

HB193 – Use or Possession of a Controlled Dangerous Substance – De Minimis Quantity – **Favorable**

Committee members, Vice-Chair Atterbeary, Chair Clippinger:

Thank you for the opportunity to testify in favor of HB193, and thanks to Delegate Cardin and the co-sponsors which would have included Delegate Sydnor.

For those of you who don't know me, I served in the House of Delegates for 24 years, from 1995-2018, including 2 years on this Committee. The first bill I successfully sponsored on the issue of substance abuse was HB149 in 1998, 22 years ago. My perspective on this comes from being an Emergency Medicine physician for over 40 years. I was the first Chair of Emergency Medicine at Franklin Square Hospital, which I did for 13 years until I got elected. After that I moved to Sinai Hospital, a level 2 Trauma Center in the middle of Baltimore City, where I am still on staff. Among other activities, I volunteered at Health Care for the Homeless for 3 years and served on its Board, was staff at the VA Hospital, and was faculty at the Johns Hopkins School of Public Health.

I introduced earlier versions of this bill in 2016, 2017, 2018, and I am here to ask you to support HB193 now. Here's why.

To understand where we are, it's important to know about the origin of the War on Drugs which began in earnest in 1970 under President Nixon. His domestic policy advisor was John Ehrlichman who was later jailed for his actions in the Watergate affair. In 1994, he gave an interview in which he said, *"The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and black people. You understand what I'm saying? We knew we couldn't make it illegal to be either against the war or blacks, but by getting the public to associate*

the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did."

That policy worked... from a political perspective.

But as a public policy measure, after 50+ years, it's a tragic failure. Today, there is not one measurable outcome that's better, as you know: more overdose deaths, more crime and violence, more communities and families torn apart, millions imprisoned, lives ruined, vast sums shipped to overseas terrorist organizations, corruption and danger threatening police officers, spread of diseases...and for all that, substance abuse at greater rates than ever across every demographic in the United States.

On March 27, 2018, in the House Judiciary Committee hearing on Senate Bill 122, I asked Baltimore County State's Attorney Scott Shellenberger what percentage of crime in Baltimore County was due to drugs. His answer, "Upwards of 85%." I then asked Baltimore City Police Major Byron Conaway the same question, and his answer was "90%." You can look that up online. These numbers are very likely the same in every county, or close to it.

The financial impact is staggering. Consider these conservative estimates: 30,000 daily users in the greater Baltimore Metro area, at a daily cost of \$50, for 365 days/year means that over \$500 million is spent per year just to buy drugs. That doesn't count all the other costs to the criminal justice system, healthcare, education, businesses, community, family, spiritual. Statewide it's likely \$1billion. And where does that money go? It ends up in the hands of terrorist organizations like drug cartels, ISIS, and Taliban. We've been continuing a policy that is destroying our society from the inside while sending huge sums to those who would destroy us from the outside.

I've estimated that I've had about 170,000 direct patient encounters as an ER doc, and probably 10-40% had an underlying substance abuse issue. I talk with my patients, ask them about their lives, and then I listen. For many, too many, it was that first conviction that ruined their lives and followed them forever. Doors to employment, education, and housing closed, leaving – too often – doors to selling drugs, petty crimes, and worse wide open.

Let me be clear. No one is for substance abuse, and we ought to support every policy that works. Turning people into criminals simply does not work, at least not for simple possession of small amounts of drugs. In fact, the General Assembly has taken bipartisan steps to ameliorate some of the worst excesses of this failed policy, most notably a few years ago the Justice Re-Investment Act. But that policy, and ones such as expungement, are dealing with a problem AFTER the fact. What if we could avoid many of these BEFOREHAND?

That's just what HB193 does. Instead of saddling those at the bottom of the illegal drug pyramid with a criminal conviction that ruins lives, it creates a civil penalty and encourages medical care. After two encounters of increasing civil severity, if there's a third violation, then the current laws apply.

The bill does not legalize drug use, and it does not change the penalties for distribution or other drug-related crimes.

I understand that voting for this bill feels risky, but it's time to challenge our conventional thinking. This approach has been proven to work in other countries which took a chance and stopped the criminalization of substance abuse. It was predicted that Portugal, which embarked on new policies a decade ago, would become a haven for drug use. But the opposite happened; all their statistics of crime and usage are way down. And we've seen it here. Ending Prohibition didn't stop alcoholism or drunk driving, but the worst excesses of vast violent crime networks,

epidemic deaths from poisoned alcohol, and smuggling were eliminated.

If turning substance abusers into criminals worked, we'd have solved this problem years ago. But that has not happened.

That's why it's time for new directions. No one action will get us out of the hole we are in. This crisis needs to be addressed from multiple diverse ways, and HB193 is one that deserves your support and will make a positive difference.

Please vote Favorable on HB193.

Thank you.

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