



POSITION ON PROPOSED LEGISLATION

Bill: HB 0372 Criminal Law – Drug Paraphernalia for Administration Decriminalization

Position: Favorable

Date: January 15, 2021

The Office of the Public Defender supports HB 0372, which would decriminalize the possession and use of drug paraphernalia to inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance. It also repeals the prohibition against the delivery, manufacturing, or possessing with the intent to deliver or sell under certain circumstances.

Drug addiction is a medical condition and caging individuals is not treatment. Unfortunately, overdoses have increased during the public health crisis.¹ In order to deal with drug addictions and overdose deaths, Maryland needs to continue the recent trend of treating addiction as a public health issue. This bill is in line with proven public health practices such as needle exchange programs that reduce the spread of HIV and Hepatitis B.

As public defenders, we have seen cases where individuals have called 911 to help a friend experiencing an overdose. However, despite Maryland's Good Samaritan law, we have seen those who call for help and those who needed medical intervention charged with possession paraphernalia for administration. Thus, the criminalization of paraphernalia hurts Maryland's effort to reduce overdose deaths and contradicts the spirit of Maryland's Good Samaritan law. Further, the criminal statute carries a maximum four years of incarceration while drug possession carries a maximum sentence of one year incarceration. We do not think the potential of a four year sentence is in line with the legislature's recent changes to the penalties' for drug possession and paraphernalia respectively. Therefore, we support this proposed legislation.

¹ <https://www.baltimoresun.com/health/bs-hs-overdose-rate-maryland-coronavirus-pandemic-20210113-r1l3kzzv3jd6he2bf44wah5cbm-story.html>