



## DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 27, 2024

The Honorable Luke Clippinger  
Chair, House Judiciary Committee  
Room 101 House Office Building  
Annapolis, MD 21401-1991

### **RE: House Bill 1209 – Criminal Law – Drug Paraphernalia – Penalties - Letter of Support**

Dear Chair Clippinger and Committee Members:

The Maryland Department of Health (Department) respectfully submits this letter of support for House Bill (HB) 1209 – Criminal Law – Drug Paraphernalia – Penalties.

HB 1209 alters criminal penalties for the possession of certain items that can be used by an individual to consume a controlled substance from two (2) years to one (1) or a fine from \$2,000 to \$1,000 for a subsequent violation. The first violation is limited to a fine not to exceed \$500.

The Department supports this bill, which will reduce the criminal penalties that people face for charges related to drug paraphernalia. This will help reduce the stigma surrounding substance abuse, and will improve the effectiveness of the Department's harm reduction efforts. In order to facilitate the operation of harm reduction programs that distribute paraphernalia, the Department oversees the syringe services programs (SSPs). SSPs help improve individual and community health by reducing the spread of blood-borne pathogens such as the hepatitis-C virus and HIV. Approximately 120,000 cases of HIV are directly attributable to intravenous (IV) drug use and needle sharing.<sup>1</sup> Hepatitis C is the most common bloodborne infection in the U.S. and a leading cause of liver cirrhosis and liver cancer. Hepatitis C prevalence among IV drug users is over 33%.<sup>2</sup> Both conditions place a substantial financial burden on the healthcare system, with the average lifetime cost of HIV treatment and Hepatitis C treatment costing \$370,000 and \$84,000, respectively.<sup>3</sup> A reduction in the penalty for these.

Additionally, SSPs help prevent overdose by training participants in how to use naloxone, the overdose reversal medication, and by connecting participants to other resources and forms of treatment, such as medications for opioid use disorder (MOUD)<sup>4</sup>.

Laws that criminalize substance use also disproportionately impact people of color, especially in Black communities. While there have been some improvements in the disparate rate of Black adults represented in drug arrests, Black adults are still disproportionately affected by drug arrests. In 2019, Black adults

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<sup>1</sup> CDC: Office of the Associate Director for Policy and Strategy. (2016, August 5). Access to clean syringes. Centers for Disease Control and Prevention. Retrieved February 5, 2022, from <https://www.cdc.gov/policy/hst/hi5/cleansyringes/index.html>

<sup>2</sup> Office of Infectious Disease and HIV/AIDS Policy (OIDP). (2021, July 9). Viral hepatitis in the United States: Data and Trends. HHS.gov. Retrieved February 5, 2022, from <https://www.hhs.gov/hepatitis/learn-about-viral-hepatitis/data-and-trends/index.html>

<sup>3</sup> id

<sup>4</sup> <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2022/02/drug-arrests-stayed-high-even-as-imprisonment-fell-from-2009-to-2019>

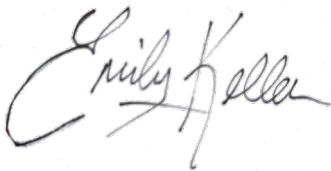
accounted for 12% of the US population but 27% of drug arrests.<sup>3</sup> A study in the New England Journal of Medicine found that individuals being released from incarceration were 12.7 times more likely than the general population to die in the two weeks following their release, with drug overdose being the leading cause of death.<sup>5</sup> At a time of such high overdose mortality in our country and in our state, it has never been more important to reduce touchpoints with incarceration for people with substance use disorder.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, our Director for the Office of Governmental Affairs, at [sarah.case-herron@maryland.gov](mailto:sarah.case-herron@maryland.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "LH Scott", enclosed in a light blue rectangular border.

Laura Herrera Scott, M.D., M.P.H.  
Secretary

A handwritten signature in black ink, appearing to read "Emily Keller", enclosed in a light blue rectangular border.

Emily Keller  
Special Secretary of Overdose Response

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<sup>5</sup> Binswanger, I. A., Stern, M. F., Deyo, R. A., Heagerty, P. J., Cheadle, A., Elmore, J. G., & Koepsell, T. D. (2007). Release from prison--a high risk of death for former inmates. *The New England journal of medicine*, 356(2), 157–165. <https://doi.org/10.1056/NEJMsa064115>