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TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Tiffany Johnson Clark
Chief, Legislative Affairs, Office of the Attorney General

RE: House Bill 1209 – Criminal Law - Drug Paraphernalia – Penalties –
Support with amendments

The Office of Attorney General respectfully urges this Committee to report favorably on House Bill 1209 - Criminal Law - Drug Paraphernalia – Penalties with amendments. House Bill 1209 (1) lowers the penalty for a second or subsequent offense for using or possessing with the intent of using drug paraphernalia from two years to one year and (2) lowers the penalty from four years to one year for certain offenses related to controlled paraphernalia.

As the opioid pandemic has illustrated, drug use and abuse are public health hazards that should be addressed holistically. Criminalizing drug users, as opposed to treating them, can be costly and counterproductive. However, does not hold true for the individuals who are manufacturing and distributing the drugs that create the public health hazard. Manufacturers and distributors should still be held accountable for the harms they are causing to communities. OAG is seeking an amendment to strike the language which lowers penalties for controlled paraphernalia.

For the foregoing reasons, the Office of the Attorney General urges a favorable with amendments report on House Bill 1209.

cc: Committee members