



PAUL DeWOLFE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
DIRECTOR OF POLICY AND DEVELOPMENT

KRYSTAL WILLIAMS
DIRECTOR OF GOVERNMENT RELATIONS DIVISION

ELIZABETH HILLIARD
ASSISTANT DIRECTOR OF GOVERNMENT RELATIONS DIVISION

POSITION ON PROPOSED LEGISLATION

BILL: HB0481 - Drug Paraphernalia for Administration - Decriminalization

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 02/11/2022

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 481. The Office of the Public Defender supports HB 481, which would decriminalize the possession and use of drug paraphernalia to inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance. It also repeals the prohibition against the delivery, manufacturing, or possessing with the intent to deliver or sell under certain circumstances.

Drug addiction is a medical condition and caging individuals is not treatment. Unfortunately, overdoses have increased during the public health crisis. In order to deal with drug addictions and overdose deaths, Maryland needs to continue the recent trend of treating addiction as a public health issue. This bill is in line with proven public health practices such as needle exchange programs that reduce the spread of HIV and Hepatitis B.

As public defenders, we have seen cases where individuals have called 911 to help a friend experiencing an overdose. However, despite Maryland's Good Samaritan law, we have seen those who call for help and those who needed medical intervention charged with possession paraphernalia for administration. Thus, the criminalization of paraphernalia hurts Maryland's effort to reduce overdose deaths and contradicts the spirit of Maryland's Good Samaritan law.

Further, the criminal statute carries a maximum four years of incarceration while drug possession carries a maximum sentence of one year incarceration. We do not think the potential of a four year sentence is in line with the legislature's recent changes to the penalties' for drug possession and paraphernalia respectively. Therefore, we support this proposed legislation.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on HB 481.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.