

February 11, 2021

Senate Judicial Proceedings Committee
TESTIMONY IN SUPPORT

SB 420- Criminal Law- Drug Paraphernalia for Administration- Decriminalization

Behavioral Health System Baltimore (BHSB) is a nonprofit organization that serves as the local behavioral health authority (LBHA) for Baltimore City. BHSB works to increase access to a full range of quality behavioral health (mental health and substance use) services and advocates for innovative approaches to prevention, early intervention, treatment and recovery for individuals, families, and communities. **Baltimore City represents nearly 35 percent of the public behavioral health system in Maryland, serving over 77,000 people with mental illness and substance use disorders (collectively referred to as “behavioral health”) annually.**

Behavioral Health System Baltimore is in support of SB 420- Criminal Law- Drug Paraphernalia for Administration- Decriminalization. This bill decriminalizes the possession and use of drug paraphernalia to inject, ingest, inhale, or otherwise introduce in the human body a controlled dangerous substance (CDS). It also repeals the prohibition on possessing or distributing controlled paraphernalia under circumstances, which reasonably indicate an intention to use the controlled paraphernalia for purposes of illegally administering a CDS.

In Maryland in the first six months of 2020 there was a total of 1,326 overdose deaths. This represents an increase of 9.1 percent from the first half of 2019. During the same period Baltimore City reported 427 fatal overdose deaths¹. The increase in overdose deaths highlight how important it is to continue to promote harm reduction practices and to treat substance use disorder as a public health issue.

BHSB supports SB 420 because we recognize the criminalization of substance use and paraphernalia often prevents people from seeking treatment and supportive services. Also, current drug paraphernalia laws create a disproportionate impact on people of color further exacerbating inequities in treatment access. Evidence has shown that when there is less fear of punishment or arrest by police, individuals feel safer accessing treatment.² SB 420 will reduce the collateral damage caused by incarceration by helping to ensure that people are accessing syringe service programs or carry and use lifesaving supplies that prevent overdose deaths and the spread of infectious diseases.

Decriminalizing paraphernalia will help prioritize health and safety over punishment and begin to reduce the harm caused by the war on drugs particularly in black and brown communities. As such, **BHSB urges the Senate Judicial Proceedings Committee to support SB 420.**

¹ *Maryland Opioid Operational Command Center, 2020 Second Quarter Report* (September 2020) available at [Second-Quarter-OOCC-Report-2020-Master-Copy-9-21-20-Update.pdf \(maryland.gov\)](https://www.maryland.gov/second-quarter-oooc-report-2020-master-copy-9-21-20-update.pdf)

² Laura Vearrier, “The Value of Harm Reduction for Injection Drug Use: A Clinical and Public Health Ethics Analysis,” *Disease-a-Month* 65, no. 5 (May 2019), pp. 119–41, available at <https://doi.org/10.1016/j.disamonth.2018.12.002>.