



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND • GENERAL • ASSEMBLY

2025 Session
HB0556

Drug Paraphernalia for Administration - Decriminalization

Bill Summary

This bill (1) reduces penalties for offenses involving drug paraphernalia and controlled paraphernalia; (2) repeals specified prohibited acts under existing prohibitions involving drug paraphernalia; (3) narrows the definition of “controlled paraphernalia” by removing references to specified items; (4) repeals the prohibition on possessing or distributing controlled paraphernalia to administer a controlled dangerous substance (CDS); and (5) removes measuring spoons from the list of items commonly used to engage in specified CDS-related acts for purposes of establishing an unlawful intent to use controlled paraphernalia to engage in those acts.

Racial Equity Impact Statement

The bill’s modified definition of controlled drug paraphernalia will decrease the number of individuals charged and convicted for CDS paraphernalia offenses related to the personal use of CDS. The bill’s reduced penalties will also shorten incarceration periods for those jailed for violating prohibitions against the use or possession of certain drug paraphernalia and delivery or sale of drug paraphernalia. Limited data on arrests from the Department of State Police (DSP) for the group of CDS paraphernalia offenses modified by the bill does not indicate racial or ethnic disparities for people of color. The overall impacts of the bill on various demographic groups cannot be reliably estimated as the available data does not distinguish between paraphernalia offenses related to personal use and those related to the sale or distribution of CDS.

Analysis

The bill repeals the prohibition against CDS paraphernalia, adulterants, and dilutants that are used to inject, ingest, inhale, or otherwise introduce a CDS into the human body. Accordingly, the bill
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alters an element of the criminal prohibition against possession or distribution of controlled paraphernalia to include possession or distribution of controlled paraphernalia for purposes of manufacturing, distributing, or dispensing (rather than administering) a CDS.

The bill also specifies that the prohibition on the use of or possession with the intent to use drug paraphernalia and the delivery or sale, or manufacture or possession with the intent to deliver or sell, drug paraphernalia, does not apply if the paraphernalia will be used to inject, ingest, inhale, or otherwise introduce into the human body a CDS. Finally, the bill removes a measuring spoon as an item commonly used to illegally manufacture, distribute, or dispense a CDS for purposes of establishing an unlawful intent to use controlled paraphernalia to engage in these activities.

The bill also reduces penalties related to controlled paraphernalia from a maximum penalty of four years imprisonment and/or a \$25,000 fine to a maximum penalty of one year imprisonment and/or a \$1,000 fine. Subsequent offender penalties for violation of the prohibitions against the use or possession of drug paraphernalia and the delivery or sale of drug paraphernalia are reduced from a maximum penalty of two years imprisonment and/or \$2,000 fine to a maximum penalty of one year imprisonment and/or \$1,000 fine.

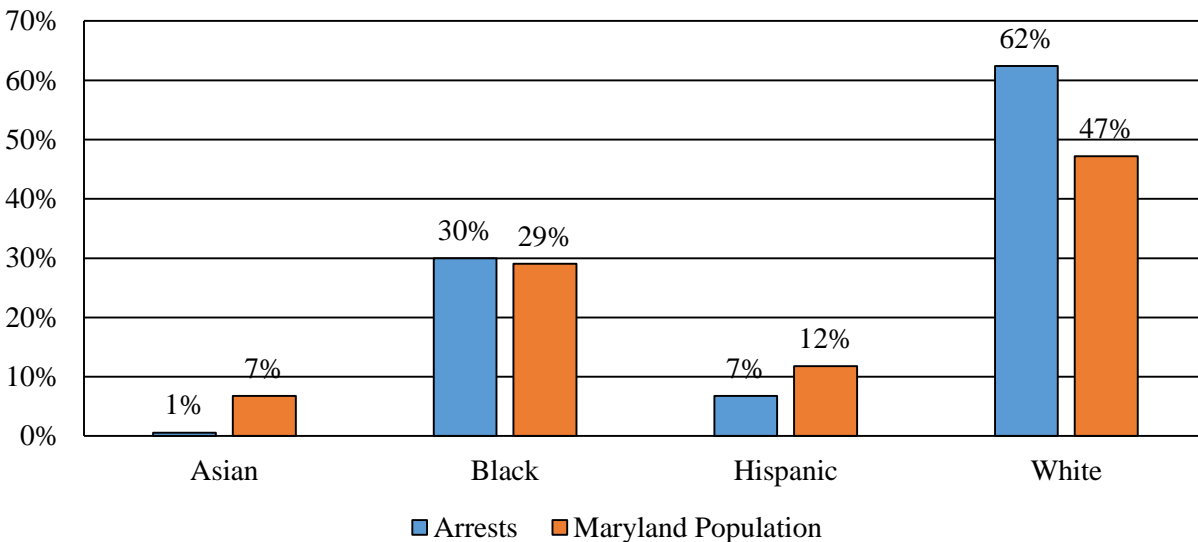
Drug Paraphernalia Arrests

The DSP crime reporting program is currently in the process of moving from its current reporting system to the Federal Bureau of Investigation's (FBI) National Incident Based Reporting System (NIBRS). Effective January 1, 2021, the FBI mandated this change in crime reporting from the existing Summary Reporting System to NIBRS. The move to NIBRS is designed to improve the quality and quantity of crime data collected by law enforcement agencies. As of November 15, 2024, most law enforcement agencies in Maryland have completed the transition to NIBRS. This includes all primary agencies (county police/sheriff) in 22 counties and Baltimore City. The 2023 data cited in this analysis is from NIBRS reporting agencies.

In general, NIBRS classifies drug/narcotic offenses as those that pertain to the illegal production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. Specifically, "drug equipment" or CDS paraphernalia violations refer to the unlawful manufacture, sale, purchase, possession, or transportation of equipment or devices utilized in preparing and/or using drugs or narcotics.

The available DSP arrest data for drug equipment/paraphernalia offenses suggest no disparities exist that impact people of color in the State. During 2023, NIBRS reporting agencies reported 4,245 drug equipment violations resulting in 681 arrests. As shown in **Exhibit 1**, Black and white arrestees comprised 30% and 62%, respectively, of the total arrestees. Hispanic arrestees comprised 7% and Asian arrestees comprised 1% of the total. Other racial groups not shown in the exhibit (*i.e.*, American Indian or Alaska Native and Native Hawaiian or Other Pacific Islander individuals) accounted less than 1% of total arrestees. The data includes arrests for possession of drug paraphernalia for both personal use and for the manufacture, sale, or distribution of CDS, and does not distinguish between the two purposes.

Exhibit 1
Drug Equipment Violation Arrests in Maryland
2023



Source: Department of State Police; Department of Legislative Services

Conclusion

Generally, the bill will decrease the number of individuals charged, convicted, and sentenced for specified CDS paraphernalia offenses. The bill's reduced penalties will also shorten incarceration periods for those jailed for violating prohibitions against the use or possession of certain drug paraphernalia and delivery or sale of drug paraphernalia.

The bill's overall impact on various demographic groups cannot be reliably estimated as no granular data is available on arrests and sentencing for drug paraphernalia offenses. The annual *Uniform Crime Report* published by DSP releases composite data on various drug-related and other offenses but does not isolate paraphernalia arrests by type of drug equipment or purpose. Determining the actual racial equity impacts of the bill would require additional demographic data regarding the offenses in the bill, grouped by intent or purpose, including data that captures by racial and ethnic group the distribution of penalties related to use and possession of hypodermic syringes, needles, or any other object or combination of objects adapted to administer a CDS by hypodermic injection.

Information Sources: Department of State Police; Department of Legislative Services

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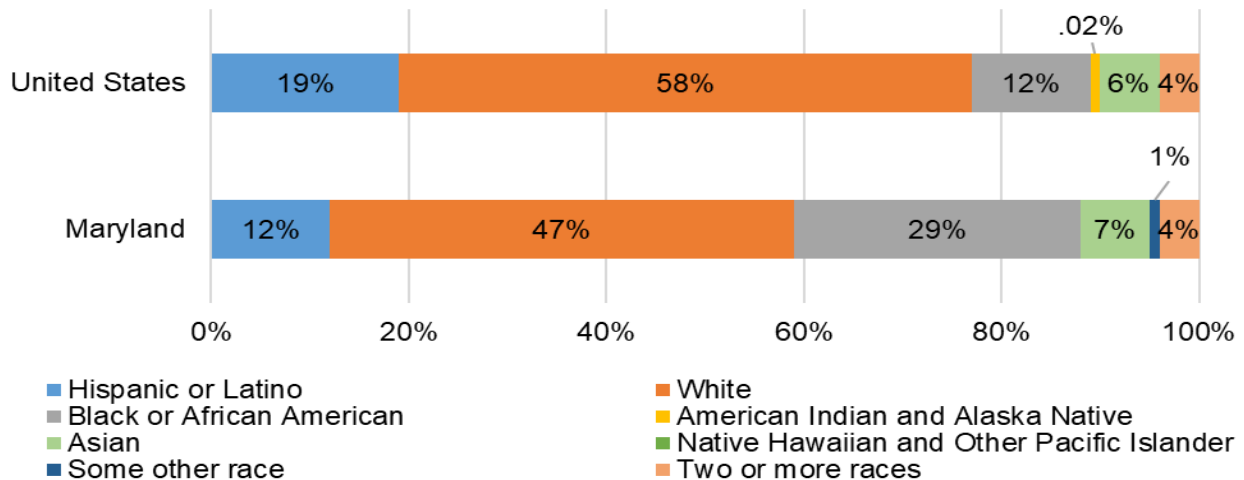
Appendix – Maryland Demographics

Race and Ethnicity of the Maryland Population

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. In addition to an increase in population, Maryland’s racial demographics have become more diverse. Maryland is now a state in which racial minorities make up a majority of its total population. Notable changes relevant to this shift are the increase in groups who identify as “other” and “multiracial” (*i.e.*, two or more racial identities), which total 5% of the State’s population. Additionally, the change in demographics is due to the decrease in the number of individuals who only report “white” as their racial group. Despite this decrease, non-Hispanic whites remain the largest single race demographic group in the State of Maryland comprising 47% of the State’s population.

Compared to the U.S. population overall, Maryland’s population of individuals who identify as a single race is more diverse. Maryland is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). As shown in **Exhibit 1**, in Maryland, 47% identify as white alone compared to 58% of the national population. Similarly, 51% of the population identify as non-white or multi-racial compared to 38% of the national population. In both the State and national population, the largest shares of the non-white population are individuals who are Black or African American, with 29% of the State population identifying only as Black or African American and another 2.5% identifying as Black in combination with some other race. Maryland’s Asian population is 7%, which is slightly higher than the Asian share of the national population of 6%. The State’s overall population by ethnicity, however, is slightly less diverse than the U.S. population; 12% of the State’s population identified as Hispanic or Latino compared to 19% of the U.S. population.

Exhibit 1
U.S. and Maryland Population by Race and Ethnicity
2020



Source: U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.