



February 13, 2020

The Honorable William C. Smith, Jr.  
Senate Judicial Proceedings Committee  
2 East, Miller Senate Office Building  
Annapolis, MD 21401

**RE: Senate Bill 356 – “Possession of Medical Cannabis – Local Correctional Facilities and Home Detention Program – Prohibition” – Letter of Information**

Dear Chair Smith:

The Maryland Medical Cannabis Commission (the Commission) is submitting this letter of information for Senate Bill 356 entitled “Possession of Medical Cannabis – Local Correctional Facilities and Home Detention Program – Prohibition.” SB 356 would prohibit the possession of medical cannabis on the grounds of a local correctional facility or while the offender is in a home detention program.

Of the 33 states and the District of Columbia that have legalized the use of medical cannabis, no local, State, or federal correctional facility or prison allows patients to use medical cannabis while incarcerated. Maryland does not have statutes or regulations expressly prohibiting use of medical cannabis in local correctional facilities or while in a home detention program. However, local jurisdictions may restrict use in correctional facilities through agency policies or other internal measures. Proponents of expressly restricting medical cannabis in correctional facilities have cited the federal prohibition on medical cannabis as well as the risk to the health and safety of other incarcerated individuals and the potential for diversion to non-patients.

Medical cannabis is classified under the federal Controlled Substances Act as a Schedule I controlled dangerous substance, a classification for drugs with a high potential for abuse that have no currently accepted medical use. For a pharmaceutical drug to be dispensed in a correctional facility, it must be placed on the facility’s drug formulary. However, medical cannabis is not a ‘prescription’ per se but rather a recommendation because of the federal prescription prohibition. Therefore, medical cannabis, in any form, is considered contraband.

The Commission believes there is merit to clarifying the law in this area and applying it Statewide to avoid confusion as well as potential litigation. We hope this information is helpful as you deliberate SB 356. If you have any questions or wish to discuss, please contact me at [william.tilburg@maryland.gov](mailto:william.tilburg@maryland.gov) or (410) 487-8069.

Sincerely,

A handwritten signature in blue ink that reads "William Tilburg". The signature is written in a cursive style and is followed by a horizontal line.

William Tilburg  
Executive Director

cc: Members of the Senate Judicial Proceedings Committee