

HOUSE BILL 1057

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4lr2054
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By: **Delegate Ruth**

Introduced and read first time: February 7, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Task Force to Study the Use and Possession of De Minimis Quantities of**
3 **Controlled Dangerous Substances**

4 FOR the purpose of establishing the Task Force to Study the Use and Possession of De
5 Minimis Quantities of Controlled Dangerous Substances; and generally relating to
6 the Task Force to Study the Use and Possession of De Minimis Quantities of
7 Controlled Dangerous Substances.

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
9 That:

10 (a) There is a Task Force to Study the Use and Possession of De Minimis
11 Quantities of Controlled Dangerous Substances.

12 (b) The Task Force consists of the following members:

13 (1) one member of the Senate of Maryland, appointed by the President of
14 the Senate;

15 (2) one member of the House of Delegates, appointed by the Speaker of the
16 House;

17 (3) the Attorney General, or the Attorney General's designee;

18 (4) the President of the Maryland State's Attorneys' Association, or the
19 President's designee;

20 (5) the Secretary of Public Safety and Correctional Services, or the
21 Secretary's designee;

22 (6) the Secretary of Juvenile Services, or the Secretary's designee;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (7) the Secretary of Health, or the Secretary's designee;
- 2 (8) the Public Defender of Maryland, or the Public Defender's designee;
- 3 (9) the Superintendent of the Maryland State Police, or the
4 Superintendent's designee;
- 5 (10) the Special Secretary of Opioid Response, or the Special Secretary's
6 designee;
- 7 (11) the Director of the Office of Problem Solving Courts, or the Director's
8 designee;
- 9 (12) the Executive Director of the Maryland Cannabis Industry Association,
10 or the Executive Director's designee;
- 11 (13) the President of the Maryland Chiefs of Police Association, or the
12 President's designee;
- 13 (14) the President of the Maryland–DC Society of Addiction Medicine, or the
14 President's designee;
- 15 (15) the President of the Maryland Association of Addiction Professionals,
16 or the President's designee; and
- 17 (16) the following members, appointed by the Governor:
- 18 (i) one representative recommended by MedChi;
- 19 (ii) one representative of the Johns Hopkins University School of
20 Medicine;
- 21 (iii) one representative of the University of Maryland School of
22 Medicine;
- 23 (iv) one representative of the University of Maryland School of Public
24 Health;
- 25 (v) one representative of the Johns Hopkins Bloomberg School of
26 Public Health;
- 27 (vi) one representative of the Morgan State University School of
28 Community Health and Policy;
- 29 (vii) one representative of the University of Maryland School of Law;

1 (viii) one representative of the University of Baltimore School of Law;

2 (ix) one emergency medicine physician;

3 (x) one emergency medicine nurse;

4 (xi) two individuals with lived experiences with substance use
5 disorders;

6 (xii) one individual who is a family member of an individual with lived
7 experience with substance use disorders;

8 (xiii) one representative of an organization that specializes in
9 substance use disorder treatment services;

10 (xiv) one representative of an organization that specializes in
11 community public health services;

12 (xv) one representative of an organization that specializes in
13 community mental health services;

14 (xvi) one representative of an organization that specializes in
15 providing drug education programs;

16 (xvii) one representative of an organization that specializes in
17 providing community legal services;

18 (xviii) one representative of a youth-led community organization;

19 (xix) one representative of a harm reduction organization;

20 (xx) one representative of an organization led by individuals recently
21 released from incarceration;

22 (xxi) one representative of an organization that specializes in training
23 law enforcement; and

24 (xxii) one representative of an organization that specializes in serving
25 individuals experiencing homelessness.

26 (c) The Governor shall designate the chair of the Task Force.

27 (d) The Maryland Department of Health shall provide staff for the Task Force.

28 (e) A member of the Task Force:

29 (1) may not receive compensation as a member of the Task Force; but

1 (2) is entitled to reimbursement for expenses under the Standard State
2 Travel Regulations, as provided in the State budget.

3 (f) The Task Force shall:

4 (1) analyze and document the relationship between drug use and crime,
5 including the financial aspects of the illegal drug trade;

6 (2) conduct a survey of research and consult with a panel of experts to
7 recommend types of controlled dangerous substances and de minimis quantity amounts
8 that should be eligible for a civil citation for use or possession;

9 (3) review and evaluate the use of dedicated drug courts in other states
10 with de minimis quantity laws and identify best practices for current drug courts in the
11 State;

12 (4) identify alternatives to criminal justice intervention if the quantity of
13 use or possession is above the de minimis amount, such as assessments of substance use or
14 mental health disorders, or referral to drug education programs;

15 (5) determine the professional requirements for providers of the drug
16 education programs under item (4) of this subsection to be eligible for such referrals;

17 (6) investigate ways to increase the availability of the following:

18 (i) low barrier substance use disorder treatment that is
19 evidence-informed, trauma-informed, culturally responsive, patient-centered, and
20 nonjudgmental;

21 (ii) peer support and recovery services;

22 (iii) transitional, supportive, and permanent housing for individuals
23 with substance use disorder; and

24 (iv) harm reduction interventions including overdose prevention
25 education, access to naloxone hydrochloride and sterile paraphernalia, other medications
26 used in addiction treatment, and overdose prevention sites;

27 (7) recommend ways to connect individuals cited for possession of de
28 minimis quantities of controlled dangerous substances to programs and services
29 investigated in item (6) of this subsection;

30 (8) identify situations in which a de minimis quantity civil offense
31 provision would not apply;

32 (9) identify fine amounts for first-time and subsequent civil offenses under

1 a de minimis quantity law, and alternative provisions for individuals unable to pay fines;

2 (10) identify ways in which youth under the age of 21 years might be treated
3 differently under a de minimis quantity law;

4 (11) identify professional training needs for criminal justice actors to
5 encourage informed and fair implementation of a de minimis quantity law and determine
6 the professional requirements of training entities to be eligible to provide the training; and

7 (12) make any other recommendations that the Task Force considers
8 relevant regarding the implementation of a de minimis quantity law on a statewide basis.

9 (g) On or before October 1, 2025, the Task Force shall report its findings and
10 recommendations to the Governor and, in accordance with § 2-1257 of the State
11 Government Article, the General Assembly.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
13 1, 2024. It shall remain effective for a period of 2 years and, at the end of June 30, 2026,
14 this Act, with no further action required by the General Assembly, shall be abrogated and
15 of no further force and effect.