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To: Members of The House Judiciary Committee

From: Doyle Niemann, Chair, Legislative Committee, Criminal Law and Practice Section

Date: February 4, 2022

Subject: **HB481 – Drug Paraphernalia for Administration - Decriminalization**

Position: **Support**

The Legislative Committee of the Criminal Law & Practice Section of the Maryland State Bar Association (MSBA) **Supports HB481 – Drug Paraphernalia for Administration - Decriminalization.**

This bill makes a number of useful and timely changes to the law applying to drug paraphernalia.

- It removes syringes and similar equipment, the inclusion of which has been a bar to a number of drug overdose reduction efforts, while leaving in other items more commonly associated with manufacturing and distribution.
- It removes language that defines paraphernalia in terms of its use to inject, ingest, and inhale substances, again, reflecting its focus on manufacturing and distribution instead of individual use.
- It removes paraphernalia associated with marijuana, closing a loophole that was left with earlier efforts to decriminalize the personal possession of small amounts.
- It modifies the language to make it clear that the focus on the statute is on manufacturing and distribution not on personal administration.
- Finally, it reduces the penalties involved for a first offense to one year from either two or four years.

These are all useful changes that aligns the statute with past reform efforts for marijuana and with the law enforcement focus more on distribution and manufacturing and less on personal use of substances, especially marijuana.

For the reasons stated, we **Support HB481 – Drug Paraphernalia for Administration – Decriminalization.**

If you have questions about the position of the Criminal Law and Practice Section's Legislative Committee, please feel free to address them to me at 240-606-1298 or at doyleniemann@verizon.net.