



**BALTIMORE CITY COUNCIL  
ECONOMIC AND COMMUNITY DEVELOPMENT  
COMMITTEE**

*Mission Statement*

*On behalf of the Citizens of Baltimore City*, the Committee on Economic and Community Development (ECD) is responsible for supporting strong thriving communities. ECD will review proposed zoning and land use changes, tackle issues related to economic development, oversee housing policy, and promote equitable economic opportunity for all Baltimore residents.

**The Honorable Sharon Green Middleton**

**PUBLIC HEARING**

**October 2, 2023**

**2:00 PM**

**CLARENCE "DU" BURNS COUNCIL CHAMBERS**

**23-0380**

**Charter Amendment - Community Reinvestment and Reparations  
Fund**

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**BILL SYNOPSIS**

**Committee: Economic and Community Development**

**Bill: 23-0380**

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**Charter Amendment - Community Reinvestment and Reparations Fund**

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**Sponsor:** *President Mosby*

**Introduced:** *May 1, 2023*

**Purpose:**

For the purpose of establishing a continuing, non-lapsing Community Reinvestment and Reparations Fund, to be used exclusively to support the work of the Community Reinvestment and Reparations Commission; authorizing the Mayor and City Council, by ordinance, to provide for the oversight, governance, and administration of this Fund; and submitting this amendment to the qualified voters of the City for adoption or rejection.

**Effective:** The date it is enacted

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**Agency Reports**

Office of Equity and Civil Rights	Opposed
Department of Finance	
City Solicitor	

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## Analysis

### Current State Law

Maryland State Law (HB556) established the Community Reinvestment and Repair Fund – which is funded by the tax sales of cannabis and licensing fees. This fund is distributed to counties and municipalities in Maryland to help communities disproportionately impacted by cannabis-related arrests and law enforcement action. The Office of Social Equity in consultation with the Office of the Attorney General determines which communities are eligible to receive funds. The State fund is a special non-lapsing fund that the State Treasury holds separately and is controlled by the Comptroller.

Cannabis in Maryland is taxed at 9% and 35% of this revenue will go toward the fund. Cannabis sales in Maryland are projected to be approximately 400 million dollars which would be approximately 36 million in tax revenue and approximately 12.6 million into the state fund. The fund will receive this revenue for FY24-FY33

### Bill Summary

This bill would allow City residents to vote on a Community Reinvestment and Reparations Fund which would be a continuing, non-lapsing fund that would support the Community Reinvestment and Reparations Commission created by Council Bill 23-0353.

Funds from the State's Community Reinvestment and Repair Fund would be placed into the City's Community Reinvestment and Reparations Fund as well as any future appropriations for the Federal, State, or Local Governments.

Unspent portions of this fund would remain in the fund and can only be used for their intended purpose. They can not revert to the City's general fund and their appropriations do not lapse.

### Agency Reports

The Office of Equity and Civil Rights (OECR) is opposed to this bill. The OECR sees this as an inappropriate use of the charter amendment process. The perpetual funding from the state for the Community Reinvestment and Reparations Fund is not guaranteed past 2033. The OECR suggests that the funds could be treated as funds from the American Rescue Plan Act where or placed into the Equity Assistance Fund.

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## Additional Information

**Fiscal Note:** Not Available

**Information Source(s):** Maryland State Code Title Alcoholic Beverages and Cannabis 1-322, 23-0380 1<sup>st</sup> Reader, Agency Reports, [The Baltimore Banner](#)<sup>1</sup>

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Analysis by: Anthony Leva

Direct Inquiries to: 410-396-1091

Analysis Date: September 18, 2023

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<sup>1</sup> The Baltimore Banner “What will Baltimore spend cannabis community reinvestment funds on? We won’t know until 2024.” <https://www.thebaltimorebanner.com/politics-power/local-government/maryland-cannabis-reparation-funds-65L5VNZVZNGUHC4MM7A6QF6ANE/>

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**CITY OF BALTIMORE  
COUNCIL BILL 23-0380  
(First Reader)**

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Introduced by: President Mosby

Introduced and read first time: May 1, 2023

Assigned to: Economic and Community Development Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Office of Equity and Civil Rights

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A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Charter Amendment - Community Reinvestment and Reparations Fund**

3 FOR the purpose of establishing a continuing, non-lapsing Community Reinvestment and  
4 Reparations Fund, to be used exclusively to support the work of the Community  
5 Reinvestment and Reparations Commission; authorizing the Mayor and City Council, by  
6 ordinance, to provide for the oversight, governance, and administration of this Fund; and  
7 submitting this amendment to the qualified voters of the City for adoption or rejection.

8 BY proposing to add  
9 Article I - General Provisions  
10 Section 20  
11 Baltimore City Charter  
12 (1996 Edition)

13 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the  
14 City Charter is proposed to be amended to read as follows:

15 **Baltimore City Charter**

16 **Article I. General Provisions**

17 **§ 20. Community Reinvestment and Reparations Fund.**

18 (A) *DEFINITIONS.*

19 (1) *IN GENERAL.*

20 IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

**Council Bill 23-0380**

1 (B) *AUTHORIZATION.*

2 BY ORDINANCE, THE MAYOR AND CITY COUNCIL OF BALTIMORE MAY ESTABLISH A  
3 CONTINUING, NONLAPSING FUND FOR PURPOSES OF SUPPORTING THE WORK OF THE  
4 COMMUNITY REINVESTMENT AND REPARATIONS COMMISSION WHICH IS TO PROVIDE  
5 SUPPLEMENTAL FUNDING TO COMMUNITY-BASED INITIATIVES INTENDED TO BENEFIT  
6 LOW-INCOME COMMUNITIES DISPROPORTIONATELY HARMED BY GOVERNMENT DRUG  
7 PROHIBITION AND ENFORCEMENT POLICIES.

8 (C) *REVENUE SOURCES.*

9 THE FUND ESTABLISHED UNDER THIS SECTION SHALL COMPRISE:

10 (1) DISBURSEMENTS FROM THE STATE COMPTROLLER FROM THE STATE COMMUNITY  
11 REINVESTMENT AND REPAIR FUND; AND

12 (2) FUTURE APPROPRIATIONS FROM THE FEDERAL, STATE, OR LOCAL GOVERNMENT.

13 (D) *CONTINUING NATURE OF FUND.*

14 NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHARTER, UNSPENT PORTIONS OF THE  
15 FUND ESTABLISHED UNDER THIS SECTION:

16 (1) REMAIN IN THE FUND, TO BE USED EXCLUSIVELY FOR THEIR ORDAINED PURPOSES;

17 (2) DO NOT REVERT TO THE GENERAL REVENUES OF THE CITY; AND

18 (3) THEIR APPROPRIATIONS DO NOT LAPSE.

19 **SECTION 2. AND BE IT FURTHER RESOLVED,** That this proposed amendment to the City  
20 Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection,  
21 in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the  
22 City Solicitor.

**ECONOMIC AND COMMUNITY  
DEVELOPMENT COMMITTEE**

**23-0387  
AGENCY REPORTS**



**Office of Equity and Civil Rights**  
Dana Petersen Moore  
Director, Office of Equity and Civil Rights  
Baltimore City Chief Equity Officer

**Bill Report**  
**Bill Version: First Reader**

Council Bill 23-0380  
Economic and Community Development

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**Charter Amendment - Community Reinvestment and Reparations Fund**

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*Recommendation*

The Office of Equity and Civil Rights (OECR) has reviewed Council Bill 23-0380 and **urges an unfavorable committee report.**

*Bill Synopsis*

Council Bill 23-0380, introduced on May 1, 2023, seeks to create the Community Reinvestment and Reparations Fund; establishes a continuing, non-lapsing Community Reinvestment and Reparations Fund, to be used exclusively to support the work of the Community Reinvestment and Reparations Commission; authorizes the Mayor and City Council, by ordinance, to provide for the oversight, governance, and administration of this Fund; and submits this amendment to the qualified voters of the City for adoption or rejection.

*Position*

It is the belief of the OECR that City Council Bill 23-0380 is an inappropriate use of Baltimore City’s charter amendment process. Accordingly, we **oppose City Council Bill 23-0380.**

*Background*

The basic function of the City Charter is to provide for the operation of the City of Baltimore. The Charter accomplishes this by distributing power amongst the various agencies of City government, as well as between City government and the voters of Baltimore City. Together, with various provisions of Maryland State law, the City Charter guides the perpetual existence of the City of Baltimore. Due to its function and stature as the supreme governing document of the City of Baltimore, the City Charter is analogous to the Constitution of a state or nation and should be treated as such.

Perpetuity is understood to be the most basic tenet of any viable government enterprise. That is, if it wishes to remain a viable domicile for its residents and constituents, it must continuously provide basic services and functions. This is evidenced by Article VII of the City Charter, which calls for the perpetual existence of some of the most crucial City agencies – the Fire Department; Department of Public Works; Department of Health; Department of Transportation; Department of Recreation and Parks; Department of Housing and Community Development; and other city agencies, boards, and commissions that are crucial to the perpetual existence of the City of Baltimore.

In essence, the report highlights that the City Charter should serve two main purposes: first, to ensure the perpetual existence of the City of Baltimore, and second, to establish a framework for the City's operations that are under the control of its government.

### *Rationale*

City Council Bill 23-0380 seeks to add the Community Reinvestment and Reparations Fund to the City Charter. However, it should be noted that the City of Baltimore has no control over the flow of state monies into this fund. The viability of this fund is dependent on the State Community Reinvestment and Repair Fund, which is not intended to exist in perpetuity. Indeed, per the enabling state legislation, the Community Reinvestment and Repair Fund is only to be funded for “FISCAL YEARS 2024 THROUGH 2033.”<sup>1</sup> Therefore, without an extension by the Maryland General Assembly, the fund will cease to exist in ten years. This poses a significant challenge as it will leave the City Charter with an unfunded mandate, which is the antithesis of the perpetual nature of the City Charter.

Additionally, if the goal is to create the Community Reinvestment and Reparations Fund before the state distributes funds to Baltimore City from the Community Reinvestment and Repair Fund, a charter amendment may not be the most efficient approach to achieve this objective. There is a risk that the proposed charter amendment may not be approved by the voters of Baltimore City, which could leave the City unprepared to receive funds from the Community Reinvestment and Repair Fund. This could result in a chaotic situation where there is uncertainty about where to deposit the funds, which would not be beneficial for anyone. Considering the substantial amount of money that may come into the City through this fund, it may not be suitable to subject this decision to a popular vote. Therefore, the City Council should use its recently granted budgetary authority to make a well-informed decision on the most appropriate course of action.

### *Alternatives*

The City of Baltimore received \$641 million from the American Rescue Plan Act (ARPA) through the State and Local Fiscal Recovery Fund to address the adverse economic impacts of the COVID-19 pandemic.<sup>2</sup> As of March 30, 2023, the City has committed \$563,333,095 and spent \$90,097,228 of that amount.<sup>3</sup> Despite the absence of a specific fund in the City Charter to manage the federal funds, the City has successfully managed and allocated the funds in accordance with the explicit uses and prohibited uses outlined by the federal government. Similarly, the state Community Reinvestment and Repair Fund should be treated no differently, as it also has clear guidelines regarding its allocation. The City has demonstrated its ability to adhere to such guidelines and ensure that funds are used for their intended purpose.<sup>4</sup>

One immediately available alternative is the Equity Assistance Fund. The Equity Assistance Fund was created to fund programs that are designed to provide equity in housing; provide equitable access to education; efforts to redress past inequities in City Capital budget spending; and eliminate structural and institutional racism and other forms of discrimination based on immutable characteristics.

The Community Reinvestment and Repair Fund's purpose is to provide financial support to community-based organizations that serve communities identified by the Maryland Office of the Attorney General as

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<sup>1</sup> <https://mgaleg.maryland.gov/2023RS/bills/hb/hb0556E.pdf>

<sup>2</sup> <https://arp.baltimorecity.gov/about-3>

<sup>3</sup> <https://arp.baltimorecity.gov/sites/default/files/April%202023%20Council%20Report.pdf>

<sup>4</sup> <https://baltopi.shinyapps.io/ARPA-dashboard/>

having been most impacted by the disproportionate enforcement of marijuana prohibition prior to July 1, 2002.

The State's Community Reinvestment and Repair Fund and the City's Equity Assistance Fund share a common purpose, making the City's Equity Fund a suitable fund for housing the allocated funds meant to address the negative impacts resulting from the prohibition of marijuana within the City. By aligning these two funds, the City can effectively utilize the resources to rectify the damages caused by the prohibition and promote equity within the community. This approach ensures that the allocated monies are efficiently utilized and maximizes the potential for positive outcomes in redressing the harms associated with the marijuana ban.

Rather than establishing new funds unnecessarily, it is more prudent to utilize existing unfunded funds. Doing so reflects responsible fiscal stewardship.

### ***Conclusion***

We acknowledge the purpose of this legislation, which seeks to ensure that funds earmarked for restoring underprivileged communities are utilized solely for their intended purpose and not misused or mixed with other funds. Nevertheless, we should not proceed with a lack of confidence in our city's capacity to manage state funds effectively. Along with promoting equity and civil rights, we must also promote responsible governance, and therefore, we do not believe this is the most efficient approach.

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**Report by: The Office of Equity and Civil Rights**  
**Dana P. Moore, Director and Chief Equity Officer**  
Ty'lor Schnella, OECR Legislative Liaison

**Direct Inquiries to:** [Tylor.schnella@baltimorecity.gov](mailto:Tylor.schnella@baltimorecity.gov)

**ECONOMIC AND COMMUNITY  
DEVELOPMENT COMMITTEE**

**23-0380**

**ADDITIONAL DOCUMENTS**

[Home](#) [Table of Contents](#)**§ 1-322. Community Reinvestment and Repair Fund**

West's Annotated Code of Maryland  
Alcoholic Beverages and Cannabis  
Effective: July 1, 2023

West's Annotated Code of Maryland  
Alcoholic Beverages and Cannabis (Refs & Annos)  
Division I. General Provisions Affecting Multiple Jurisdictions [Titles 1-8] (Refs & Annos)  
Title 1. Definitions; General Provisions (Refs & Annos)  
Subtitle 3. Alcohol, Tobacco, and Cannabis Commission (Refs & Annos)

Effective: July 1, 2023

MD Code, Alcoholic Beverages, § 1-322  
Formerly cited as MD AL BEV § 13-4601

**§ 1-322. Community Reinvestment and Repair Fund**

[Currentness](#)

**In general**

(a)(1) There is a Community Reinvestment and Repair Fund.

(2) The purpose of the Fund is to provide funds to community-based organizations that serve communities determined by the Office of Social Equity, in consultation with the Office of the Attorney General, to have been the most impacted by disproportionate enforcement of the cannabis prohibition before July 1, 2022.

(3) The Comptroller shall administer the Fund.

(4)(i) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(ii) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(5) The Fund consists of:

(i) sales and use tax revenue distributed to the Fund under § 2-1302.2 of the Tax--General Article;

(ii) conversion fees paid by businesses under § 36-403 of this article; and

(iii) any other money from any other source accepted for the benefit of the Fund, in accordance with any conditions adopted by the Comptroller for the acceptance of donations or gifts to the Fund.

(6)(i) The Fund may be used only for:

1. funding community-based initiatives intended to benefit low-income communities;

2. funding community-based initiatives that serve disproportionately impacted areas, as defined in § 36-101 of this article; and

3. any related administrative expenses.

(ii) Money may not be expended from the Fund for law enforcement agencies or activities.

(iii) Money expended from the Fund is supplemental to and may not supplant funding that otherwise would be appropriated for preexisting local government programs.

(7) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(8) No part of the Fund may revert or be credited to:

(i) the General Fund of the State; or

(ii) any other special fund of the State.

(9) The Comptroller shall pay out money from the Fund.

(10) The Fund is subject to audit by the Office of Legislative Audits as provided for in § 2-1220 of the State Government Article.

**Distribution of funds; reporting requirements**

(b)(1) Based on the percentage allocable to each county determined by the Office of Social Equity and reported by the Office to the Comptroller on or before July 31 each year, the Comptroller shall distribute funds from the Fund to each county in an amount that, for the period from July 1, 2002, to January 1, 2023, both inclusive, is proportionate to the total number of cannabis possession charges in the county compared to the total number of cannabis possession charges in the State.

(2)(i) Subject to the limitations under subsection (a)(6) of this section, each county shall adopt a law establishing the purpose for which money received from the Fund may be used.

(ii) On or before December 1 every 2 years, beginning in 2024, each political subdivision that receives funds from the Fund under paragraph (1) of this subsection shall submit a report to the Governor and, in accordance with § 2-1257 of the State Government Article, the Senate Budget and Taxation Committee and the House Appropriations Committee on how funds received from the Fund were spent during the immediately preceding 2 fiscal years.

**Credits**

Added as Health General § 13-4601 by Acts 2022, c. 26, § 6, eff. July 1, 2023. Amended by Acts 2022, c. 135, § 5. Renumbered as Alcoholic Beverages and Cannabis § 1-322 and amended by Acts 2023, c. 254, §§ 3, 5, eff. May 3, 2023; Acts 2023, c. 255, §§ 3, 5, eff. May 3, 2023.

MD Code, Alcoholic Beverages, § 1-322, MD AL BEV § 1-322

Current with legislation effective through July 1, 2023, from the 2023 Regular Session of the General Assembly. Some statute sections may be more current, see credits for details.

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END OF DOCUMENT



# What will Baltimore spend cannabis community reinvestment funds on? We won't know until 2024.

[Emily Sullivan](#)

Published 7/3/2023 5:30 a.m. EDT

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Scenes from inside at the grand opening of Ceylon House, Maryland's first cannabis lounge, on March 5, 2023. (Kaitlin Newman/The Baltimore Banner)

The [first Marylanders](#) to hand over cash in exchange for legally purchased recreational marijuana Saturday began to fill a pot of state money set aside for communities with disproportionate amounts of cannabis-related arrests.

The state will charge 9% sales tax on recreational marijuana — the same as the tax on alcohol — and set aside just over a third of that money for the new Community Repair and Reinvestment Fund. Annapolis lawmakers expect dispensaries to sell [\\$400 million worth of cannabis](#)

[products](#) in the first year of legalization, which would amount to \$36 million in tax revenue.

Dayvon Love, the director of public policy for the grassroots think tank Leaders of a Beautiful Struggle, helped guide the development of the state law. He said his organization wanted to focus on repair for Black communities eviscerated by the war on drugs without that repair being contingent on participation in the cannabis industry. Next year, the state will issue a new round of licenses to sell recreational cannabis to social equity applicants — that is, Marylanders who live in or attended school in neighborhoods disproportionately affected by the criminalization of marijuana possession.

“There are all kinds of complicated structural things about selling cannabis. Folks’ participation should go beyond business opportunities and challenge traditional political traditions,” Love said.

### **More on cannabis**

- [Your definitive guide to buying recreational cannabis in Maryland](#)
- [Maryland blazes into recreational cannabis sales with parties, promotions and eager consumers](#)
- [Call it marijuana: Acknowledging the racist history of the ‘Strange Mexican Weed’](#)

The law that created the fund calls for every county in Maryland to create its own commission that will determine how to spend the money, with a few parameters: No funds can go toward law enforcement activities.

Baltimore City became the state’s first jurisdiction to create such legislation. The city council recently passed a bill sponsored by Council President Nick Mosby and Councilman Kristerfer Burnett that spells out the commission’s structure and membership; it has yet to be signed by Mayor Brandon Scott. The group will begin its work in 2024.

“In Baltimore, we’re taking steps to make sure that revenue is invested in the Black and Brown communities who were most disproportionately impacted by the failed War on Drugs,” Scott said in a written statement, adding that he will take final action on the bill before July 17.



There is a slew of research that shows Baltimore’s Black residents and Black neighborhoods were hit hardest by that enforcement, Love said.

Maryland decriminalized the possession of 10 grams or fewer of marijuana in 2014, turning the possession of such amounts into a ticketable citation rather than a criminal charge. Though the law resulted in an overall reduction of cannabis-related arrests, according to [an analysis from the Baltimore Fishbowl](#), such arrests of city residents disproportionately impacted Black residents. Of the nearly 1,500 adults and 66 minors arrested for possession in the three years after decriminalization, 96% were Black.

Police also issued citations disproportionately to Black residents, according to [a 2019 analysis from then-City State’s Attorney Marilyn Mosby’s office](#), which reported that 94% of the 675 citations from 2015 to 2019 were given to Black people and in predominantly Black neighborhoods.

## Commission membership

The city’s law creates a 17-member commission. The comptroller or their designee will be a member, while the city council president and 14 council members will propose at least one candidate each to the mayor, who has final say over membership. Should the chief executive reject any nomination, they must explain in writing why.

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“In order to determine the maximum amount of community say, the commission needs to go beyond just a mayor or county executive,” Love said.

The legislation specifies that at least one commission member is a service provider for incarcerated residents and at least one member is a part of a community-based organization that works with low-income residents. Members will serve four-year terms and must submit financial disclosure forms. The commission must publish a biannual report detailing spending.

Council members have yet to receive a deadline for their nominations, but Councilwoman Phylcia Porter, who represents the city's southwestern 10th District, said she has a candidate in mind. She declined to name them but said they have expertise in economic development and community revitalization.

“Although the criminalization of cannabis is historically tied to structural racism and economic disparities, we now have the chance to envision a new narrative — socially, culturally, and policy,” Porter said in a statement.

Councilman Mark Conway also framed the commission as a way to let communities rewrite their stories.

“It is especially important to involve low-income communities and communities of color in these decisions that will inevitably continue to affect their lives,” he said.

Love and other grassroots organizers originally pushed for the state to divert 60% of cannabis tax proceeds to the community fund. He said activists have not given up on that vision and likely will return to Annapolis for the next General Assembly of lawmakers to lobby for a higher rate of 15% sales tax, with 60% set aside for the fund.

“The legislature was clear, particularly Del. C. T. Wilson, that he did not want the state to view recreational cannabis as a major revenue stream,” he said. “Part of that I sympathize with, but we’ll likely go back to Annapolis and advocate to increase the tax rate to something that is more formidable.”

[emily.sullivan@thebaltimorebanner.com](mailto:emily.sullivan@thebaltimorebanner.com)