

February 18, 2020

Chairman Luke Clippinger
House Judiciary Committee
House Office Building, Room 101
6 Bladen Street
Annapolis MD, 21401

**RE: SUPPORT of HB0720
Criminal Law - Drug Paraphernalia for Administration - Decriminalization**

Dear Chairman Clippinger and House Judiciary Committee Members,

My name is Andrea Lopez, I am a medical anthropologist and public health researcher and Assistant Professor in the Department of Anthropology at the University of Maryland, College Park. For the last two decades I have worked both in direct service and/or drug treatment programs as well as conducted behavioral research with people who use drugs (PWUD).

I am also one of the Principal Investigators of a recent study, the Statewide Ethnographic Assessment of Drug Use and Services (SEADS). The SEADS Study investigated the experiences of people who use drugs and stakeholders across the state in order to understand drug use patterns, barriers/facilitators to services, and the potential to expand services in order to directly address barriers and negative health outcomes among PWUD in Maryland.

I am writing in strong support HB 0720, an important amendment to Maryland's paraphernalia laws which would achieve two critical goals:

- 1) bring the state closer in line with national best practices regarding the public health treatment of paraphernalia**
- 2) have our state statutes reflect findings from a large body of research that indicates that decriminalization of possession of drug use equipment supports a critical public health agenda to reduce disease transmission and reduce morbidity/mortality related to drug use**

Our study participants in Southern Maryland and the Capital Region expressed a strong desire to follow nationally-recognized public health protocols with respect to the use of drug-related equipment; however, they also expressed urgent concerns and fears that doing so would actually jeopardize their wellbeing because it put them at risk for engagement with the criminal justice system.

For instance, one participant explained his perception that possessing injection equipment would immediately result in charges: *"...they'll charge you right off the jump...they'll charge you straight possession....If it's a new needle, they'll get you for distribution of paraphernalia. If it's a used needle, they'll get you for possession of drugs."* Man, Age 32

This participant continued that to explain that charges for paraphernalia put him in a loop of criminal justice involvement, which could be time consuming and costly: *"Not once have I ever*

been caught for drugs, but if you look at my...sheet, case search, it has a bunch of possession charges because paraphernalia is also possession charges.”

The fears about possession of paraphernalia could even extend to people’s willingness to carry Naloxone, the opioid antagonist that is recognized as an essential evidence-based intervention into the overdose crisis. Some perceived that even having Naloxone could subject them to criminalization with respect to possession:

“If you get pulled over and you don’t have nothing on you, but you’ve got the Narcan, they’re going to think like, ‘Oh, yeah. Now the police know.’ Or they think, ‘Somewhere I’m associated with it. So, now they’re going to dig in my car more.’ Or they think, ‘They’re going to search me more, harass me.’ You know what I’m saying? Because I have seen people that’s clearly in active use that have denied Narcan.”—Frontline provider

The decriminalization of paraphernalia would allow PWUD to enact public health best practices regarding use of drug-related equipment to reduce disease transmission and effectively practice overdose prevention across the state. **HB 0720 provides important clarity on how paraphernalia is handled in Maryland and ensures that PWUD are able to make decisions based on public health best practices rather than merely on fear of arrest.**

Sincerely,



Andrea M. Lopez, PhD
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(The views expressed in this testimony are my own and not that of the University of Maryland.)