

MDDCSAM is the Maryland state chapter of the American Society of Addiction Medicine whose members are physicians and other health providers who treat people with substance use disorders.

HB 1057. Task Force to Study the Use and Possession of De Minimis Quantities of Controlled Dangerous Substances

FAVORABLE House Judiciary Committee February 20, 2024

The criminalization of drug possession is the largest driver of arrests in the United States. Of 1.6 million annual drug arrests in the U.S., over 80% are for possession only.

When Portugal decriminalized small amounts of all illicit drugs, HIV infection rates plummeted and overdose deaths dropped over 80% over the ensuing 15 years, without an increase in drug use. It has decisively lowered problematic drug use and has improved health outcomes.

Last week National Public Radio featured a series of reports on decriminalization in Portugal, available as audio clips or transcripts at <https://www.npr.org/people/935764762/brian-mann> Titles:

'How Portugal got the number of fatal overdoses in the country to drop 80%' (7 minutes)

'Portugal's approach to the opioid epidemic is a flashpoint in U.S. fentanyl debate' (7 minutes)

'Portugal's Success Combating its Opioid Crisis' (14 minutes)

There is no evidence that arrest or incarceration reduces drug use. It is not clear why we as a society persist in expending resources in a way that causes profound harms by arresting people for possession of small quantities of drugs. This is counter-productive and disproportionately affects black and brown communities. Prolonged separation from communities and job prospects causes lasting, profound harm to the individual's entire family. Our taxpayer dollars spent on continuing the failed war on drugs (actually, a war on people) cause the most harm to those who need the most help.

Maryland taxpayers fund worthwhile efforts to address poverty and unemployment, while also perpetuating these problems by giving people criminal records unnecessarily.

This bill would be only a preliminary step, depending on the findings of the Task Force, toward complementing the goals of the Justice Reinvestment Act, as well as successful LEAD programs (Law Enforcement Assisted Diversion), both of which divert drug offenses from the criminal justice system.

Opposition to decriminalizing possession or use of small quantities of drugs is driven by anecdotes of individuals who stopped using while incarcerated (and with the passage of time). Although this has happened in isolated cases, this approach is not supported by evidence at the population level. Available evidence suggests that person-centered approaches will help vastly greater numbers of people in achieving sobriety, improved health and functioning, and/or staying alive.

Respectfully, Joseph A. Adams MD, FASAM, Board certified in internal medicine and addiction medicine