



**BALTIMORE COUNTY**  
DEPARTMENT OF HEALTH

# Baltimore County Health Coalition 2024 Quarterly Meeting

Della Leister, R.N.  
Interim Health Officer  
Rose Burrell  
Chief of Population Health



September 4, 2024



# Agenda

- Welcome and Introductions
- Annie Carver - **Staff Attorney,  
Legal Resource Center for Public  
Health Policy**
- Hospital Population Health  
Reports
- Subcommittee Reports
- Announcements

September 4, 2024



# Cannabis Update & Employment Issues

**Baltimore County LHIC Meeting  
September 4, 2024**

Annie Carver - Staff Attorney

Legal Resource Center for Public Health  
Policy

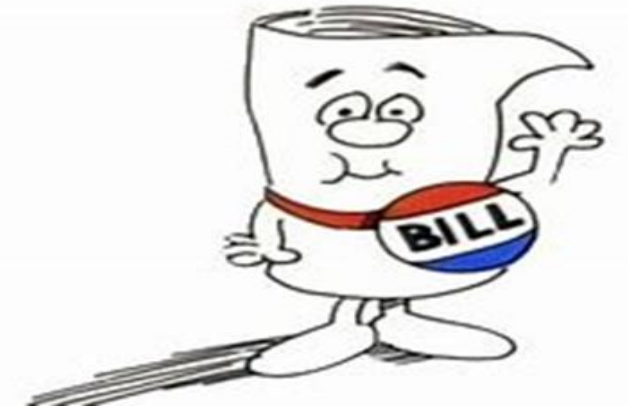
# Building on Experience to Address New Challenges

- The Legal Resource Center for Public Health Policy at the University of Maryland School of Law
  - Established in 2001
  - provide legal technical assistance regarding tobacco law
- New cannabis team added in January 2024
  - Mission to help Maryland's public health community understand and respond to the challenges of cannabis legalization.
  - Local health departments, regulatory agencies, community groups, legislators, residents, . . . .
  - Funded by the Cannabis Public Health Fund through MDH
  - Three Public Health Attorneys and a Program Coordinator
  - Same quality services



# LRC-Cannabis Services

- Cannabis community needs assessment
- Legal technical assistance
  - Cannot provide legal advice
  - Research and Educate
  - Ex. Does Maryland permit medical cannabis in schools? If so, what are the rules surrounding the administration of the medical cannabis?
- Educational resources
  - Fact sheets and issue briefs
  - Webinars
  - Meetings and presentations
  - Maryland public health cannabis conference in 2025
- Legislative tracking
- Legislative and regulatory advocacy



# Community Needs Assessment Results

# Baltimore County Community Needs Assessment Results

- **Very concerned:** Impact on pregnant and breastfeeding persons, cannabis use disorder, cannabis consumption sites, public use of cannabis, secondhand cannabis smoke, product safety measures for legal cannabis products and hemp products, dual use of cannabis and other substances.
- **Biggest public health concerns:** Impact on youth, public education about the risks of cannabis consumption, specialized education for pregnant and nursing moms, secondhand cannabis smoke and neighbor complaints about smoke and odor.
- **Currently experiencing:** Complaints regarding cannabis odors from neighbors and a lack of awareness regarding safety risks to children in homes with cannabis use.
- **Currently implementing:** Seeking funding for public education campaigns and heightened tobacco enforcement.
- **Greatest challenges:** Public buy in.

# Legislative and Regulatory Update



# HB 253-Cannabis Reform Act-Alterations (Passed)

- A cannabis business cannot sponsor an event unless at least 85% of audience are adults.
- Restricts the content of signs placed on outside of cannabis business.
  - Can only be used to identify the business to the public.



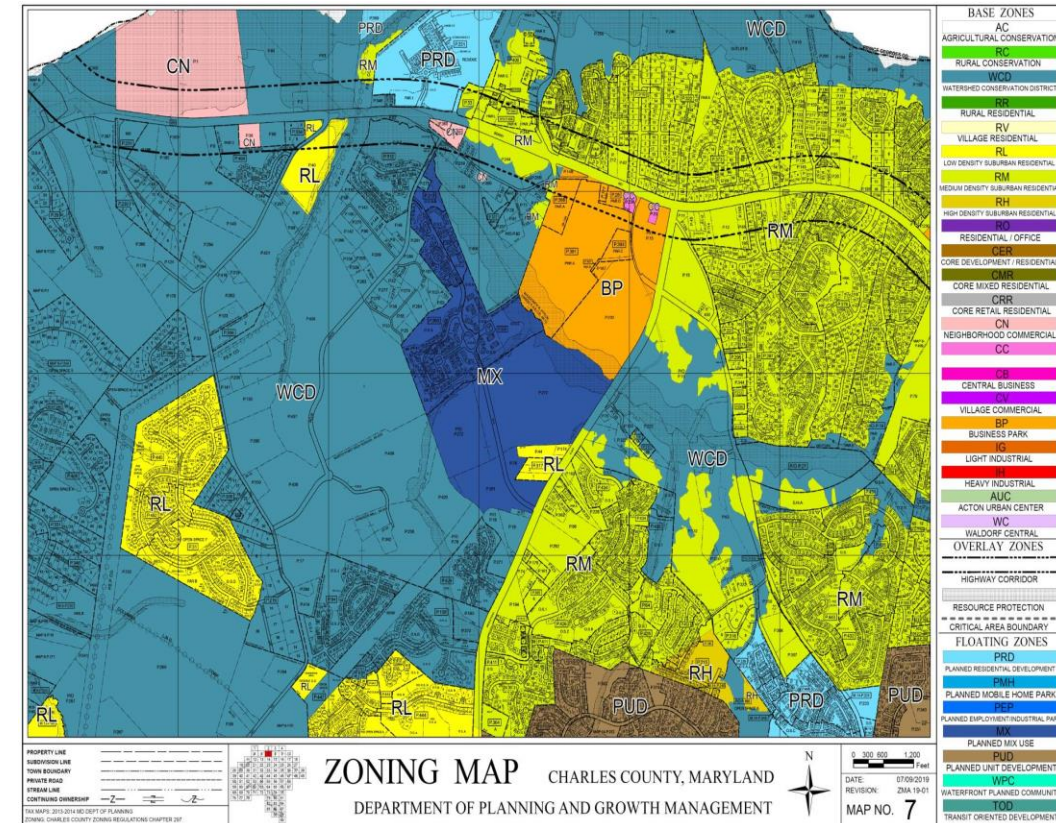
# SB 399-Outdoor Cannabis Advertising (Failed)

- Current law prohibits outdoor advertising other than sign placed on the outside of a cannabis business.
- SB 399 would have removed this restriction.
- Allowed outdoor advertising if it was 500 feet away from substance use treatment facilities, schools, childcare facilities, playgrounds, libraries, and public parks.



# HB805/SB537-Local Zoning Authority and Community Protest (Passed)

- **State standard:** dispensary cannot be within 500 feet of a school, playground, public park, place of worship, . . . .
- Local government cannot set a zoning requirement more restrictive than this state standard (e.g., 1000 feet) but can reduce exclusionary zone (e.g., 300 feet).
- Local government can require that dispensaries are located up to
  - One-half mile away from each other &
  - 100 feet away from residential areas.
- Provides residents and businesses within 1,000 feet of a cannabis business the ability to protest the renewal of the business's license.





# SB513/HB525-Employment Protections (Failed)

- Prohibited employers from taking adverse employment actions against an individual for their legal cannabis use outside of work hours.
- Did not allow cannabis use at work or cannabis impairment at work.
- Exemptions for employers that would lose a federal grant or contract (Drug Free Workplace Act).
- Did not preempt federal laws related to workplace drug testing.
- Did not receive a committee vote.



# MCA Proposed Regulations

- On May 3, 2024, the MCA proposed permanent regulations, which were published for public review and comment.
- The LRC-C reviewed the proposed regulations and submitted public comments regarding some public health concerns, including:
  - The definition of personal use amount
  - The Compassionate Use Fund
  - Medical customer accommodations
  - Clinical director requirements
  - Product testing
  - High potency edibles
  - Vape products
  - Pregnancy and breastfeeding product warnings
  - Adult-use concentrates

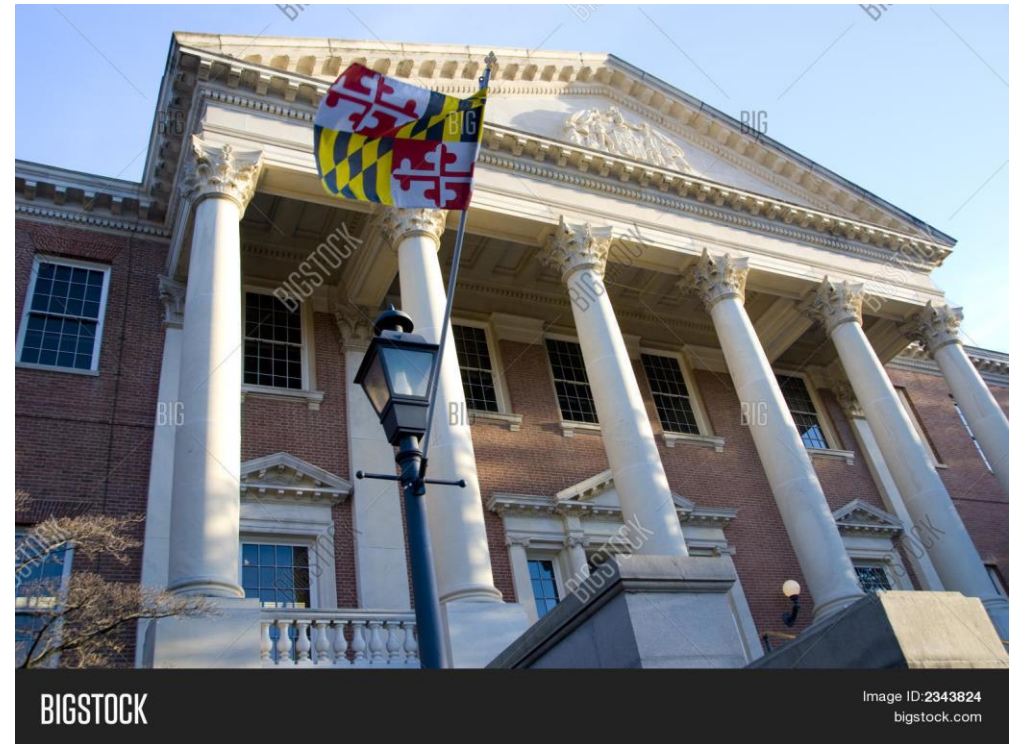
# MCA Report on Consumption Sites

- Reviews different on-site consumption business types and highlights statutory changes that may be required in MD to adopt these models.
- Considers two main models:
  - On-site consumption establishment that can make and sell its own edible products.
  - On-site consumption establishment that allows indoor smoking.
- Recommends changes to the law based on which model the MGA prefers:
  - Revise the law to allow consumption sites to prepare and serve food on-site.
  - Revise the law to allow people to smoke indoors in on-site consumption lounges.

# Maryland Cannabis Legalization and Workplace Safety

# Maryland Cannabis Legalization

- Adult-use cannabis was legalized in Maryland in 2023.
- Legalized cannabis use for adults 21 years and older, within certain possession limits.
- Cannabis remains illegal on the federal level.
  - Workplaces that receive federal funds may be required to drug test and have a no-drug policy.
  - Limits protections for legal medical use.



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# Decriminalization v. Legalization

- **Decriminalization:** the removal of criminal sanctions against certain activities — in this case, the possession and use of cannabis.
  - While the substance is still prohibited generally, the consequences for being found in possession of cannabis are no longer criminal. Instead, offenders may get a civil citation or be referred to related services.
  - For instance, in 2021, Maryland decriminalized cannabis use and possession within a certain amount.

# Decriminalization v. Legalization

- **Legalization:** The state permits use of cannabis, and generally, it implies some type of legal supply. While people may use cannabis without worry about being convicted or fined, limits can still be set on its use.
  - In Maryland, this looks like cannabis use and possession being legal for people 21 years or older, within the personal use amount (1.5 oz of cannabis).

# Cannabis Use and Possession Limits

- **Personal use amount:**

- 1.5 oz of usable cannabis, 750 mg of cannabis products containing delta-9 THC, or 12 grams of cannabis concentrate.
- Use and possession within this is legal and is not subject to any penalties.

- **Civil use amount:**

- 2.5 oz of usable cannabis, 1,250 mg of edible products, or 20 grams of cannabis concentrate.
- Use and possession between the personal use amount and this amount is subject to civil fines and citations.

- Use and possession above the civil use amount is subject to [criminal penalties](#).

# Adult-Use and Medical Use Cannabis

- **Adult use:** use of cannabis, within the limits of the state's legal system, for personal use.
- **Medical use:** use of cannabis in accordance with a written certification from a certifying provider.
- Adult-use legalization does not affect the medical cannabis system.

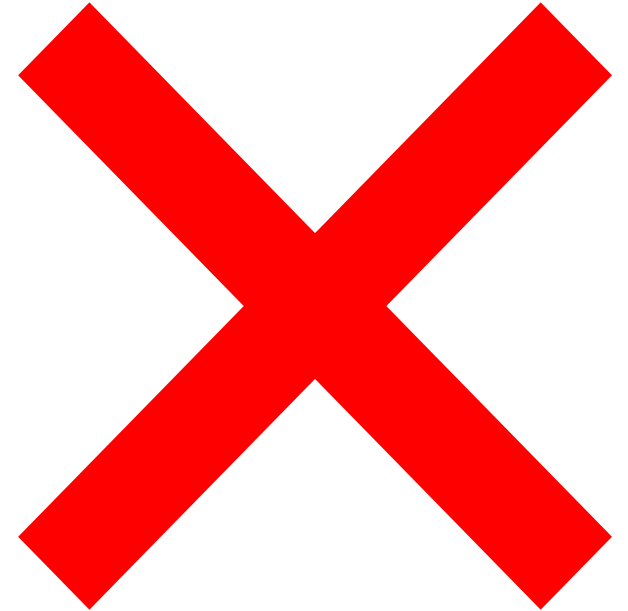


# Adult-Use and Medical Use Cannabis - Differences

- A medical cannabis user must obtain a written certification from a certifying provider.
- The main difference between adult and medical cannabis users: medical cannabis users can access more cannabis and at higher potencies.
  - Medical users can cultivate **4 personal cannabis** plants (compared to 2 personal plants).
  - Medical users can purchase cannabis edibles with up to **40 milligrams** of delta-9 THC per serving or **400 milligrams** THC per package (compared to 10/100 milligrams).
  - Medical users can purchase cannabis concentrates **greater than 1 gram** (compared to 1 gram and under).
- The State has enacted provisions to ensure that supply remains for medical cannabis users, and accommodations for medical users accessing cannabis from a dispensary.

# Limits to Legalization

- Smoking cannabis in public is prohibited.
- Smoking within apartments and condos is subject to one's lease or HOA bylaws.
- Smoking cannabis in indoor areas open to the public is prohibited.
- Smoking while driving is prohibited.
- Driving while impaired by any drug, including cannabis, is subject to criminal penalties.
- Cannabis use and possession is prohibited in federal housing.
- Cannabis use and possession is prohibited on college campuses.
- Cannabis use during pregnancy is still subject to intervention by DSS.
- **Employees can be fired for legal cannabis use outside of work.**



# Employment Protections for Cannabis Use

- Maryland is an **at-will employment** state.
  - Employers can fire employees for any reason at any time; Employees can quit for any reason at any time.
  - This includes legal activity outside of work hours.
- Many states have created employment protections for medical cannabis users, and some have extended those protections to adult-use cannabis users.
  - Most of these laws do not allow employees to consume cannabis on the job or come to work intoxicated by cannabis --> they protect **legal cannabis activity outside of work hours**.
  - Allows employers to drug test if required to maintain federal funding or grants.

# Employment Protections for Cannabis Use

- Maryland does not currently have employment protections for people who legally use recreational or medical cannabis.
- Employees can still be fired or have other adverse employment action taken against them.
- The Maryland General Assembly has proposed bills that would afford protection in employment for legal cannabis use, but none have passed.





# Employment Protections for Cannabis Users

| <b>Pros</b>  | <b>Cons</b>   |
|--|---|
| Mimic ADA protections for prescription drug use for medical cannabis users   | Concerns about workplace safety                     |
| Maryland has recognized the medical benefits of cannabis and has made the policy determination that cannabis is medicine | Compliance with federal grants and no-drug policies |
| Employment is tied to socioeconomic status   |   |
|  |   |

# Cannabis Impairment at Work



- Cannabis can be impairing, regardless of the reason for which it is used: slowed fine motor skills, lack of concentration, impaired judgement which can contribute to delayed decision-making, impaired learning, and memory and attention deficits.
- These effects can lead to unsafe situations for those working in safety-sensitive environments if employees use at work.
  - Driving or operating heavy machinery under the influence.

# Cannabis and Workplace Safety

- The issue of cannabis use and workplace safety can be broken down to two main concerns:
  - Impairment may lead to increased occupational injuries and risks.
  - There is no breathalyzer for cannabis – there is no chemical test to determine if someone is currently impaired by cannabis.
    - Current drug testing technology only captures whether cannabis has been consumed *at all*, and cannabis consumption from a week prior can show up on a drug test, long after the physiological effects and impaired functioning has worn off.



# Cannabis and Workplace Safety

- Cannabis is the most frequently used federally illicit drug among Americans.
  - About 18% of adults employed full-time and 21% of adults employed part-time reported using cannabis during the previous year.
- Data on cannabis use and workplace safety and health is limited.
  - A systemic review found that the current body of literature does not provide sufficient evidence that cannabis users are at increased or decreased risk for occupational injury, and that further high-quality research is needed to eliminate study biases and provide clarity on causality.

# Impairment Standards

- Cannabis impairment is variable with THC concentration or dose, route of administration, and the user's experience with cannabis – so it is not easy to determine if someone is intoxicated based on what someone took.
- Current studies indicate that a combination of chemical tests and field sobriety tests (FSTs) are the best way to determine intoxication.





# Impairment Standards

- Field sobriety tests: horizontal gaze nystagmus, walk and turn, and one leg stand.
  - [Marcotte](#), et. al: FSTs administered by highly trained law enforcement officers differentiated between individuals receiving THC and the placebo – however, participants receiving placebo had a high rate of poor FST performance.
    - FSTs do not by themselves provide strong objective evidence of THC-specific impairment.
  - [Beirness](#), et. al: FSTs can be successfully supplemented by a nose test and observations of physiological indicators and vital signs.
  - [Fitzgerald](#), et. al: a positive toxicology result in addition to FST observations substantially improved accuracy in determining intoxication.

# Workplace Safety – Medical and Adult-Use

- There is no difference in the plant used for medical and adult-use cannabis, and there is largely no difference in how medical and adult-use cannabis use outside of work is treated in Maryland.
  - Medical cannabis users can access more cannabis products than adult-use cannabis users and at higher doses.

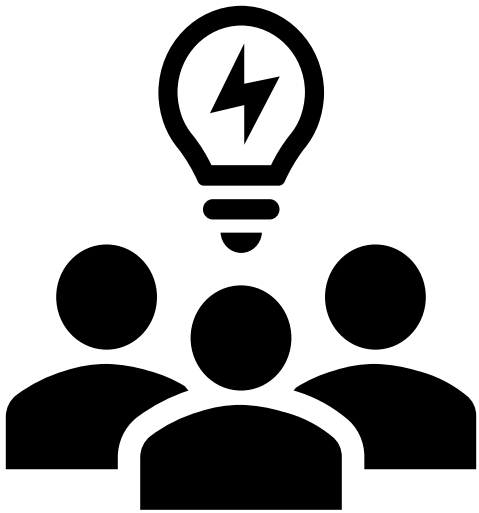


# Worker's Compensation

- The impact of cannabis use on worker's compensation claims varies state by state.
- There are three main questions regarding worker's compensation and cannabis use:
  - Determination of impairment at the time of an injured worker's accident.
  - Impact on a worker's compensation claim if the employee tested positive for state approved and/or physician recommended medical cannabis at the time of the accident.
  - Potential for reimbursement for medical cannabis used to treat a work-related injury.
- In 2021 and 2022, legislators introduced bills that would have limited a covered employee from compensation or benefits if an accident was caused by the effect of medical cannabis and the medical cannabis was not taken in accordance with the written certification of a certifying provider.
- These bills did not pass.



# Implications for Employers and Employees



- Recap: Maryland employers can fire employees for cannabis use outside of work hours, even if it is legal adult-use or medical cannabis use.
- Policy questions:
  - Does the employer wish to fire employees for legal activity taken outside of work hours?
    - Does the employer have a similar policy for other legal intoxicating substances, like alcohol?
    - What happens after a positive drug test?
  - Does the employer receive any federal funding that would require a no-drug policy?
  - Does the employer wish to distinguish between medical and adult-use cannabis use in their policy?
  - Is the employee able to adequately perform their job duties?

# Questions?

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## Hospital Reports Population Health

- GBMC
- Lifebridge Northwest
- MSFS
- SJMC
- Sheppard Pratt



## Subcommittee Reports

- Chronic Disease
- Food Security
- Homelessness
- Low Birth Weight
- Opioid Intervention
- Tobacco





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# Announcements from the Group

September 4, 2024





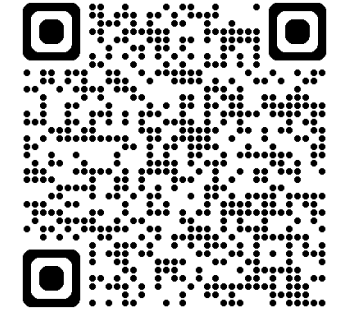
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To join an already existing walk as a walker



To create a walk and/or become a Walk Maryland Day Walk Leader





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Board - Baltimore County  
\(baltimorecountymd.gov\)](http://baltimorecountymd.gov)

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