



Maryland (2024) Testimony in support of eliminating required marijuana screening for probation, parole, and pre-trial release

I am a Maryland resident who has worked professionally in the field of marijuana policy for 30 years. I currently serve as the Deputy Director of NORML – the National Organization for the Reform of Marijuana Laws, a nationwide advocacy organization based in Washington, DC that represents the interests of responsible, adult cannabis consumers.¹

During my professional career, I have authored several books on the topic of cannabis, health, and public safety and my writing has been featured in over two dozen academic anthologies. In 2022, I was the lead witness before Congress at the hearing “Developments in State Cannabis Laws and Bipartisan Cannabis Reforms at the Federal Level,”² which was convened by the House Committee on Oversight and Reform, Subcommittee on Civil Rights and Civil Liberties.

I am speaking today in favor of House Bill 474.

This bill prohibits “a court from revoking a defendant's pre-trial release or finding that a defendant has violated probation, and the Maryland Parole Commission from finding that a parolee has violated parole, based solely on the use of cannabis or a positive cannabis test unless the court or Commission, at the time of ordering pretrial release, makes a finding that the use of cannabis could create a danger to the defendant or others and includes as a condition of pre-trial release, probation, or parole that the defendant may not use cannabis.”

This is common-sense legislation that lawmakers should support. Maryland’s cannabis laws have evolved, and it is time for policies governing how we treat persons on probation and parole to similarly progress. **It makes no sense to spend precious prosecutorial resources to incarcerate individuals solely because a drug test indicates that they engaged in the state-sanctioned use of marijuana while they were on probation, parole, or pre-trial release.**

Further complicating matters is the reality that urine drug tests for cannabis are unable to establish whether someone is under the influence marijuana, nor can they provide information indicating when someone last consumed it.³ That is because these tests identify the presence of inert byproducts (metabolites) that may be present for weeks or even months following cannabis exposure.⁴ **As a result, continuing to require persons on pretrial release or parole to**

¹ <https://norml.org/about-norml/staff/#armentano>

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<https://oversightdemocrats.house.gov/legislation/hearings/developments-in-state-cannabis-laws-and-bipartisan-cannabis-reforms-at-the>

³ According to the US Department of Justice, “A positive test result, even when confirmed, only indicates that a particular substance is present in the test subject’s body tissue. It does not indicate abuse or addiction; recency, frequency, or amount of use; or impairment.”

⁴ Musshoff and Madea. 2006. Review of biological matrices (urine, blood, hair) as indicators of recent or ongoing cannabis use. *Therapeutic Drug Monitoring* 28: 155-163. https://norml.org/wp-content/uploads/pdf_files/Review_biologic_matrices_indicators_cannabis_use.pdf



undergo marijuana drug testing may result in someone being returned to jail simply because they engaged in the legal use of cannabis at a time that predates their arrest. Such a policy is neither fair nor does it advance our commitment to justice.

Finally, it must be emphasized that nothing in this bill prevents courts from requiring that certain defendants abstain from the use of cannabis. It simply leaves the issue up to the discretion of the courts and the Parole Commission – who are free to decide if drug testing may or may not be appropriate, and whether sanctions for someone’s use of cannabis ought to be imposed.

In conclusion, **HB 474 is a fair and common-sense measure that reflects the reality that cannabis use by adults is legally accepted activity under state law. It saves prosecutorial resources and it provides the courts with the flexibility to make decisions on a case-by-case basis. For these reasons, I ask this Committee to advance House Bill 474.**