





March 11, 2025

**FISCAL AND POLICY NOTE**

TO: Jennifer A. Jenkins  
Council Administrator

Colette R. Gresham, Esq.  
Deputy Council Administrator

THRU: Josh Hamlin   
Director of Budget and Policy Analysis

FROM: Roger G. Banegas   
Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Impact Statement  
CB-016-2025 Public Safety Employment Decisions

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**CB-016-2025** (*proposed and sponsored by Council Member Oriadha*)

Assigned to the Government Operations and Fiscal Policy (GOFP) Committee

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AN ACT CONCERNING PUBLIC SAFETY EMPLOYMENT DECISIONS for the purpose of prohibiting the County Police and Fire/EMS departments from disqualifying applicants for uniformed positions solely on the basis of a positive screening for cannabis/marijuana.

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**Fiscal Summary**

**Direct Impact**

*Expenditures:* No additional expenditures are likely as drug screenings are already a part of the hiring process.

*Revenues:* No revenue impact likely.

## Indirect Impact

Potentially favorable.

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## Legislative Summary:

CB-016-2025<sup>1</sup>, proposed and sponsored by Council Member Oriadha, was presented on February 18, 2025, and referred to the Government Operations and Fiscal Policy Committee. This Bill would prohibit the County Police and Fire/EMS departments from automatically disqualifying certain candidates solely for a positive pre-employment drug test for cannabis/marijuana. Specifically, this legislation addresses applicants for uniformed positions such as police officer and firefighter within Prince George's County. This bill expands upon legislation passed by the Council in 2023 prohibiting employers from asking candidates, including those for public safety positions, about previous consumption of cannabis or marijuana (CB-090-2023<sup>2</sup>). This bill seeks to ensure that fitness determinations for public safety positions are made holistically, and quality candidates receive due consideration.

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## Background/Current Law:

### *Current County law*

The Fair Criminal Record Screening Standards were enacted under CR-006-2015.<sup>3</sup> Current law generally prohibits a prospective private sector employer, and the County, when acting as an employer, from the following:

- requiring an applicant to disclose their criminal history on the application, including their arrest or conviction record;
- inquiring about an applicant's arrest record, conviction record, or if they have been accused of a crime prior to the first interview;
- inquiring to others about an applicant's criminal history before the first interview; and
- retaliating against any person who opposes alleged violations of the law or someone who files a complaint, testifies, or assists in any investigation pursuant to the law in any way.

When making decisions about employment, the employer may only consider certain offenses that demonstrate unfitness for the position, the time elapsed since the offenses were committed, and any evidence of inaccuracy on the record. If any employer rescinds an offer for any reason

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<sup>1</sup> [CB-016-2025](#)

<sup>2</sup> [CB-090-2023](#)

<sup>3</sup> Prince George's County-[CR-006-2015](#)

pertaining to any applicant's criminal or arrest record prior to rescission of the offer, the employer must:

- notify the applicant in writing with the intent to rescind the offer and provide the items being used to make that decision;
- provide the applicant with a copy of their criminal history; and
- delay rescinding an offer for seven days to allow the applicant to appeal the decision by alerting the employer to any inaccuracies. The applicant must receive this notice in writing from the employer.

The law exempts employers from its provisions in the following situations:

- applicants to public safety agencies or positions in the judgment of the County that have access to confidential or proprietary business or personal information, money, or items of value or involve emergency management;
- inquiries that are authorized/required by federal, state, or County law; and
- applicants who apply to agencies that provide services to minors and vulnerable adults.

The Director of the Office of Human Rights is responsible for enforcing the law, and that agency is responsible for adhering to annual reporting requirements that include demographic data on all complainants, the number of investigations conducted, and the disposition of all investigations.

CB-090-2023 established equitable standards for screening criminal records in employment practices. This includes restricting certain employers from conducting criminal background checks or asking about an applicant's criminal history until after the initial interview, mandating employers to notify applicants when withdrawing a job offer, ensuring enforcement by the Director of Office Human Rights, and introducing comprehensive regulations for the use of criminal records in the hiring process by specific employers.

#### *Decriminalization of cannabis in Maryland:*

The Maryland Cannabis Administration was established in 2014 to implement the state's medical marijuana cannabis program.<sup>4</sup> In 2022, Maryland voters approved Question 4 in a referendum on the recreational use of cannabis, which took effect on July 1, 2023.<sup>5</sup> Legislative efforts are currently being taken to provide relief to those who may experience or have already experienced socioeconomic setbacks due to cannabis-related incidents such as loss of employment opportunities due to drug screenings or incarceration.

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<sup>4</sup> [Maryland.gov – Maryland Cannabis Administration](https://www.maryland.gov/government/Departments/Health-Care-and-Long-Term-Care/Maryland-Cannabis-Administration/)

<sup>5</sup> Maryland State Board of Elections-[Maryland Question 4](https://www.maryland.gov/elections/2022/Question-4/)

### Resource Personnel:

- Eric Irving, Fiscal and Legislative Specialist
  - Tiffany Hannon, Chief of Staff for District 7 Council Member Oriadha
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### Discussion/Policy Analysis:

According to the Police Executive Research Forum, most law enforcement agencies are sensing a crisis in their ability to recruit new officers and hold on to the ones they have<sup>6</sup>. This isn't simply because police salaries are too low. Agencies are experimenting with new ways to expand their applicant pools, especially by attracting non-traditional candidates who might not otherwise have considered police work<sup>7</sup>. Agencies are also looking at ways to retain more officers by providing professional development and skill-building programs, greater attention to work-life balance issues, and offering more incentives that resonate with the new generation of officers. In response to declining numbers, some agencies have relaxed their hiring standards, especially with respect to educational levels, prior drug use, tattoos, and facial hair.<sup>8</sup>

In recent years, the landscape of cannabis use in the United States has shifted dramatically with more and more states legalizing cannabis for medical or recreational use. The change in the legal status of cannabis use has led to an expanded candidate pool as fewer people are disqualified for using marijuana. However, this has not been the case in law enforcement and emergency services positions. Police Chief Aziz stated that in Prince George's County, "...an applicant could be temporarily disqualified if they admitted to marijuana use that is not within the parameters set by Maryland Police and Correctional Training Commissions (MPCTC)<sup>9</sup>". Additionally, "the Prince George's County Police Department does not certify Police Officers as the Maryland Police Training Commission is the certifying agency for all Police Officers in the State of Maryland upon successful completion of a certified training academy." The Code of Maryland Regulations (COMAR) states in Section 12.04.01.16(G)(1)<sup>10</sup> that "the Commission may certify an applicant if the applicant's last use of marijuana preceded the applicant's date of application for certification by:

- (a) Three or more years; or
- (b) ) Less than three years, but not less than 12 months, on the condition that the applicant agrees to complete an annual substance abuse test during the two years following the applicant's date of initial certification."

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<sup>6</sup> [Police Forum - The Workforce Crisis, and What Police Agencies Are Doing About It](#)

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Email communication with Police Chief Aziz, March 10, 2025

<sup>10</sup> [Md. Code Regs. 12.04.01.16 - Prior Substance Abuse by Applicants for Certification](#)

Chief Aziz once again provided that “according to COMAR, MPCTC will not certify an officer who has used marijuana 12 months prior to their date of application. The Prince George’s County Police Department contacted MPCTC on March 7, 2025, and confirmed that this is their position. If passed, this bill would allow applicants the ability to be hired and attend the training academy. However, upon graduation, they would not be certified by MPCTC as a police officer and therefore not be able to staff the Agency’s sworn compliment”.

Under the current Section §2-231.06, County public safety agencies are exempt from some fair criminal record screening standards. However, Applicants who test positive for cannabis may be disqualified from these agencies regardless of other qualifications simply because of their positive results.

CB-016-2025 would amend Subtitle 2. *Administration*. Division 12. *Office of Human Rights*. Subdivision 10. *Fair Criminal Record Screening Standards*. §2-231.06 to add language expressing that “no applicant for a uniformed position within the County Police Department or Fire/EMS Department shall be denied certification or selection solely on the basis of a positive pre-employment screening for cannabis or marijuana”.

Allowing Applicants to be considered for employment despite having a positive test for cannabis would ensure that more qualified candidates have an equal opportunity to apply for public safety positions. This proposed legislation aligns with the State’s position on cannabis use, but not with cannabis use in public safety positions. The Applicant/Candidate pool may increase, but the public’s perception and trust in law enforcement and emergency services may decrease as they may deem public safety personnel as potentially impaired while in the line of duty.

A key concern with this legislation is the timing of drug screenings. Police Chief Aziz mentioned that drug screenings occur “during the physical exam and are one of the last steps in the background process. There are questions during the initial application and polygraph related to drug use.” Recruitment and retention for Police and Fire/EMS has become a challenge according to their FY 2025 Budget Responses. There were roughly 408 Civilian (54) and Sworn (354) General Fund Vacant positions in FY 2024 as of March 19, 2024<sup>11</sup>, for the Police Department and roughly 131 Vacant positions for Fire/EMS with 86 from the General Fund (10 Civilian, 76 Sworn) and 45 from the Grant Fund (45 Sworn positions)<sup>12</sup>. Expanding eligibility by removing the denial of Applicants who tested positive for cannabis may help with recruitment efforts.

### *Neighboring Jurisdictions*

In Montgomery County, there are plans to revise the rules on past cannabis use to aid the Police Department as it is one of the seven background disqualifiers for police officer candidates. There are roughly 166 Officer vacancies at the start of 2025, along with a wave of anticipated retirements

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<sup>11</sup> FY 2025 Budget – Police Department First Round Responses

<sup>12</sup> FY 2025 Budget - Fire/EMS First Round Budget Responses

coming<sup>13</sup>. The Police Department has increased officer pay, introduced a \$20,000 signing bonus, and hired a firm to assist with recruitment. According to Montgomery County Police Chief Marc Yamada, it would take about 1,300 officers total for the department to be at full staff. MCPD has a ratio of 1 to 1, that is, one officer for every 1,000 residents.<sup>14</sup>

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### **Fiscal Impact:**

- *Direct Impact*

Enactment of CB-016-2025 should not have any direct fiscal impact on the County. This Bill modifies existing legislation and should not require additional resources or personnel. There may be cost savings if fewer drug screenings are done because Applicants are more trusting of admitting to cannabis use during the hiring process.

- *Indirect Impact*

Enactment of CB-016-2025 may have a favorable indirect impact by reducing the number of instances in which users of a legal substance are denied the opportunity to work for the County. Additionally, improvement in the filling of law enforcement vacancies is likely to have a favorable indirect impact.

- *Appropriated in the Current Fiscal Year*

No.

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### **Effective Date of the Proposed Legislation:**

The Act shall take effect forty-five (45) days after it becomes law.

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If you require additional information or have questions about this fiscal impact statement, please reach out to me via phone or email.

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<sup>13</sup> [Montgomery County police recruitment and staffing levels remain a concern at start of 2025](#)

<sup>14</sup> Ibid.