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**TESTIMONY IN SUPPORT WITH AMENDMENTS**  
**Senate Bill 509 - Drug Paraphernalia for Administration - Decriminalization**  
Judiciary Committee - House - February 15, 2022

Thank you Chair Smith Clippinger, Vice-Chair Waldstreicher and committee members for the time, work, and care that you have put into improving the quality and accessibility of healthcare services for Marylanders of all ages. On Our Own of Maryland is a statewide behavioral health (BH) education and advocacy organization. Our network of 20+ affiliated peer-run Wellness & Recovery Centers throughout the state offer free, voluntary recovery support services to 5,000+ community members with mental health and substance use disorders.

**We are writing to share our support of Senate Bill 509 with the sponsor's amendment to ensure that the bill matches the version passed by the Maryland General Assembly last year (SB420).** With these amendments, the bill will effectively decriminalize the possession and secondary distribution of drug paraphernalia (e.g. clean syringes, needles, spoons, etc.), which are critical harm reduction practices.

Maryland currently considers the possession or use of these items as a criminal offense, with a few exceptions. Since 2016, Syringe Service Programs (SSPs) have been authorized to distribute harm reduction supplies to prevent the transmission of infectious diseases such as HIV and Hepatitis C, and participants of these programs were made exempt from the criminal offense of the possession of some drug paraphernalia.<sup>1</sup> Public health research has shown SSPs to be effective in preventing the spread of infectious disease and increasing access to treatment,<sup>2</sup> and having access to clean supplies (i.e. paraphernalia) has not resulted in increased rates of drug use<sup>3</sup> and other criminalized activity.<sup>4</sup>

For people who use drugs, the threat of law enforcement involvement and/or incarceration still creates fear and stigma that deters them from accessing clean supplies through the 16 currently active SSPs in Maryland.<sup>5</sup> One of our affiliated centers in Baltimore City reports some peers choose to not participate in Baltimore City Needle Exchange Program due to the very real fear of being arrested and forced through the traumatizing experience of detoxing in jail instead of in a treatment setting.

Decriminalization of drug paraphernalia is essential to expanding harm reduction programs and practices that help keep the community safer and healthier. Currently, harm reduction program workers, family members, and loved ones all put themselves at significant risk of being arrested for 'secondary distribution' when delivering clean supplies to help someone who is using drugs to avoid infection and disease.

Without the sponsor's amendment to this bill, we will lose opportunities to expand harm reduction programs and protect individuals who provide safer, sterile tools and support to people using drugs. **OOOMD is urging the committee to pass this critical piece of legislation with the sponsor's amendments.**

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<sup>1</sup> Public Health – Opioid-Associated Disease Prevention and Outreach Program (2016). SB0097 (CH0348)

<sup>2</sup> Fernandes RM, Cary M, Duarte G, et al. Effectiveness of needle and syringe programmes in people who inject drugs – An overview of systematic reviews. BMC Public Health. 2017;17(1):309. doi:10.1186/s12889-017-4210-2.

<sup>3</sup> P. Lurie, A.L. Reingold, B. Bowser (eds). The Public Health Impact of Needle Exchange Programs in the United States and Abroad: Summary, Conclusions and Recommendations (1993)

<sup>4</sup> Murphy, S., Kelley, M. S., & Lune, H. (2004). The health benefits of secondary syringe exchange. Journal of Drug Issues, 34(2), 245-268.

<sup>5</sup> <https://health.maryland.gov/phpa/Pages/Syringe-Services-Program.aspx>