FROM: T.D. Reece, President

HB 813 is a common sense bill that will lead to the implementation of good law. What this bill will do is prohibit an intoxicating substance, medical cannabis, on the grounds of a local correctional facility. State prisons already has such protection, and many states with medical cannabis laws have such a prohibition as well. The prohibition of medical cannabis, to include home detention and work release programs, is policy at most Maryland jails, but a policy doesn't go far enough. What jail managers are concerned with is the potential threats to safety and security of inmates such as trafficking of marijuana, inmates being under the influence of intoxicating substances, and litigation. The policies prohibiting medical cannabis in some Maryland jails have already been challenged. Without supporting law, local jails are open to potential lawsuits which would result in expensive legal fees and judgements. This bill will help protect the counties in your districts from potential litigation.

The majority of local correctional facilities within the State have their inmate medical services contracted with an outside vendor. These medical service vendors, under the direction of physicians, offer many alternative treatments available and are relied upon to make professional medical decisions within a local correctional facility.

In order to store, prescribe and administer medicine, the medical service vendors must possess and maintain a federal license issued by the Drug Enforcement Administration. Since marijuana is a Schedule I, illegal drug under federal law, medical service vendors are not permitted to handle medical cannabis. Additionally, correctional officers are required by State regulation and agency policies to be law-abiding. Any involvement of a correctional officer in handling, storing, and dispensing medical cannabis would put them in direct violation of these regulations and policies.

The prohibition of any controlled substance including medical cannabis on the grounds of a correctional facility or while participating in a home detention or work release program is common sense legislation that the MCAA supports. We ask that the Health and Government Operations Committee support it as well.