

Bill Number: HB 488

**Scott D. Shellenberger, State's Attorney for Baltimore County
Opposed**

**WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN OPPOSITION OF HOUSE BILL 488
CONTROLLED DANGEROUS SUBSTANCE DE MINIMIS QUANTITY**

I write in opposition to House Bill 488 that would make the use of and possession of small amounts of many controlled dangerous substances a civil offense.

For a few years now, Maryland has made the possession of 10 grams or less of marijuana a civil offense. To expand this law to include other drugs, especially heroin and cocaine is misguided and dangerous.

In 2019, there were 2009 opioid-related overdose deaths in Maryland. 1078 of these were due to heroin often mixed with other substances. In the first half of 2020 in Maryland there were 1,326 alcohol and drug deaths. 90% of these were opioid related. The vast majority of these deaths were due to the addition of fentanyl to the heroin. In 2018 while heroin deaths dropped off, fentanyl deaths (often mixed with other substances) stood at 1888.

Fentanyl is 100 times more powerful than morphine. A fatal dose can come from just two to three milligrams.

In light of the danger of fentanyl being mixed with heroin, cocaine, and yes even marijuana, and the number of overdose deaths we experience, to make the possession of these drugs a civil offenses for 1st, 2nd and 3rd violations does not make sense.

Furthermore, heroin is typically sold in amounts between .2 - .3 grams. 1 gram sells for about \$1,000.00 in the Baltimore Metropolitan area. Calling 1 gram of heroin de minimus is not accurate since sellers package vials in .2 - .3 grams to sell.

Cocaine is usually sold in vials weighing .12 grams. That is how it is consumed typically. An amount of .2 grams of cocaine is sold for \$20.00. Ten vials at .2 grams each is a seller not de minimus.

40 tablets of LSD. Do I really need to say anything? The only thing worse than 40 tablets of LSD being considered de minimus is 40 tablets of Oxycodone being de minimus.

The need to keep these as criminal offenses comes from the need to get offenders in court and make sure their sentence includes treatment. While House Bill 488 requires treatment and education programs, that order does not carry as much

weight when done in the civil courts. Education and treatment ordered as a condition of probation with possible jail time for failure to comply is a great incentive to successfully complete treatment. That is the ultimate goal of all Judges.

Making the use and possession of these dangerous drugs a civil offense sends the wrong message that implies they are not dangerous.

I ask for an unfavorable report on House Bill 488.