

House Bill 481 - Drug Paraphernalia for Administration - Decriminalization

Judiciary Committee

February 15, 2022

Position: Favorable with Sponsor Amendments

The Mental Health Association of Maryland is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates, and concerned citizens for unified action in all aspects of mental health, mental illness, and substance use. We appreciate this opportunity to present testimony in support of House Bill 481.

HB 481 will redefine “controlled” paraphernalia to support public health and reduce drug war tactics that target drug users. This bill will repeal existing portions of the law that criminalize possession of paraphernalia for personal use, and reduce or eliminate the penalty for possession of paraphernalia for delivery or sale. We thank the sponsor for introducing this bill and would like to provide a few points on why this legislation should be passed.

According to the [Drug Policy Alliance](#), drug possession is the most arrested offense in the U.S. with an arrest every 23 seconds. Twenty-six states plus the District of Columbia have decriminalized the possession of small amounts of marijuana. Other jurisdictions are experimenting with de facto decriminalization through [Law Enforcement Assisted Diversion](#) (LEAD) programs. LEAD directs people to drug treatment or other supportive services instead of arresting and booking them for certain drug law violations, including possession and low-level sales.ⁱ

Every scientific and medical organization that has studied the issue of access to supplies that will reduce disease transmission and overdose death has concluded that sterile syringe access reduces the spread of HIV, Hepatitis, and other blood-borne diseases.ⁱⁱ Providing users with sterile supplies save lives and allows public health officials to track deadly trends such as fentanyl, in the drug supply. A major evaluation was done by the New York Academy of Medicine after New York State changed its law to allow for the non-prescription sale of syringes in pharmacies.ⁱⁱⁱ After the law changed, evaluators found no increases in the following: improperly discarded syringes, accidental needle sticks among law enforcement or sanitation workers, criminal activity, or drug use.^{iv}

For these reasons, MHAMD supports House Bill 481 and urges a favorable report with sponsor amendments.

For more information, please contact Derrell Frazier at (443) 854-1413

<https://drugpolicy.org/issues/drug-decriminalization>

ⁱⁱ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1892753/>

ⁱⁱⁱ <https://grantome.com/grant/NIH/R01-DA014219-01S1>

^{iv} https://www.health.ny.gov/diseases/aids/consumers/prevention/needles_syringes/esap/overview.htm