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MAYOR

*Office of Government Relations
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HB 0173

February 7, 2023

TO: Members of the Judiciary Committee
FROM: Nina Themelis, Interim Director of Mayor's Office of Government Relations
RE: House Bill 173 – Drug Paraphernalia for Administration - Decriminalization
POSITION: **Support**

Chair Clippinger, Vice Chair Moon, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** House Bill 173.

HB 173 repeals the prohibition against persons possessing or distributing certain items used to administer drugs into the human body. Decriminalizing the possession of syringes and needles is in line with current public health interventions and criminal justice reforms within our jurisdiction and throughout the State. In Baltimore City, the Baltimore City Health Department and five community-based organizations provide syringe services. These syringe services programs (SSPs) distribute and collect millions of syringes each year to reduce transmission of HIV and other bloodborne infections attributed to intravenous drug use. While current statutes governing SSPs in Maryland protect clients from being found guilty of violating Section 5-619 of the Criminal Law Article, clients of Baltimore City SSPs routinely share that they are concerned about potential harassment from law enforcement if stopped while in possession of syringes. Repealing the prohibition of drug paraphernalia possession including syringes and needles will help alleviate concerns from SSP clients and also expand protections for other persons not registered with an SSP.

Drug paraphernalia laws were implemented with the intent to reduce or stop illicit drug use. However, there are no laws that actually prohibit drug use within the State of Maryland. Furthermore, such laws perpetuate stigma and prevent people who use drugs from accessing services and possessing safe use equipment. Syringe services programs are designed to provide several harm reduction services including distribution of safe injection equipment, naloxone training, linkage to treatment, and education regarding the proper disposal of used materials, including syringes. Additionally, drug paraphernalia laws can lead to improperly discarded syringes and unsafe conditions within the community when individuals who use drugs are afraid to return used syringes to an SSP program or dispose of them in a disposal kiosk, leading to syringe litter in communities.

Repealing the prohibition of controlled drug paraphernalia laws will allow syringe services programs and other evidence-based harm reduction interventions to work more effectively and, more importantly, allow individuals with substance use disorder to reduce harm to themselves and the communities they interact with and live within.

For these reasons, the BCA respectfully requests a **favorable** report on HB 173.