

JPR- HB260 - MOOR - LOS.docx.pdf

Uploaded by: Emily Keller

Position: FAV



Maryland's Office of Overdose Response

Wes Moore, Governor · Aruna Miller, Lt. Governor · Emily Keller, Special Secretary of Overdose Response

March 25, 2025

The Honorable William C. Smith Jr.
Chair, Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, MD 21401-1991

RE: House Bill 0260 - Criminal Law - Drug Paraphernalia - Prohibitions and Penalties

Dear Chair Smith and committee members:

Maryland's Office of Overdose Response (MOOR) respectfully submits this letter of support for House Bill (HB) 0260, which aims to reduce penalties for possession of drug paraphernalia.

Currently, Maryland Criminal Law Article §5–619 prohibits the possession of drug paraphernalia and carries a punishment of a fine up to \$500 for a first-time offense or two years in prison and/or a fine up to \$2,000 for each repeat offense. HB 0260 keeps the \$500 penalty for a first time offense and reduces the penalties for subsequent offenses from two years to one year and/or a fine of \$1,000.

In order to facilitate the operation of harm reduction programs that distribute paraphernalia, such as syringe services programs (SSPs), §24–908 of the Health-General Article protects SSP employees or participants from arrest and prosecution for possession of paraphernalia obtained through activities connected to the program. SSPs help improve individual and community health by reducing the spread of blood-borne pathogens such as the Hepatitis-C Virus and HIV.¹ 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).²

Section 24–908 of the Health-General Article requires those in possession of drug paraphernalia to prove their connection to a verified harm reduction program. Program participants may misplace or lose their identification cards, and law enforcement officers may not respect their validity and arrest the participant anyway. In some cases, participants are able to prove that they are connected to an SSP in court and charges are dropped, but the experience can be disruptive, costly, and traumatic.

In order to destigmatize substance use disorder and acknowledge it as a public health issue rather than a criminal justice issue, we must reduce criminal penalties related to possession of drug paraphernalia. Criminalizing the possession of drug paraphernalia reinforces the idea that people who use drugs

¹ <https://www.cdc.gov/hiv/effective-interventions/prevent/syringe-services-programs/index.html>

² Ibid

deserve to be punished, rather than being offered treatment for their substance use. Further, there is no evidence that the threat of arrest or incarceration reduces drug use.

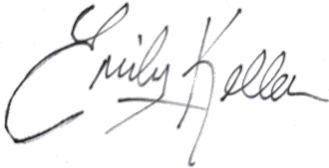
The United States has criminalized drug possession and use for many years, and this approach has not resulted in fewer drug-related deaths or healthier communities. A study found that individuals being released from incarceration were 12.7 times more likely than the general population to die in the two weeks following their release, with drug overdose being the leading cause of death.¹ 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.

These laws 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 accounted for 12% of the US population, but 27% of drug arrests.²

For these reasons, MOOR submits this letter in support of HB706.

If you would like to discuss this further, please do not hesitate to contact Benjamin Fraifeld, Associate Director for Policy & Advocacy at MOOR, 443-346-3013.

Sincerely,



Emily Keller
Special Secretary of Overdose Response

¹ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4834273/>

² <https://www.pewtrusts.org/-/media/assets/2022/02/drug-arrests-stayed-high-even-as-imprisonment-fell-from-2009-to-2019.pdf>

HB 0260_OPD Testimony Favorable_3-25-2025.pdf

Uploaded by: Krystal Williams

Position: FAV



NATASHA DARTIGUE
PUBLIC DEFENDER
KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER
MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS
ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: HB 0260 Controlled Dangerous Substances and Firearms

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: March 25, 2025

The Maryland Office of the Public Defender supports House Bill 0260 which aims to reduce penalties for Possession of Drug Paraphernalia. Currently Maryland Criminal Law Article, Section 5-619 allows for a \$500 fine for a first offense and a 2 year jail sentence and/or a \$2000 fine for each subsequent offense and Maryland Criminal Law Article, Section 5-620 allows for a 4 year jail sentence and/or a \$25,000 fine. The Maryland Office of the Public Defender believes that HB 0260 will be beneficial to those suffering from addiction as well as the larger community. The taking away of the chance of incarceration from possessing drug paraphernalia as a first offender will cause those suffering from addiction to seek out and possess safer supplies which will help control the spread of HIV, hepatitis and other diseases. Furthermore, taking the threat of incarceration off the table for possession of drug paraphernalia reduces paraphernalia littering which affects the public at large. Those suffering from addiction drop paraphernalia in order to not be incarcerated if they get stopped from the police.

Any piece of legislation that takes away incarceration for a public safety issue, the Maryland Office of the Public Defender supports wholeheartedly. Addiction will not be solved by incarcerating people for drug charges which disproportionately impact people of color. The “war on drugs” has shown us this. Addiction will only be solved through treatment and not incarceration.

For these reasons, the Maryland Office of the Public Defender supports House Bill 0260.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

Maryland Office of the Public Defender, Government Relations Division, 45 Calvert St, Suite 108, Annapolis MD 21401
For further information please contact Elizabeth Hilliard, Elizabeth.hilliard@maryland.gov 443-507-8414.

HB 0260.docx.pdf

Uploaded by: Timothy Bradford

Position: FAV



NATASHA DARTIGUE
PUBLIC DEFENDER

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MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: HB 0260 Controlled Dangerous Substances and Firearms

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: March 21, 2025

The Maryland Office of the Public Defender supports House Bill 0260 which aims to reduce penalties for Possession of Drug Paraphernalia. Currently Maryland Criminal Law Article, Section 5-619 allows for a \$500 fine for a first offense and a 2 year jail sentence and/or a \$2000 fine for each subsequent offense and Maryland Criminal Law Article, Section 5-620 allows for a 4 year jail sentence and/or a \$25,000 fine. The Maryland Office of the Public Defender believes that HB 0260 will be beneficial to those suffering from addiction as well as the larger community. The taking away of the chance of incarceration from possessing drug paraphernalia as a first offender will cause those suffering from addiction to seek out and possess safer supplies which will help control the spread of HIV, hepatitis and other diseases. Furthermore, taking the threat of incarceration off the table for possession of drug paraphernalia reduces paraphernalia littering which affects the public at large. Those suffering from addiction drop paraphernalia in order to not be incarcerated if they get stopped from the police.

Any piece of legislation that takes away incarceration for a public safety issue, the Maryland Office of the Public Defender supports wholeheartedly. Addiction will not be solved by incarcerating people for drug charges which disproportionately impact people of color. The “war on drugs” has shown us this. Addiction will only be solved through treatment and not incarceration.

For these reasons, the Maryland Office of the Public Defender supports House Bill 0260.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

HB 260 - MDH - JPR - LOSAA.docx (3).pdf

Uploaded by: Meghan Lynch

Position: FWA



Wes Moore, Governor · Aruna Miller, Lt. Governor · Ryan Moran, DrPH, MHSA, Acting Secretary

March 25, 2025

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401

RE: House Bill (HB) 260 – Criminal Law - Drug Paraphernalia - Prohibitions and Penalties – Letter of Support as Amended

Dear Chair Smith and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of support as amended for House Bill 260 – Criminal Law - Drug Paraphernalia - Prohibitions and Penalties.

HB 260 alters the 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 proposed reduction encourages the use of clean syringes and supplies; necessary for safer substance use, curbing the spread and limiting the financial impact of bloodborne pathogens. Injection drug use and needle sharing are major modifiable risk factors for contracting blood-borne pathogens such as HIV and Hepatitis C.

Clean needle programs are a crucial part of harm reduction strategies that help prevent the spread of Hep C, which in turn reduces the risk of long-term health complications, including liver cancer. These programs are effective in curbing the infection rate and improving public health outcomes¹.

Approximately 120,000 cases of HIV are directly attributable to intravenous (IV) drug use and needle sharing.² 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%.^{1,3} 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.¹ Using clean needles and reducing needle sharing substantially decreases the risk of acquiring and transmitting HIV, Hepatitis C, and other bloodborne pathogens. HB 260 reduces barriers to utilizing needle exchange services, which increases access to clean needles and decreases needle sharing.¹

HB 260 would also reduce fines and incarceration periods associated with the possession of drug paraphernalia, which disproportionately affects communities of color. Reducing fear of interaction with

¹ https://www.cdc.gov/hepatitis-c/about?CDC_AAref_Val=https://www.cdc.gov/hepatitis/hcv/cfaq.htm

² ¹ 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/h15/cleansyringes/index.html>

³ ¹ 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>

law enforcement also has the potential to increase access to and utilization of treatment services. Moreover, HB 260 aligns with the Department's key harm reduction and opioid overdose prevention and education programs whose goals are to reduce opioid-related overdoses as well as connect individuals who may be actively using to services and supports such as syringe services programs and overdose response programs.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,

Ryan B. Moran, DrPH, MHSA
Acting Secretary

Written Testimony for HB 260_ Criminal Law - Drug

Uploaded by: Trudy Tibbals

Position: UNF

Written Testimony for **HB 260**: Criminal Law - Drug Paraphernalia - Prohibitions and Penalties: Please **VOTE NO** on this bill.

Dear Judiciary Committee:

This bill is an attempt to lower the Penalties for a person convicted of [possess(ing or] distribute(ing) controlled paraphernalia under circumstances which reasonably indicate an intention to use the controlled paraphernalia for purposes of illegally administering a controlled dangerous substance. The Penalties for a conviction of this nature are way too lenient to begin with, and now they are being **lowered**. A subsequent violation penalty is being **lowered** from imprisonment of 2 years down to 1 year or the fine being **lowered** from \$2,000 to \$1,000. In another section of the bill, the penalties are being **lowered** from imprisonment of 4 years down to 1 year and the fine being **lowered** from “up to \$25,000” down to “up to \$1,000”.

What is the incentive for **lowering the criminal penalties** in this bill? How is this aimed at getting drugs off our streets and out of the hands of repeat criminals or even out of the hands of our children?

I see no good outcome of this bill. I see only more drugs and possession of drug paraphernalia being on our streets, since the penalties are being lowered. What incentives do criminals have for changing their criminal behavior if the penalties are being lowered, especially if they end up with very little jail time and very low fines like these?!

Please **VOTE NO** on this bill to show Marylanders that you are capable of being tough on crime!

Thank you.

Trudy Tibbals
Mother of 3 and Maryland resident