



Drug Paraphernalia Decriminalization in Maryland and the United States

While there are no laws prohibiting drug use in Maryland, drug paraphernalia statutes effectively criminalize people who use drugs and create barriers to safer practices. In considering methods to address these issues, we investigated drug paraphernalia statutes across the United States. This research identified three legislative strategies that state governments tend to employ: (1) the full absence of criminal statutes prohibiting the possession of drug paraphernalia, (2) the removal of certain items from the criminal definition of drug paraphernalia, and (3) the addition of defined legal protection for certain items that could be considered drug paraphernalia. This research only identifies legislative strategies for addressing paraphernalia statutes and does not include an analysis into the consequential legal outcomes for people who use drugs.

Drug Paraphernalia Statutes in Maryland

- [§ 5-619 Drug Paraphernalia](#)
- [MD Health 24, Subt. 9 Opioid-Associated Disease Prevention and Outreach Programs](#)
 - See [§ 24-901 Definitions](#), [§ 24-908 Immunity from criminal prosecution, exemptions](#), [§ 24-909 Possession Offenses](#)

Three Strategies for Decriminalization

1. *No criminal statutes prohibiting the possession of drug paraphernalia.*

AK, MI, OR, WV, WY

- i. **Benefits:** Possession of all forms of paraphernalia is completely deregulated at the state level
- ii. **Gaps:** Does not decriminalize sale and distribution of paraphernalia, local governments may create laws prohibiting possession of paraphernalia

2. *Removal of certain items from the criminal definition of drug paraphernalia.*

CO, CT, D.C., ME, MA, NM, NV, NH, NJ, SC, WI

- i. **Benefits:** Possession of hypodermic devices is decriminalized
- ii. **Gaps:** Does not include other forms of paraphernalia, criminal statutes can prohibit possession of hypodermic devices (but they are not in



relation to “drug paraphernalia”); sometimes injection-specific so does not protect tools used for other routes of administration

3. *Specifically defined legal protections of certain items that could be considered drug paraphernalia.*

CA, ME, MA, MN, NV, VT, WI

- i. **Benefits:** Direct language prevents misinterpretation of the law
- ii. **Gaps:** Legal protections do not apply to all people (i.e. SSP participants only, adults 18+ only)