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Senate Bill 509/House Bill 481 Support

The Baltimore City Substance Abuse Director (BCSAD) is an advocacy and provider organization comprised of Baltimore City substance use disorders treatment providers representing all levels of care from prevention to residential treatment. Our mission is the promotion of high-quality, best-practice and effective substance use disorders treatment for the citizens of Baltimore City. We are also involved in and support legislation that ensures our citizens get the best possible care through active consideration of legislation as it relates to the health and well-being of our consumer population.

BCSAD writes to express our support for Senate Bill 509 (Criminal Law - Drug Paraphernalia for Administration - Decriminalization) with a House sponsor amendment to ensure that the bill matches the version passed by the Maryland General Assembly last year. SB509 with sponsor amendment will revise existing criminal law to remove items that could be used to consume drugs from what is considered drug paraphernalia, effectively decriminalizing possession of those items. Under current law, the use, possession, delivery, or sale of paraphernalia to inject, ingest, inhale, or otherwise introduce a controlled dangerous substance into the human body is a criminal offense in Maryland and a first-time violation is subject to a misdemeanor and \$500 maximum fine. Subsequent violations are subject to a misdemeanor, up to two years of imprisonment, and/or a maximum fine of \$2,000.

While documented program participants are exempt from prosecution for possessing hypodermic needles and other items to prevent the spread of infectious disease, the protection does not extend to those who don't have access to a program, or to those who deliver syringes on behalf of a syringe service program to those hard to reach participants. This includes people who are too afraid of public exposure to access the services on their own or individuals with physical and mental disability. This delivery tactic is known as secondary or satellite distributors. These participants are able to provide supplies to more people than actually visit the program. Unlike the myths purported by Governor Hogan in his veto message, this service is primarily conducted between people who already have a relationship with one another, such as friends and family members. Rarely do secondary distributors ever report supplying strangers with paraphernalia. The most common motivation for secondary distributors is to protect their community from the spread of diseases and to help their family and friends. In amending SB509 to match the language the bill was passed with last year, we will be protecting those family and community members who act as secondary distributors.

Equipping people to use drugs more safely is positive for everyone in the community-- not only in stemming the spread of infectious disease, but also in lifting the stigma that isolates people who use drugs. When our laws are unclear, law enforcement may use their discretion in a way that further marginalizes people who are most at risk of infectious disease and overdose, including people most disproportionately impacted by the COVID-19 pandemic.

We believe that this bill will simplify Maryland's paraphernalia laws and clarify that possession of harm reduction supplies to prevent infectious disease is not a crime. **We ask that the Judicial Proceedings Committee give SB509 a favorable report with sponsor amendments.**