

# **Baltimore City Directorate - 2023 SB 762 FAV - Par**

Uploaded by: Ann Ciekot

Position: FAV



# BALTIMORE CITY

SUBSTANCE ABUSE DIRECTORATE

## OFFICERS

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HeL Recovery Center

Sean Augustus  
President-Elect  
UPC Inc./Recovery  
Network

Joan Sperlein  
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Institutes for Behavior  
Resources, Inc.

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Treasurer  
Johns Hopkins  
Hospital Broadway  
Center

Senate Bill 762 (Criminal Law – Drug Paraphernalia for Administration – Decriminalization) -  
**Support**

March 7, 2023  
Senate Judicial Proceedings Committee  
Annapolis, MD 21401

Dear members of the Senate Judicial Proceedings Committee,

We, the Baltimore City Substance Abuse Directorate (Directorate), write to express our support for SB762 to decriminalize drug paraphernalia for administration. The Directorate is a member organization composed of Substance Use Disorder (SUD) treatment programs located in Baltimore City. Many of our members also provide mental health services, crisis services, and chronic disease management services. We strongly believe that this bill will improve health and save lives for our patients and others in the community struggling with substance use.

Historically, the response to substance abuse has been to provide harsh penalties in an effort to deter use. Though well intentioned, criminalization has not been effective at reducing use and related harms and instead, has further marginalized a vulnerable population. Criminalizing drug paraphernalia encourages re-using and sharing syringes, which increases risk for infections like HIV and Hepatitis. Studies have shown that fear of being arrested is directly related to an increased likelihood of sharing syringes and other injection supplies.<sup>1</sup> Alternative approaches to criminalization have already proven successful. Syringe services programs (SSPs), where people who use drugs can exchange used needles for new clean ones, were initially opposed under the impression that they would enable and encourage drug use. This has been refuted many times over. As the CDC reports, “Nearly 30 years of research has shown that comprehensive SSPs are safe, effective, and cost-saving, do not increase illegal drug use or crime, and play an important role in reducing the transmission of viral hepatitis, HIV and other infections, new users of SSPs are five times more likely to enter drug treatment and about three times more likely to stop using drugs than those who don’t use the programs.”<sup>2</sup>

As overdoses continue to rise in Maryland, it is critical to support evidence-based policies that can reduce harms related to drug use. Decriminalization of paraphernalia can increase engagement with and expansion of SSPs as well as encourage proper disposal of supplies. Research shows that this can reduce drug use, improve health and connect people to further treatment services. We care deeply about providing treatment for those who use drugs and every day witness the challenges this population experiences in their journey to recovery. We hope to see Maryland continue taking steps to support harm reduction approaches and remove criminalization as a barrier to recovery. We ask that the Judicial Proceedings Committee give SB762 a favorable report.

Sincerely,

*Ashley Archie, LCSW-C*  
President

1. Blumenthal, R.N., Collateral damage in the war on drugs: HIV risk behaviors among injection drug users. *International Journal of Drug Policy* 10 (1999) 25-38.
2. CDC (2023). Summary of Information on The Safety and Effectiveness of Syringe Services Programs (SSPs). <https://www.cdc.gov/ssp/syringe-services-programs-summary.html>.

**SB 762\_Maryland Coalition of Families\_Fav.pdf**

Uploaded by: Ann Geddes

Position: FAV



## **SB 762 – Drug Paraphernalia for Administration – Decriminalization**

**Committee: Judicial Proceedings**

**Date: March 7, 2023**

**POSITION: Support**

**The Maryland Coalition of Families:** Maryland Coalition of Families (MCF) helps families who care for a loved one with behavioral health needs. Using personal experience, our staff provide one-to-one peer support and navigation services to family members with a child, youth or adult with a mental health, substance use or gambling challenge.

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MCF strongly supports SB 762.

The decriminalization of the possession of drug paraphernalia in Maryland is long overdue. It is one part of an overarching strategy that strives to get people with substance use disorders the treatment help that they need, rather than end up in correctional facilities.

But it is not just the possession of drug paraphernalia that must be decriminalized – distribution of drug paraphernalia must be included as well. This is especially needed to promote the use of harm reduction strategies. The decriminalization of paraphernalia proposed by this legislation will help to ensure that people are accessing services, such as syringe service programs, and will avoid unnecessary arrest and incarceration, which will reduce the need for people to re-use items that may contribute to the transmission of infectious diseases. This will have a positive public health impact on the spread of HIV and Hepatitis C.

For these reasons we urge a favorable report on SB 762.

**Contact: Ann Geddes**  
**Director of Public Policy**  
**The Maryland Coalition of Families**  
**8950 State Route 108, Suite 223**  
**Columbia, Maryland 21045**  
**Phone: 443-926-3396**  
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# **MVLS HTPP - SB 762 Drug Paraphernalia for Administ**

Uploaded by: CHERYL COUNTESS

Position: FAV

MARYLAND SENATE JUDICIAL PROCEEDINGS COMMITTEE  
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE  
IN SUPPORT OF SB 762 CRIMINAL LAW – DRUG PARAPHERNALIA  
FOR ADMINISTRATION – DECRIMINALIZATION

March 7, 2023

Susan Francis  
*EXECUTIVE DIRECTOR*

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Dennis J. Shaffer  
Sheila J. Stewart  
D'Sean Williams-Brown

Chairman Smith and distinguished members of the Committee thank you for the opportunity to testify in support of Senate Bill 762.

My name is Heather Heiman, and I am the Project Manager for the Human Trafficking Prevention Project at Maryland Volunteer Lawyers Service (MVLS). MVLS is the oldest and largest pro bono civil legal service provider to low-income Marylanders. Since MVLS' founding in 1981, our statewide panel of over 1,700 volunteers has provided free legal services to over 100,000 Marylanders in a wide range of civil legal matters. In FY22, MVLS volunteers and staff lawyers provided legal services to 7,652 people across the State.

In FY17, MVLS started the Human Trafficking Prevention Project, a co-grant project through the Governor's Office of Crime, Control, and Prevention with the University of Baltimore School of Law Human Trafficking Prevention Project Legal Clinic. The Human Trafficking Prevention Project (HTPP) at MVLS is a pro bono project that provides post-conviction relief such as expungement, shielding, and vacatur, as well as assistance with consumer, housing, and family law matters to those who meet the legal definition of a victim of human trafficking, and others who are at high risk for exploitation. Since its inception, the HTPP at MVLS has served over 200 clients who were survivors of human trafficking or at high risk for exploitation, many of whom sought legal help with criminal record relief for drug-related charges and convictions, including possession of paraphernalia. For reasons explained below, MVLS respectfully requests that the Committee returns a favorable report on SB 762.

For many individuals the HTPP serves, substance use is a common predictor of and reaction to their experiences of being trafficked. Many trafficking survivors report self-medicating to cope with what has happened to them while being trafficked. Moreover, traffickers frequently use drugs to recruit and control their victims. Being able to receive and retain safe and sterile supplies without fear of arrest for their possession will improve the health outcomes of trafficking survivors and create further opportunities for their engagement with support services.

The broad understanding that drug supplies are illegal in Maryland, and fear of arrest and convictions for paraphernalia possession, creates additional barriers to trafficking survivors seeking help from law enforcement. After an arrest or conviction for paraphernalia possession, trafficking survivors must then contend with the collateral consequences of involvement with the criminal justice system and proactively seek criminal record relief, a process often acutely re-traumatizing for the survivor.

Through our expungement work, which is a vital part of the HTPP, MVLS has assisted several clients who faced the following scenario:

Law enforcement officers arrest a trafficking victim on suspicion of drug possession, often due to having a mostly empty Ziploc bag, a used pipe, or even remnants of cigar paper discovered in a drawer or glove compartment. Despite the lack of evidence of actual drug possession, the prosecution moves forward with just a paraphernalia charge and drops the possession charge. The person then accepts a plea deal, pleading guilty to the paraphernalia charge; despite the State not meeting their burden of proof that the individual possessed drugs, this person now has a drug-related criminal record that will follow them for ten years or more.

These collateral consequences only trap people in a cycle of abuse and poverty since a criminal record makes it harder to obtain housing or employment.

Moreover, SB 762 helps further the State's efforts to align current law with the Marijuana Legalization Amendment, which allows for the use, distribution, regulation, and taxation of marijuana. Under the current drug paraphernalia criminal statute, law enforcement officers can arrest persons for having paraphernalia used for a drug that (effective July 2023) will be legal.

Senate Bill 762 would reduce this current harm by clarifying the law and lessening the risk of criminalization and negative health outcomes for trafficking survivors. For these reasons, MVLS supports Senate Bill 762. We respectfully urge a favorable report.

# **sb762 Support Paraphernalia.pdf**

Uploaded by: Christine DuFour

Position: FAV



# Maryland Criminal Defense Attorneys' Association



## Md Senate – Judicial Proceedings Committee

February 7, 2023

## Hearing on HB SB 762

## Administration – Paraphernalia Decriminalization

# MCDAA POSITION: SUPPORT

**NOTE: THE HOUSE CROSSFILE (HB173) HAS ALREADY PASSED THE HOUSE OF DELEGATES ON THIRD READER 98-38.**

**Brief bill explanation:** This bill decriminalizes certain specific paraphernalia, including paraphernalia commonly used to grow, smoke or ingest marijuana. The bill also decriminalizes possession of syringes adapted to administer CDS. The bill reduces penalties related to controlled paraphernalia from a maximum penalty of four years imprisonment and/or a \$25,000 fine to a maximum penalty of one year imprisonment and/or a \$1,000 fine. Subsequent offender penalties for violation of the prohibitions against the use or possession of drug paraphernalia and the delivery or sale of drug paraphernalia are reduced from a maximum penalty of two years imprisonment and/or \$2,000 fine to a maximum penalty of one year imprisonment and/or \$1,000 fine

**MCDAA's position:** We support the sponsor's attempt to bring Maryland law concerning paraphernalia into line with Maryland's recent legalization of marijuana use, in limited quantities, and for medical and personal consumption. Further, we support joining the national trend of decriminalizing other CDS paraphernalia. We support the legislation as written, but our support is not dependent upon the legislation's inclusion of the non-marijuana paraphernalia and/or the lowering of the penalties.

For additional information or questions regarding this legislation, please contact MCDAA Government Relations Contact John Giannetti 410.300.6393, [JohnGiannetti.mcdaa@gmail.com](mailto:JohnGiannetti.mcdaa@gmail.com)

**SB762\_FAV\_ACLUMD .pdf**

Uploaded by: David Carter

Position: FAV



**Testimony for the Senate Judicial Proceedings Committee  
March 07, 2023**

**SB 762 - Drug Paraphernalia for Administration - Decriminalization**

DAVID CARTER  
LEGAL INTERN

**FAVORABLE**

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ANDREW FREEMAN  
GENERAL COUNSEL

The ACLU of Maryland urges a favorable report on SB 762, which seeks to decriminalize the possession and use of drug paraphernalia to inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance (CDS). SB 762 also repeals the prohibition against the delivery, manufacturing, or possessing with the intent to deliver or sell under certain circumstances.

**Current drug paraphernalia laws increase drug-related harms while undermining harm reduction efforts.**

Maryland law, as well as that of the vast majority of states, currently bars the possession, use, delivery, administration, manufacturing, or possession with intent to distribute drug paraphernalia.<sup>1</sup> The definition includes the use of syringes which could be used for the safe utilization of controlled substances. These conditions force users to rely on used needles increasing the likelihood of the spread of blood-borne infectious diseases such as AIDS, HIV, hepatitis, etc.<sup>2</sup> The reuse of old needles and syringes has also been linked to overdoses,<sup>3</sup> which continue to negatively impact the lives, families, and communities affected by the drug epidemic. While Maryland law provides an exception for AIDS Prevention syringe exchange, this is limited to the city of Baltimore.<sup>4</sup>

SB 762 would alter the definition of controlled paraphernalia to remove a hypodermic syringe, needle, or any other object or combination of objects adapted to administer a CDS by hypodermic injection. The bill will also reduce penalties by

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<sup>1</sup> Md. Code Ann., Crim. Law § 5-619

<sup>2</sup> Singer, Jeffrey A., and Sophia Heimowitz. "Drug Paraphernalia Laws Undermine Harm Reduction To Reduce Overdoses and Disease, States Should Emulate Alaska." *cato.org*. The CATO Institute, June 7, 2022. [https://www.cato.org/sites/cato.org/files/2022-06/PA\\_929.pdf](https://www.cato.org/sites/cato.org/files/2022-06/PA_929.pdf).

<sup>3</sup> Singer, Jeffrey A. "Eliminate Paraphernalia Laws to Reduce Overdose Deaths." *Cato.org*. CATO Institute, July 1, 2022. <https://www.cato.org/commentary/eliminate-paraphernalia-laws-reduce-overdose-deaths>.

<sup>4</sup> "50-State Survey: Harm Reduction Laws in the United States." *networkforphl.org*. The Network for Public Health Law, September 15, 2020. <https://www.networkforphl.org/wp-content/uploads/2020/12/50-State-Survey-Harm-Reduction-Laws-in-the-United-States-final.pdf>.

shortening the incarceration periods of those jailed for violating prohibitions against the use or possession of certain drug paraphernalia and the delivery or sale of drug paraphernalia.<sup>5</sup> This would allow for and help facilitate the creation of much needed syringe service programs that would substantially increase harm reduction efforts and ultimately stymie more problematic drug use.

**The war on drugs continues to be too expensive and ineffectual to continue current practices.**

Criminal prohibition, the centerpiece of U.S. drug policy and the state of Maryland, has failed miserably. Current Maryland policies are more geared towards criminalization and stigmatization of drug use rather than treatment and eventual recovery. In order to effectively reduce problematic drug use, our drug policies should focus on methods such as prevention, research, education, and the development of comprehensive social programs to address issues that contribute to problematic drug use, such as permanent poverty, and long-term unemployment. Substance abuse disorder must be treated as a mental health issue and a public health issue, not a legal justice issue.

For these reasons, we urge a favorable report on SB 762.

AMERICAN CIVIL  
LIBERTIES UNION  
FOUNDATION OF  
MARYLAND

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<sup>5</sup> “Racial Equity Impact Note Drug Paraphernalia for Administration - Decriminalization.” Maryland Legislature . Department of Legislative Services. Accessed March 6, 2023. <https://mgaleg.maryland.gov/Pubs/BudgetFiscal/2023RS-SB0762-REIN.pdf>.

**SB 0762 MOPD Fav Testimony - 2023.pdf**

Uploaded by: Elizabeth Hilliard

Position: FAV



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
CHIEF OF EXTERNAL AFFAIRS

**ELIZABETH HILLIARD**  
ACTING DIRECTOR OF GOVERNMENT RELATIONS

**POSITION ON PROPOSED LEGISLATION**

**BILL: SB 762 Drug Paraphernalia for Administration – Decriminalization**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable**

**DATE: March 7, 2023**

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 762.

Criminalizing drug addiction makes Maryland less safe.

Senate Bill 762 would decriminalize drug paraphernalia for administration. The criminalization of addiction generally, and paraphernalia for administration specifically, drives individuals using drugs further into the shadows—making it less likely that Marylanders struggling with addiction will seek out the help that they need.

In addition, criminalizing paraphernalia for administration makes drug use more dangerous. This is because it limits access to means to reduce the risk of overdose and infection by blood-borne diseases. Senate Bill 762 is a crucial measure to reduce the harm of the opioid epidemic.

Maryland has moved past the outdated, unscientific beliefs that addiction is a choice or a moral failing. Addiction is a health problem that must be treated as such. The Maryland General Assembly has recognized this fact and acted on this knowledge by providing opportunities for sentencing modification and drug treatment for individuals in the criminal system due to addiction. We at the Office of the Public Defender have seen the immense benefits these laws have had in helping our clients and their families lead safer, healthier, and more fulfilling lives.

Senate Bill 762 would continue the General Assembly’s mission to address the issue of drug addiction productively and to make Maryland an even safer and healthier state. Decriminalizing drug paraphernalia for administration will decrease the risks of drug overdose and decrease the stigma and fear that prevents so many from accessing treatment for drug addiction.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on Senate Bill 762.**

**Submitted by: Government Relations Division of the Maryland Office of the Public Defender.**

**Authored by: Nora Fakhri, Assistant Public Defender, [nora.fakhri@maryland.gov](mailto:nora.fakhri@maryland.gov)**

# Support for SB762.pdf

Uploaded by: Elizabeth Spradley

Position: FAV

March 6, 2023

From:

Elizabeth Spradley  
2407 Madison Ave Apt 1  
Baltimore, MD 21217  
District 40

**RE: SUPPORT of Senate Bill 762  
(Drug Paraphernalia for Administration – Decriminalization - FAVORABLE with amendments)**

Dear Members,

My name is Elizabeth Spradley, I live in Baltimore City representing the 40th district. I want to thank you for your time today to discuss SB762, "Drug Paraphernalia for Administration – Decriminalization."

I have been a nurse in Baltimore City for the last 10 years. In every setting I have provided care, I have worked with people who use drugs: some out of necessity, some out of desire, and some a little of both. Today, I am here to support SB762 without amendments. These tools that we are calling drug paraphernalia are not designed, distributed, or obtained to cause harm. They are designed, distributed, and obtained to allow people to use the tools as they need while empowering people to help mitigate the spread of infectious diseases for themselves and their communities. We need to decriminalize these tools without amendments and here is a quick story of how blind people can be in the presence of these tools.

Recently, I was a hospice nurse. We had a patient who had to stay at our facility until the end of their life because the cancer spread to her eye creating a horribly disfiguring fungal wound on half of her face. The patient's husband stayed with her 24/7 leaving only to get some fresh air or gifts for his wife. Prior to coming to our facility, he was her primary caregiver. After months of caring for this patient and spending many hours with her husband who kindly insisted on helping me with any task to feel useful in the room, I see the husband's name on our security list to be searched upon any arrival to the facility because a nurse found a pipe in the room. The security plan was that the police were to be called if he was searched and they found any paraphernalia on him. The medical team never talked to the husband about the pipe yet they decided to make assumptions that this pipe was evidence of some criminal activity and he should be torn away from his dying wife's bedside. He was not a criminal, he was a loving husband.

People carrying these tools are humans trying to live their lives. Therefore, we need clear guidance from the state that these tools are not proof of criminal activity for both law enforcement and the general public. Then, hopefully, we can avoid situations like the one above where people's dignity and personal belongings are confiscated due to ignorance. Please support SB762 to decriminalize drug paraphernalia without amendments.



# **SB0762 Drug Paraphernalia Decriminalization.pdf**

Uploaded by: Emily Allen

Position: FAV

**Senate Bill 762 Drug Paraphernalia for Administration – Decriminalization**

Senate Judicial Proceedings Committee

March 7, 2022

**Position: SUPPORT**

The Mental Health Association of Maryland is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates and concerned citizens for unified action in all aspects of mental health and substance use disorders (collectively referred to as behavioral health). We appreciate the opportunity to provide this testimony in support of Senate Bill 762.

SB 762 will redefine “controlled” paraphernalia to support public health and reduce drug war tactics that target drug users. This bill will repeal existing portions of the law that criminalize possession of paraphernalia for personal use and reduce or eliminate the penalty for possession of paraphernalia for delivery or sale.

According to the [Drug Policy Alliance](#), drug possession is the most arrested offense in the U.S. with an arrest every 23 seconds. Twenty-six states plus the District of Columbia have decriminalized the possession of small amounts of marijuana. Other jurisdictions are experimenting with de facto decriminalization through [Law Enforcement Assisted Diversion](#) (LEAD) programs. LEAD directs people to drug treatment or other supportive services instead of arresting and booking them for certain drug law violations, including possession and low-level sales.

Evidence consistently shows that access to sterile syringes reduces the spread of HIV, Hepatitis, and other blood-borne diseases. Providing users with sterile supplies saves lives and allows public health officials to track deadly trends such as fentanyl, in the drug supply. A major evaluation was done by the New York Academy of Medicine after New York State changed its law to allow for the non-prescription sale of syringes in pharmacies.<sup>i</sup> After the law changed, evaluators found no increases in the following: improperly discarded syringes, accidental needle sticks among law enforcement or sanitation workers, criminal activity, or drug use.<sup>ii</sup>

**For these reasons, MHAMD supports Senate Bill 762 and urges a favorable report.**

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<sup>i</sup> <https://grantome.com/grant/NIH/R01-DA014219-01S1>

<sup>ii</sup> [https://www.health.ny.gov/diseases/aids/consumers/prevention/needles\\_syringes/esap/overview.htm](https://www.health.ny.gov/diseases/aids/consumers/prevention/needles_syringes/esap/overview.htm)

**SB0762\_Testimony.pdf**

Uploaded by: Gregory Frailey

Position: FAV

March 7, 2023

The Honorable Senator William C. Smith, Jr.  
Chair, Judicial Proceedings Committee  
2 East  
Miller Senate Office Building  
Annapolis, Maryland 21401

**RE: SUPPORT of Senate Bill 762**

**Drug Paraphernalia for Administration – Decriminalization - FAVORABLE**

Dear Chair Peña-Melnyk and House Health and Government Operations Committee Members,

On behalf of the North Ave. Mission and Red Shed Village, I am writing to express our unwavering support for SB762. This legislation will revise existing criminal law by removing items that could be used to consume drugs from their classification as drug paraphernalia. Many of us, including myself, have lived and or living experience with drug use.

For many years, the punitive policies enacted in the name of the racist war on drugs have forced people who use drugs to face incarceration, suffer social and emotional isolation, and engage in risky behaviors that put their health and that of others at risk. We believe that our community and every community in Maryland deserve more. We believe people who use drugs deserve dignity, respect, equitable health care, and justice. SB762 is a step towards healing instead of harm.

Every scientific and medical organization to study the issue has shown that legal access to sterile supplies reduces the spread of HIV, hepatitis, and other blood-borne diseases. For these health benefits to materialize in Maryland, people who use drugs need to feel as though they can access supplies without law enforcement repercussions.

Allowing people to use drugs more safely with the proper tools is positive for everyone in the community- not only in slowing/stopping the spread of infectious disease, but also in lifting the stigma that isolates people who use drugs.

In 2021, this bill successfully passed through the general assembly where it was then vetoed by then Governor, Larry Hogan. We hope that under the new administration, this legislation may have an opportunity to once again be codified into law. We urge you to give SB762 a favorable vote.

Thank You,  
Greg Frailey  
Harm Reduction Lead, North Ave. Mission // Red Shed Village  
gregfrailey@gmail.com  
717-798-1764

**2023-03-07 SB 762 OAG (Support).pdf**

Uploaded by: Hannibal Kemerer

Position: FAV

**ANTHONY G. BROWN**  
*Attorney General*



**CANDACE McLAREN LANHAM**  
*Chief of Staff*

**CAROLYN A. QUATTROCKI**  
*Deputy Attorney General*

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

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WRITER'S DIRECT DIAL NO.  
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March 7, 2023

**TO:** The Honorable William C. Smith, Jr.  
Chair, Judicial Proceedings Committee

**FROM:** Hannibal G. Williams II Kemerer  
Chief Counsel, Legislative Affairs, Office of the Attorney General

**RE:** SB0762 – Drug Paraphernalia for Administration – Decriminalization  
(Support)

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The Office of Attorney General urges a favorable report on Senate Bill 762, Senator Carter's bill to remove Controlled Dangerous Substance ("CDS") paraphernalia used for administration or consumption of CDS (as opposed to paraphernalia for manufacture or distribution) from the criminal prohibitions related to CDS paraphernalia. Senate Bill 762 also lowers the penalties related to CDS paraphernalia used for manufacture/distribution.

As the opioid pandemic has illustrated, drug use and abuse are public health hazards that should be addressed holistically. Criminalizing drug users, as opposed to treating them, can be costly and counterproductive. Senate Bill 762 is a commonsense measure to decriminalize the mere possession of drug paraphernalia.

We urge a favorable report on SB 762.

cc: Committee Members

This bill letter is a statement of the Office of Attorney General's policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or [sbrantley@oag.state.md.us](mailto:sbrantley@oag.state.md.us)

# **SB0762 Drug Paraphernalia for Administration – Dec**

Uploaded by: Isabel Klompus

Position: FAV

SB0762 Drug Paraphernalia for Administration – Decriminalization  
Isabel Klompus, LMSW  
2501 East Fairmount Ave. Baltimore, MD 21224

My Name is Isabel Klompus and I am licensed social worker in Baltimore City. I am writing in support of SB0762 Drug Paraphernalia for Administration – Decriminalization. I work in a community based organization in Southwest Baltimore and many of our clients are people who use drugs. Though it is clear that the opioid epidemic is an issue of concern, the solution is not to make the lives of people who use drugs more difficult. We know that many of our clients who use drugs are also experiencing homelessness, poverty, food insecurity and many other health problems, among the many barriers they face. The current law criminalizing paraphernalia does nothing to reduce the use of drugs or the difficulties that folks who have a substance use disorder face. In fact, the law makes it more difficult for people to access clean, hygienic tools that they need to use drugs safely.

Without access to these tools, people will continue to use drugs. Making their use less safe by reducing access to paraphernalia will do nothing to end drug use. However, without access to clean tools, people are more likely to reuse tools like syringes, or share with others. These practices raise the risk of acquiring or transmitting blood borne infection such as HIV and hepatitis C. We must make access to paraphernalia easier, not limit it or criminalize it. When we criminalize the use of paraphernalia, it only further isolates people who use drugs, as they fear prosecution for trying to attain clean tools. This may lead them to use alone, or hide their use. The rise in overdose deaths has only shown the light on how much work needs to be done to protect people who use drugs in order to save lives. No one should be penalized for trying to be safer and reduce harm to themselves and their community.



# **Paraphernalia Decrim Written Testimony, Communitie**

Uploaded by: Jessi Ahart

Position: FAV



2221 Maryland Ave, Baltimore 21217

marylandcu.org

**Testimony in Favor of SB 762  
Judicial Proceedings Committee**

Greetings Legislators,

I am writing as the executive director of one of Baltimore's top non-profit that organizes and promotes self-advocacy in partnership with low to moderate-income residents who are directly impacted by systems of injustice. We are in strong support of HB 953 to authorize overdose prevention sites (OPS) in the State of Maryland.

We were founded in 2010 with the purpose of organizing members in stigmatized, underserved and over-policed communities of Baltimore City. This mission led us to hire a spitfire, legendary organizer William Miller.

Our organizing in Baltimore's Gilmor homes and McCulloh Homes (Baltimore's 40th Legislative District) provide essential education to drug users and the families and communities that know, love and depend upon them. This education has led our people to say of OPS, "Yes, In my neighborhood!" They cannot refuse the opportunity to save lives, which far outweighs the stigma that causes people to act or vote counter to harm reduction efforts.

We humbly, yet stridently ask that this committee takes a stand against death. Take a stand against further harm and against unsubstantiated stigma. Take a stand to make Maryland a leader in preventing overdoses. If the number of homicide deaths is a public health crisis - which we argue they are - then surely overdose deaths which are double to triple those deaths should be addressed with the same sense of urgency. We have a solution, and that is OPS.

In the hundreds of safe use sites across the world, there have been no deaths due to overdoses. Overdose prevention sites save lives. As Mr. Will Miller Sr said to you last year: "The question is simple, if you dare to answer it: Do you want to save lives, or don't you?!"

**You do. Show it with your support of SB 762.**

Thank you.

Jess Ahart  
Executive Director,  
Communities United

# **HPP SB 762 Testimony- FAV.pdf**

Uploaded by: Jessica Emerson

Position: FAV

## Testimony of the Human Trafficking Prevention Project

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**BILL NO:** Senate Bill 762  
**TITLE:** Drug Paraphernalia for Administration – Decriminalization  
**COMMITTEE:** Judicial Proceedings  
**HEARING DATE:** March 7, 2023  
**POSITION:** **FAVORABLE**

Senate Bill 762 would revise the existing drug paraphernalia law to remove certain items that could be used to consume drugs from its list of prohibited items, effectively decriminalizing possession of those items. It would also protect so-called “secondary distributors” of these items from arrest. The Human Trafficking Prevention Project supports this bill because it will reduce the risk of infectious disease, arrest, *and* re-exploitation for trafficking survivors who use drugs, many of whom do so to cope with the trauma of their trafficking experience. In addition, protecting secondary distributors from arrest will increase the amount of support available to the most marginalized and isolated people who use drugs, which will decrease these users’ risk of a host of harms, including human trafficking.

Legislation passed by the Maryland General Assembly in 2016 has allowed for the expansion of syringe services programs (SSPs) statewide in order to distribute harm reduction supplies to prevent transmission of infectious diseases such as HIV and Hepatitis C. The research supporting the numerous health benefits of SSPs is clear and extensive. **Every scientific and medical organization to study the issue has shown that legal access to sterile supplies reduces the spread of HIV, hepatitis, and other blood-borne diseases.** Studies have also shown that access to supplies *does not* increase improperly discarded needles,<sup>1</sup> rates of drug use,<sup>2</sup> or other criminalized activity.<sup>3</sup> In fact, people who use SSPs are more likely to reduce injections, stop injecting altogether, begin drug treatment, and to remain in drug treatment once they start it.

**For these health benefits to materialize however, people need to trust that they can access supplies without law enforcement interference.** When supplies are broadly considered illegal, even some registered SSP participants experience harassment and citation from law enforcement who do not understand the confusing patchwork of paraphernalia exceptions.<sup>4</sup> HB 173 would also protect individuals who don’t have access to an SSP from arrest, such as Marylanders who live in rural areas and must obtain clean syringes from a pharmacy. It would also protect individuals known as secondary distributors who deliver syringes on behalf of an SSP to users who are harder to reach because of physical or mental disabilities and other forms of marginalization.<sup>5</sup> Under current law, the use, possession, delivery, or sale of paraphernalia to inject, ingest, inhale, or otherwise introduce a controlled dangerous substance into the human body is a criminal offense in Maryland and a first-time violation is subject to a misdemeanor and \$500 maximum fine. Subsequent violations are subject to a misdemeanor, up to two years of imprisonment, and/or a maximum fine of \$2,000. Any arrest, regardless of its outcome, carries with it significant collateral consequences.

**Harm reduction methods such as the decriminalization of paraphernalia are especially important to survivors of human trafficking,** given that drug use is both a common predictor of, and a reaction to, this horrific crime. Many trafficking survivors report self-medicating to cope with past trauma and were trafficked as a direct result of their addiction, while those who have survived a trafficking experience often begin using substances in an attempt to cope with what has happened or is currently happening to them. Decreasing the risk of

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<sup>1</sup> New York Academy of Medicine. New York State Expanded Syringe Access Demonstration Program Evaluation. January 15, 2003

<sup>2</sup> National Institutes of Health Consensus Panel, Interventions to Prevent HIV Risk Behaviors (Kensington, MD: National Institutes of Health Consensus Program Information Center, February 1997).

<sup>3</sup> P. Lurie, A.L. Reingold, B. Bowser (eds). The Public Health Impact of Needle Exchange Programs in the United States and Abroad: Summary, Conclusions and Recommendations (1993)

<sup>4</sup> There are several exceptions to paraphernalia criminalization under current law. The Maryland General Assembly repealed the criminal prohibition of cannabis-related paraphernalia in 2015, granted exemption for possession of some drug paraphernalia for participants of syringe service programs in 2016, and repealed the criminal prohibition of items to test or analyze drugs, like fentanyl test strips, in 2018.

<sup>5</sup> Murphy, S., Kelley, M. S., & Lune, H. (2004). The health benefits of secondary syringe exchange. *Journal of Drug Issues*, 34(2), 245-268.

incarceration while at the same time increasing safe usage and support lessens the likelihood of re-exploitation for trafficking survivors who use drugs because they are less likely to have to rely on a potential trafficker for this essential assistance, or to live their lives in the shadows where exploitation thrives as they merely try to figure out how to use more safely.

**Harm reduction measures like Senate Bill 762 are important for all people who use drugs, including survivors of trafficking.** Equipping people to use drugs more safely works not only to stem the spread of infectious disease, but also to lift the stigma that so often isolates drug users, making them vulnerable to a whole host of other harms, including human trafficking. For these reasons, the Human Trafficking Prevention Project supports Senate Bill 762 and respectfully urges a favorable report.

*For more information, please contact:  
Jessica Emerson, LMSW, Esq.  
Director, Human Trafficking Prevention Project  
(E): [jemerson@ubalt.edu](mailto:jemerson@ubalt.edu)*

# **Testimony - Para Decrim Senate 2023.pdf**

Uploaded by: Jessie Dunleavy

Position: FAV

**Senate Bill 762**  
**Drug Paraphernalia for Administration - Decriminalization - FAVORABLE**

March 6, 2023

The Honorable William C. Smith  
Chairman, Senate Judicial Proceedings Committee  
2 East, Miller Senate Office Building  
Annapolis, MD 21401

Dear Senator Smith and members of the Senate Judicial Proceedings Committee,

I am a retired educator and a lifelong resident of Maryland. I am in favor of decriminalizing the possession of drug paraphernalia because it prioritizes health and safety over criminalization, minimizing a host of drug-related harms including overdose deaths. In addition to reducing arrests and the subsequent harms inflicted on the lives of real people — most often the marginalized — this bill would reduce the burden on the criminal justice system, allowing greater focus on violent crimes.

To address the tragic number of overdose fatalities, we need a legislative commitment to evidence-based care. Punitive measures have failed to reduce the prevalence of drugs or the number of addictions and, instead, have given us mass incarceration, loss of productivity, homelessness, disease, and untreated addictions.

While there are health-centered programs that exist to minimize the harms of drug use, the criminalization of these resources compromises their effectiveness. Syringe service programs are an example. Providing clean supplies, access to social services, and connections to community resources including substance use and mental health treatment, these programs offer support for people who use drugs in lieu of punitive measures that have fueled the likelihood of death before recovery. However, possession of drug paraphernalia (without the presence of any drug) is a criminal offense, with violators subject to steep fines and imprisonment. People struggling with drug use are understandably reluctant to participate in programs that provide safe supplies if they risk arrest.

Long endorsed all leading health organizations, syringe service programs have an impressive track record of positive outcomes. Not only do they lower overdose deaths and reduce the spread of infectious diseases such as HIV, but program participants are five times more likely than non-participants to seek treatment and three times more likely to stop using drugs. These programs certainly do not enable drug use, but instead enable health and hope.

Syringe service programs are authorized in Maryland. Yet access in many jurisdictions throughout the state ranges from woefully poor to non-existent. Exceptions that do take health and safety into account often complicate interpretation of the law, creating confusion for police officers, giving rise to inequities, and penalizing people based on circumstances beyond their control. Other life-saving supplies, such as safe smoking kits, are illegal across the board despite noteworthy health benefits elsewhere. This is a phenomenon that is hard to understand given the relative safety of ingesting a drug via smoking compared to injecting.

When law enforcement practices preclude the maximization of harm reduction services, we have to re-think whether arrests and incarceration should trump health care and wellness. For people who suffer from a substance use disorder, we need interventions that put health care first. We have to put humanity and dignity at the center of our programs, and encourage the use of resources that exist to save lives. Our

practice of disempowering the vulnerable, of removing resources from them, and isolating them has failed. A rational and humane approach is needed.

Recovery from addiction is possible, but the most effective programs are underutilized due to stigma. To tackle this increasingly deadly crisis, we must figure out a way to shed the stigma and prioritize health-based solutions—a practice too often sidelined, but one that has proven effective regardless of whether the benefit is measured in humanitarian or economic terms.

In consideration of the known facts, I believe that any step to reduce criminalizing those who suffer is a step in the right direction and I urge you to support this legislation.

Respectfully submitted,

Jessie Dunleavy  
49 Murray Avenue  
Annapolis, MD 21401  
[jessie@jessiedunleavy.com](mailto:jessie@jessiedunleavy.com)  
[www.jessiedunleavy.com](http://www.jessiedunleavy.com)



# **JPC SB762 Testimony.pdf**

Uploaded by: Jill Carter

Position: FAV



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter  
In Favor of SB762  
-Drug Paraphernalia for Administration – Decriminalization-**

**Before the Judicial Proceedings Committee  
On March 7, 2023**

**Chair Smith, Vice-Chair Waldstreicher, and Members of the Committee:  
HB173, the cross file for SB 762, passed in the House Judiciary Committee  
last week.**

**SB762 will do a number of things:**

- **decriminalize paraphernalia used to administer drugs (ingest, inhale, or otherwise introduce into the body)**
- **Reduce the criminalization of people who use drugs (which we know does not help engage them in supportive services such as harm reduction programs or drug treatment)**
- **Streamline the confusing and unjust patchwork of exemptions in current law for paraphernalia that confuse police and result in program participants who are authorized to carry paraphernalia still being stopped and harassed**
- **Reduce the risk of police being stuck by used needles because there is no longer a reason to lie about possessing them**

- **Encourage people to use clean supplies every time to prevent transfer of bacteria (that can cause skin and soft tissue infections) and infectious diseases (such as HIV and HCV)**
- **Encourage people to dispose of used supplies in a proper location instead of trying to get rid of them asap to avoid catching a charge**

**SB762 will not:**

- **Decriminalize the drugs**
- **Decriminalize paraphernalia used to manufacture and sell drugs**

**The decriminalization of paraphernalia proposed by this legislation will continue to help ensure that people are accessing services, such as syringe service programs, and will avoid unnecessary arrest and incarceration.**

**Decriminalization will provide greater incentive to seek treatment as people who are using substances will be less afraid of law enforcement interaction.**

**In decriminalizing paraphernalia, the State will also reduce the need for people to re-use certain items that may contribute to the transmission of infectious diseases.**

**This will have a positive public health impact on the spread of HIV and Hepatitis C.**

**Further, the collateral damage of unnecessary incarceration continues to harm people in Maryland, and disproportionately people of color**

**For these reasons, I respectfully request a favorable report on Senate Bill 762.**

**Sincerely,**



**Jill P. Carter, Esq.**

# **Health Care for the Homeless - 2023 SB 762 - FAV -**

Uploaded by: Joanna Diamond

Position: FAV



**HEALTH CARE FOR THE HOMELESS TESTIMONY**  
**FAVORABLE**  
**SB 762 – Drug Paraphernalia for Administration – Decriminalization**

**Senate Judicial Proceedings Committee**  
**March 7, 2023**

**Health Care for the Homeless supports SB 762.** This bill will save lives, reduce barriers to housing and employment, and prevent the spread of infectious diseases. As a healthcare facility serving over 10,000 of Maryland’s most vulnerable individuals each year, we see firsthand the effects of criminalizing substance use, particularly on Black and Latino/x communities. In Maryland, possession of drug paraphernalia can result in a fine up to \$500 and a misdemeanor – leading to a criminal record that can be used to deny someone housing and employment.<sup>1</sup>

The criminalization of substance use and paraphernalia perpetuates homelessness and prevents individuals from seeking supportive services. When there is less fear of punishment or arrest by police, individuals feel safer accessing treatment.<sup>2</sup> By decriminalizing paraphernalia and implementing harm reduction principles, individuals are more inclined to carry and use life-saving supplies—such as sterile needles and safer smoking kits—that prevent overdose deaths and the spread of infectious diseases.<sup>3</sup> The continued toll of opioid overdose deaths and related harms both warrants and necessitates decriminalization of paraphernalia. In addition to saving lives, this has enormous implications for lowering healthcare costs related to treating infectious diseases, like HIV.<sup>4</sup>

This bill demonstrates Maryland’s commitment to reframing substance use as a public health issue, not a criminal one. **As a health provider that sees how crucial and life-saving harm reduction and decriminalization are for the clients we serve, Health Care for the Homeless urges the committee to issue a favorable report on SB 762.**

*Health Care for the Homeless is Maryland’s leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. Our mission is to end homelessness through racially equitable health care, housing and advocacy in partnership with those of us who have experienced it. We deliver medical care, mental health services, state-certified addiction treatment, dental care, social services, housing and housing support services for over 10,000 Marylanders annually in Baltimore City and Baltimore County. For more information, visit [www.hchmd.org](http://www.hchmd.org).*

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<sup>1</sup> MD Code Ann., Crim. Law, § 5-619 (2013).

<sup>2</sup> 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>.

<sup>3</sup> *Id.*

<sup>4</sup> David Wilson, et al., “The cost-effectiveness of harm reduction,” *International Journal of Drug Policy* 26, supp. 1 (February 2015), pp. S5-S11, available at <https://doi.org/10.1016/j.drugpo.2014.11.007>.

# Support SB 0762 - Trans Maryland.pdf

Uploaded by: Lee Blinder

Position: FAV

Trans Maryland  
1800 E Northern Parkway #66332  
Baltimore MD 21239

**TRANS  
MARYLAND**



**Senate Bill #SB 0762 Drug Paraphernalia for Administration - Decriminalization**

Judicial Proceedings Committee

March 7, 2023

**Position: Support**

Good day Chair Smith, Vice Chair Waldstreicher, and the esteemed members of the Judiciary Committee. My name is Lee Blinder, I use they/them pronouns, and I am the executive director of Trans Maryland, and a proud nonbinary transgender Marylander. I am also the policy chair of the Maryland Commission on LGBTQ Affairs, and I recently served on Governor Wes Moore and Lt. Governor Aruna Miller's transition team.

I am here to note Trans Maryland's strong support for Drug Paraphernalia for Administration - Decriminalization. Transgender persons can be at greater risk of scrutiny, whether or not there is any indication of illicit drug use, when possessing syringes and needles used for our medically necessary and life saving gender affirming hormone therapy (GAHT). GAHT is often taken intramuscularly or subcutaneously via syringe by transgender persons, and we do not deserve to face criminal charges for simply having our medical supplies with us. Overpolicing disproportionately impacts our community members living at the intersection of anti-Blackness, sexism, and anti-transgender bias, and we ask that the senate committee decriminalize this antiquated process. Access to sterile syringes is a public health necessity, and when our community members cannot feel safe to possess medically necessary supplies, inappropriate reusing of supplies becomes more likely.

We know that access to sterile single use syringes is key to halting transmission of blood borne pathogens, and also reduces pain upon injection of medically necessary and life saving medications like GAHT. Our most well resourced community members order year long supplies of syringes in bulk to be shipped directly to their home, but that option isn't available for most of our community members who lack the needed funds to do so. Additionally, should persons be able to order their supplies, they also feel concerned about bringing them on a trip or to travel, due to this outdated criminalization process. Transporting medical supplies must be decriminalized so our community members can feel safe in possessing the supplies they need. We find that many pharmacies across Maryland are, in their words, "low syringe pharmacies" and that can mean that it can be difficult or impossible to even purchase the needed supplies. Adding fear of charges for possession on top of low access, means that our community members are afraid to access and possess their needed medical supplies.

This is an urgent matter of public health, public wellness, and equity, and therefore we **urge a favorable report on this bill SB 0762.**

For more information, contact Lee Blinder, Executive Director of Trans Maryland at [lee@transmaryland.org](mailto:lee@transmaryland.org)

**Senate Bill 762 fav.pdf**

Uploaded by: Meredith Zoltick

Position: FAV



March 6, 2023

The Honorable William C. Smith, Jr.  
Chairman, Senate Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, MD 21401

**RE: SUPPORT of Senate Bill 762  
(Drug Paraphernalia for Administration - Decriminalization) - FAVORABLE**

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee,

My name is Meredith Zoltick and I am a nurse practitioner in Baltimore City and I strongly support Senate Bill 762 “Drug Paraphernalia for Administration- Decriminalization,” which will decriminalize possession of items used to consume drugs. This is an important extension of the legislation passed in 2016 to expand syringe service programs in Maryland.

As a nurse practitioner who specializes in HIV and addiction medicine, I encourage my patients to utilize syringe service programs. There is an incredible amount of data showing the benefits of syringe service programs in a variety of settings (rural, urban, and suburban.) Syringe service programs reduce the transmission of HIV, Hepatitis, and other blood-borne pathogens as well as decrease the risk of skin and soft tissue infections. Furthermore, individuals who engage with syringe exchange programs are even more likely to reduce their drug use and go to drug treatment. Far too often, I have patients tell me they are scared to go to syringe service programs for fear that they will be charged with a crime for carrying equipment they get from such programs. While there are protections for individuals enrolled in such programs, there are a lot of misconceptions that a bill to decriminalize all drug paraphernalia could mitigate.

The distribution of tools to use drugs is an essential public health measure. The criminalization of these public health tools reduces their efficacy. **For these reasons, I ask that the Judicial Proceedings Committee give SB762 a favorable report.**

For more information about my position, please contact Meredith Zoltick, CRNP at [mzoltick@ihv.umaryland.edu](mailto:mzoltick@ihv.umaryland.edu).

Thank you,

Meredith Zoltick, MSN/MPH, CRNP

# **NCADD-MD - 2023 SB 762 FAV - Paraphernalia Decrimi**

Uploaded by: Nancy Rosen-Cohen

Position: FAV



**Senate Judicial Proceedings Committee**  
**March 7, 2023**

**Senate Bill 762**  
**Criminal Law – Drug Paraphernalia for Administration – Decriminalization**  
**Support**

NCADD-Maryland supports Senate Bill 762. The General Assembly saw fit to pass this bill in 2021. Then-Governor Hogan used flawed reasoning to veto that measure. Harm reduction strategies do not encourage drug use. There are decades of research and experience right here in Maryland that prove that thinking is simply wrong.

This bill decriminalizes items that can be used to inject, ingest, inhale, or otherwise consume a controlled dangerous substance. As Maryland continues to consider and implement programs and strategies that reduce the harms caused by substance use, the decriminalization of paraphernalia will continue to help ensure that people are accessing services such as syringe services programs and avoid arrest and incarceration.

The benefits of decriminalization include:

- Improved treatment outcomes when someone with a substance use disorder is ready to enter treatment;
- Greater incentive to seek treatment as people who are using substances are less afraid of law enforcement interaction;
- A reduction in the racial disparities in the criminal justice system, as Maryland is among the worst states in its proportion of people of color who are incarcerated;
- A reduction in the collateral damage caused by incarceration; and
- Improvement in the impact of limited public health resources.

In decriminalizing paraphernalia, we will reduce the need for people to re-use certain items that may contribute to the transmission of infectious diseases. This will have a positive public health impact on the spread of HIV and Hepatitis C, and save money in the reduction of needed health services.

We know the collateral damage caused by the war on drugs continues to harm people in Maryland, and disproportionately people of color. As this committee has heard repeatedly over the years, people with criminal records are too often denied employment, housing, food stamps, and scholarships, without any due consideration of the details involved in the records.

We urge this Committee give a favorable report to Senate Bill 762.

**NFranklin SB762 Fav.pdf**

Uploaded by: Neill Franklin

Position: FAV



# LAW ENFORCEMENT ACTION PARTNERSHIP

ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

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To: William C. Smith, Jr., Chair,  
Jeff Waldstreicher, Vice Chair, and  
Maryland Senate Judicial Proceedings Committee Members

From: Major Neill Franklin, Ret., on behalf of the  
Law Enforcement Action Partnership (LEAP)

## **Favorable - Senate Bill 762**

Drug Paraphernalia for Administration - Decriminalization

Hearing: Tuesday, March 7, 2023, 1:00 p.m.

Distinguished members of the Committee, thank you very much for the opportunity to present the views of the Law Enforcement Action Partnership (LEAP) in support of Senate Bill 762. I believe that decriminalizing paraphernalia possession will reduce disease and help rebuild police-community trust.

The Law Enforcement Action Partnership's mission is to unite and mobilize the voice of law enforcement in support of drug policy and criminal justice reforms that will make communities safer by focusing law enforcement resources on the greatest threats to public safety, addressing the root causes of crime, and working toward healing police-community relations.

I have served in three Maryland police agencies as a commander: the Maryland State Police as the northeast regional commander for the Bureau of Drug and Criminal Enforcement, the Baltimore Police Department as the Chief of human resources and head of training, and the Maryland Transit Administration as the head of Investigation Services, which included drug enforcement. Over my thirty-four-year career, I was responsible for the arrest and jailing of hundreds, if not thousands, of Maryland citizens for low-level drug possession charges. Most of the people I arrested were suffering from addiction.

I applaud the legislature for allowing syringe access programs in our state, because they reduce HIV and Hepatitis C transmission without increasing drug use or crime.

Yet while public health programs provide clean syringes to people using drugs, officers still arrest people for syringe possession, with zero benefit to public safety. I have never made or even heard of a paraphernalia arrest that resolved a public safety threat. These arrests do nothing to stop overdose deaths, HIV or Hepatitis C transmission, or drug sales.

Instead, paraphernalia arrests increase the spread of HIV and Hepatitis C. People who use drugs know that if they share a syringe with a friend who may have Hepatitis C or HIV, they are risking an incurable virus. But they also know that carrying a syringe means risking arrest. So many people choose not to carry their own syringe, and as a result, an overwhelming majority of people who inject drugs have Hepatitis C. HIV is many times more prevalent than in the general population.

It's time for Maryland to take the next step and pass SB 762, which would decriminalize paraphernalia possession. It would allow people who use drugs a safe way to avoid syringe sharing.

This bill would also help patrol officers by preventing accidental needle-sticks. When police search an individual, we ask the person if they are carrying anything that could hurt us. If they are carrying a syringe, they often lie, hoping to avoid arrest. We continue the search, reaching our hands into pockets where a syringe could stick us. With paraphernalia decriminalized, people could warn officers of the syringe in their pocket without facing a new criminal charge. This issue may sound small, but it is serious – one in three police officers will be stuck by a needle in their career.<sup>1</sup> Those officers and their families face days of agony waiting to hear if they have contracted Hepatitis C or HIV. This bill would help spare many officers and their families this pain.

SB 762 would also prevent people from leaving syringes on the ground. Today, people who use drugs do not risk carrying a syringe until they find a sharps container. They leave it as soon as possible, which may be in a public trash can, on the sidewalk, or in a park. We shouldn't have to worry about children running barefoot in the park or janitors being pricked by needles at work. This legislation would enable people to carry a syringe until they find a safe means of disposal.

Finally, I believe this bill would help reestablish police-community trust. People who use drugs have zero trust in the police, having seen us arrest their friends for a syringe. Yet they also witness a shocking number of crimes. Police are less effective because these individuals are afraid to report a crime, call 911, or share information with us. If police stop arresting people for syringes, we can begin to rebuild this trust and strengthen our ability to prevent and solve crime.

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<sup>1</sup> "Occupational needlestick injuries in a metropolitan police force." [https://www.ajpmonline.org/article/S0749-3797\(99\)00137-3/fulltext](https://www.ajpmonline.org/article/S0749-3797(99)00137-3/fulltext). Accessed 31 Jan. 2023.

In sum, I believe that this bill would help our state reduce HIV and Hepatitis C transmission, reduce syringe littering and needle sticks, and increase police-community trust. The Law Enforcement Action Partnership asks that you, the members of this committee, give SB 762 a favorable report.

Sincerely,

A handwritten signature in black ink, appearing to read "Neill Franklin".

Major Neill Franklin (Ret.)

Formerly with the Maryland State Police

Executive Board Member, Law Enforcement Action Partnership

**SB762\_ BHRC\_FAVORABLE.pdf**

Uploaded by: Owen O'Keefe

Position: FAV





March 7, 2023

The Honorable William C. Smith, Jr.  
Chairman, Senate Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, MD 21401

**Senate Bill 762 (Criminal Law - Drug Paraphernalia for Administration - Decriminalization)  
- FAVORABLE**

Dear Chair Smith and Senate Judicial Proceedings Committee members,

Baltimore Harm Reduction Coalition writes to express our support for Senate Bill 762 (Criminal Law - Drug Paraphernalia for Administration - Decriminalization). SB762 will revise existing criminal law to remove items that could be used to consume drugs from what is considered drug paraphernalia, effectively decriminalizing possession of those items. Under current law, the use, possession, delivery, or sale of paraphernalia to inject, ingest, inhale, or otherwise introduce a controlled dangerous substance into the human body is a criminal offense in Maryland and a first-time violation is subject to a misdemeanor and \$500 maximum fine. Subsequent violations are subject to a misdemeanor, up to two years of imprisonment, and/or a maximum fine of \$2,000.<sup>1</sup>

There are a few exceptions to paraphernalia criminalization under current law. The Maryland General Assembly repealed the criminal prohibition of cannabis-related paraphernalia in 2015,<sup>2</sup> granted exemption for possession of some drug paraphernalia for participants of syringe service programs in 2016,<sup>3</sup> and repealed the criminal prohibition of items to test or analyze drugs, like fentanyl test strips, in 2018.<sup>4</sup>

Legislation passed by the Maryland General Assembly in 2016 has allowed for the expansion of syringe services programs (SSPs) statewide in order to distribute harm reduction supplies to prevent transmission of infectious diseases such as HIV and Hepatitis C. The research supporting the numerous health benefits of SSPs is clear and extensive. **Every scientific and medical organization to study the issue has shown that legal access to sterile supplies reduces the spread of HIV, hepatitis, and other blood-borne diseases.** Studies have also shown that access to supplies does not increase improperly discarded needles,<sup>5</sup> rates of drug

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<sup>1</sup> COMAR § 5-619 Drug Paraphernalia

<sup>2</sup> Criminal Law – Use and Possession of Marijuana and Drug Paraphernalia (2015). SB0517 (CH0004)

<sup>3</sup> Public Health – Opioid-Associated Disease Prevention and Outreach Program (2016). SB0097 (CH0348)

<sup>4</sup> Criminal Law – Prohibitions, Prosecutions, and Corrections (2018). SB1137 (CH0145)

<sup>5</sup> New York Academy of Medicine. New York State Expanded Syringe Access Demonstration Program Evaluation. January 15, 2003

use,<sup>6</sup> or other criminalized activity.<sup>7</sup> Additionally, people who use SSPs are more likely to reduce injections, to stop injecting altogether, to begin drug treatment, and to remain in drug treatment once started.

**For these health benefits to materialize in Maryland, people need to trust that they can access supplies without law enforcement interference.** When supplies are broadly considered illegal, even some registered SSP participants experience harassment and citation from law enforcement who do not understand the confusing patchwork of paraphernalia exceptions. The citation is usually dismissed as *nolle pros* once a participant goes to court with the proper documentation. However, the harassment experienced and the resources required to attend court is disruptive and unjust, and should not be underestimated.

While documented program participants are exempt from prosecution for possessing hypodermic needles and other items to prevent the spread of infectious disease, the protection does not extend to those who don't have access to a program, or to those who deliver syringes on behalf of a syringe service program to those hard to reach participants. This includes people who are too afraid of public exposure to access the services on their own or individuals with physical and mental disability.<sup>8</sup> This delivery tactic is known as secondary or satellite distributors.<sup>9</sup> These participants are able to provide supplies to more people than actually visit the program. Unlike the myths purported by Governor Hogan in his 2021 veto message, this service is primarily conducted between people who already have a relationship with one another, such as friends and family members. Rarely do secondary distributors ever report supplying strangers with paraphernalia.<sup>10</sup> The most common motivation for secondary distributors is to protect their community from the spread of diseases and to help their family and friends.<sup>11</sup>

This also includes those Marylanders who live in rural areas and must obtain supplies from other sources, such as pharmacies. The Code of Maryland Regulations (COMAR) states that **syringes may be sold without a prescription with an indication of need**,<sup>12</sup> and the Maryland Board of Pharmacy voted unanimously in 2007, and renewed support again in 2017, to approve that prevention of disease is an acceptable indication of need. Therefore, in all circumstances that a pharmacist believes that the provision of syringes will reduce the spread of disease, they are acting in accordance with COMAR and the Maryland Board of Pharmacy. However, the individual obtaining syringes from a pharmacy or other source is not protected by law. As a

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<sup>6</sup> National Institutes of Health Consensus Panel, Interventions to Prevent HIV Risk Behaviors (Kensington, MD: National Institutes of Health Consensus Program Information Center, February 1997).

<sup>7</sup> P. Lurie, A.L. Reingold, B. Bowser (eds). The Public Health Impact of Needle Exchange Programs in the United States and Abroad: Summary, Conclusions and Recommendations (1993)

<sup>8</sup> Murphy, S., Kelley, M. S., & Lune, H. (2004). The health benefits of secondary syringe exchange. *Journal of Drug Issues*, 34(2), 245-268.

<sup>9</sup> Valente, T. W., Foreman, R. K., Junge, B., & Vlahov, D. (1998). Satellite exchange in the Baltimore Needle Exchange Program. *Public health reports (Washington, D.C. : 1974)*, 113 Suppl 1(Suppl 1), 90-96.

<sup>10</sup> Snead J, Downing M, Lorvick J, et al. Secondary syringe exchange among injection drug users. *J Urban Health*. 2003;80(2):330-348. doi:10.1093/jurban/jtg035

<sup>11</sup> *ibid*.

<sup>12</sup> Maryland Board of Pharmacy News. Fall 2017.

result, they are at risk of being saddled with a citation and criminal record which can affect future access to employment, education, and social services.

**To ensure safe disposal of supplies once used, people need to be able to trust that they can hold onto supplies until they reach a proper disposal site without law enforcement interference.** People may throw their used supplies away quickly because they fear the police could use these items as evidence of drug use and arrest them. Indeed, paraphernalia charges are often used as a catch-all tool that enables an officer to make an arrest even when no other evidence of a crime may be present.

Reducing infection and encouraging proper disposal are compelling reasons on their own, and this measure also has a beneficial economic impact. Studies and cost benefit analyses show that access to sterile supplies saves money, largely from averted HIV, hepatitis B, and hepatitis C infections.<sup>13</sup> A sterile needle costs about 10 cents wholesale and 50 cents retail. Lifetime AIDS care for one person costs about \$618,000.<sup>14</sup> A safer smoking kit costs a couple of dollars, but annual care for one person with hepatitis C infection is \$10,000 with a lifetime cost of \$100,000. Preventing only one case of HIV or hepatitis C infection annually translates into enormous savings.<sup>15</sup>

**Equipping people to use drugs more safely is positive for everyone in the community-- not only in stemming the spread of infectious disease, but also in lifting the stigma that isolates people who use drugs.** When our laws are unclear, law enforcement may use their discretion in a way that further marginalizes people who are most at risk of infectious disease and overdose, including people most disproportionately impacted by the COVID-19 pandemic.

We believe that this bill will simplify Maryland's paraphernalia laws and clarify that possession of harm reduction supplies to prevent infectious disease is not a crime. **We ask that the Senate Judicial Proceedings Committee give SB762 a favorable report.**

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<sup>13</sup> Australian Commonwealth Department of Health and Aging. Return on Investment in Needle and Syringe Programs in Australia.

<sup>14</sup> Schackman, Bruce R., et al. The Lifetime Cost of Current Human Immunodeficiency Virus Care in the United States. *Medical Care*. 44 (11):990-997 (2006).

<sup>15</sup> Winnipeg Regional Health Authority, Population and Public Health Program. Safer Crack Use Kit Distribution in the Winnipeg Health Region. October 2012.

# **SB0762\_FAV\_MedChi\_Drug Paraphernalia for Administr**

Uploaded by: Pam Kasemeyer

Position: FAV

# MedChi

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*The Maryland State Medical Society*  
1211 Cathedral Street  
Baltimore, MD 21201-5516  
410.539.0872  
Fax: 410.547.0915  
1.800.492.1056  
www.medchi.org

TO: The Honorable William C. Smith, Jr., Chair  
Members, Senate Judicial Proceedings Committee  
The Honorable Jill P. Carter

FROM: Pamela Metz Kasemeyer  
J. Steven Wise  
Danna L. Kauffman  
Andrew G. Vetter  
Christine K. Krone  
410-244-7000

DATE: March 7, 2023

RE: **SUPPORT** – Senate Bill 762 – *Criminal Law – Drug Paraphernalia for Administration – Decriminalization*

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The Maryland State Medical Society (MedChi), the largest physician organization in Maryland, **supports** Senate Bill 762.

Senate Bill 762 would decriminalize possession of items that can be used to inject, ingest, inhale, or otherwise consume a controlled dangerous substance. Reducing the harm caused by substance use has been a priority of the General Assembly. The decriminalization of paraphernalia proposed by this legislation will continue to help ensure that people are accessing services, such as syringe service programs, and will avoid unnecessary arrest and incarceration. Decriminalization will provide greater incentive to seek treatment as people who are using substances will be less afraid of law enforcement interaction. In decriminalizing paraphernalia, the State will also reduce the need for people to re-use certain items that may contribute to the transmission of infectious diseases. This will have a positive public health impact on the spread of HIV and Hepatitis C. Further, the collateral damage of unnecessary incarceration continues to harm people in Maryland, and disproportionately people of color. Passage of Senate Bill 762 will demonstrate a commitment to reframing substance use as a public health issue, not a criminal issue. A favorable report is requested.

# **Decriminalize Drug Paraphernalia - SB762.pdf**

Uploaded by: Psalms Rojas

Position: FAV



# MARIAN HOUSE

Women Moving from Dependence to Independence

**TESTIMONY IN SUPPORT OF SB762**  
**Drug Paraphernalia for Administration - Decriminalization**

March 6, 2023

Senator William C. Smith, Jr.  
2 East  
Miller Senate Office Building  
Annapolis, MD 21401

**Testimony of Marian House in Support of SB762**

**Dear Chair Smith, Vice-Chair Waldstreicher,  
and members of the Judicial Proceedings Committee,**

Marian House is a holistic, healing community for women and their children who are in need of housing and support services. Marian House provides comprehensive support services to assist women with experiences of trauma, including poverty, substance abuse, and incarceration. **I write to urge you to support Senate Bill 762 – Drug Paraphernalia for Administration - Decriminalization.**

Over forty years ago, Marian House was opened to provide reentry supports for women leaving incarceration as Sisters and laywomen recognized that lack of support contributed to recidivism rates. Today, we have also expanded to serve women with histories of trauma including homelessness, incarceration, neglect, substance abuse and mental health needs. Since our opening, we have assisted women who have been victims of crime in reinventing and rebuilding themselves through services such as: counseling, substance abuse treatment, job training and providing both long and short-term housing. All the women we have served have overcome obstacles on their journeys to become contributing members of society in the Baltimore area.

These laws are meant to discourage illicit drug use. Instead, they produce avoidable disease and death. Drug prohibition puts peaceful, voluntary drug users at risk of losing their liberty and often their lives. Paraphernalia laws similarly increase the risk that users will lose their lives. Some states have amended their laws to permit harm-reduction programs and tools. For example, many states allow syringe services programs (also called SSPs or “needle exchange programs”) to operate within narrowly defined parameters. The goal of drug paraphernalia policy should be to save lives by reducing the risks of overdose and disease. This means removing government barriers to obtaining and distributing clean syringes and drug testing equipment. Because Alaska leaves residents free to purchase syringes and other paraphernalia in any quantity, anyone can operate an SSP and implement other harm-reduction measures.

As drug-related deaths and diseases continue to mount despite more than 100 years of drug prohibition, policymakers should consider proposals that shift from a zero-tolerance approach to a focus on harm reduction. **We believe that this bill could save lives, therefore, we urge your SUPPORT of SB762.**

Thank you for your support,

Katie Allston, LCSW-C  
President and C.E.O.

# Written\_Testimony\_SB762.pdf

Uploaded by: Sam Wu

Position: FAV



## **Written Testimony in Support of SB762: Drug Paraphernalia for Administration – Decriminalization**

My name is Sam Wu, and I am a resident of Baltimore City, MD (21218). I'm writing in support of SB762 for the decriminalization of drug paraphernalia. When drug use supplies are illegal, even registered syringe service program participants fear and experience harassment and citation by law enforcement. This, in turn, can limit access to syringe service programs, sterile syringes, and other safer drug use supplies (such as safer smoking kits) that have been shown to reduce the spread of HIV, hepatitis, and other blood-borne diseases – and that have been shown to save lives. Being able to access syringe service programs without fear of harassment and citation by law enforcement can also increase access to other support services, such as case management, healthcare, and housing, which often work closely with syringe service programs. Decriminalizing drug paraphernalia would also allow existing syringe service programs to expand and begin to offer other services. I urge you to vote in favor of SB762 for the decriminalization of drug paraphernalia, and thank you for your time.

# **MDDCSAM - 2023 SB 762 FAV - Paraphernalia Decrimin**

Uploaded by: Scott Whetsell

Position: FAV

## **Senate Bill 762 - Drug Paraphernalia for Administration - Decriminalization**

### **SUPPORT**

#### **Senate Judicial Proceedings Committee**

**March 7, 2023**

The Maryland-DC Society of Addiction Medicine supports Senate Bill 762. Passage of this bill has the effect of increasing the adoption and fidelity of syringe service programs in counties across the state, providing clarity for law enforcement officers on how to handle individuals who possess drug paraphernalia for personal use, and lowering the stigma associated with drug use in the community.

Since 2016, the state of Maryland has allowed for the expansion of syringe service programs (SSPs) and to date there are currently 16 active programs in the state. These programs provide access to clean needles, cookers, sterilization equipment, water and other supplies which are currently classified as drug paraphernalia. Individuals who participate in these programs have reduced incidence of infectious disease and skin and soft tissue infections and have an opportunity to be linked to treatment and start the process of recovery. Unfortunately, these same individuals are currently subject to arrest and criminal prosecution for being in possession of the equipment obtained from these legal and lifesaving programs unless/until they can prove the equipment was obtained from an SSP. **Passage of this bill will eliminate the risk of arrest and criminal prosecution for these citizens**, and increase the likelihood of their participation in these morbidity and mortality reducing programs.

Some SSPs endeavor to go out into the community to make contact with people who use drugs who are otherwise difficult to reach in order to both establish a relationship and reduce the harms associated with drug use. Under the current statute, these “mobile SSP” strategies create a burden of proof requirement for volunteers and employees at SSPs, who would have to show their affiliation with a program in the event of an interaction with law enforcement during these community outreach efforts. **These legal ambiguities have had the effect of stifling innovation and slowing adoption of the Maryland Syringe Service program in counties around the state. Passage of this bill would eliminate this burden.**

*(over)*

Finally, as a practical matter, Maryland law currently allows for the “sale of needles and syringes or other paraphernalia” by pharmacies without a prescription to patients “showing proper identification and indication of need.”<sup>1</sup> Given the legal ability for individuals to purchase paraphernalia from pharmacies, it is appropriate and proper that the criminal code conform to allow individuals to possess these same items. **Passage of this bill would create clarity for law enforcement officers and has the potential to increase the adoption of successful strategies like Law Enforcement Assisted Diversion within the criminal justice community.**

Overall, the Maryland General Assembly has taken a proactive role in passing legislation which lowers the stigma associated with drug use within the state. This legislation is very much within the spirit of this effort and why the MDDCSAM is supportive of its passage.

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<sup>1</sup> Md. Code Regs. 10.13.08.01

**SB 762\_Paraphernalia Decrim\_BHSB\_FAVORABLE.pdf**

Uploaded by: Stacey Jefferson

Position: FAV



March 7, 2023

**Senate Judicial Proceedings Committee  
TESTIMONY IN SUPPORT**

*SB 762- 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 78,000 people with mental illness and substance use disorders (collectively referred to as “behavioral health”) annually.**

**Behavioral Health System Baltimore supports SB 762- 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.

The number of overdose deaths in Maryland in January-September 2021 were 2,129. During the same period Baltimore City reported 812 fatal overdose deaths<sup>1</sup>. The continued 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 762 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.<sup>2</sup> SB 762 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 762.**

Contact:

Stacey Jefferson  
Director, Policy, and Stakeholder Engagement  
Stacey.jefferson@bhsbaltimore.org /443-813-9231

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<sup>1</sup> Unintentional Drug-and-Alcohol-Related Intoxication Deaths in Maryland 2021 Q3 Report

[https://health.maryland.gov/vsa/Documents/Overdose/Quarterly%20Drug\\_Alcohol\\_Intoxication\\_Report\\_2021\\_Q3.pdf](https://health.maryland.gov/vsa/Documents/Overdose/Quarterly%20Drug_Alcohol_Intoxication_Report_2021_Q3.pdf)

<sup>2</sup> 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>.

**22 - X - SB 762 - JPR - MACHO - LOS.doc.pdf**

Uploaded by: State of Maryland (MD)

Position: FAV



**2023 SESSION  
POSITION PAPER**

**BILL:** SB 762 – Drug Paraphernalia for administration – Decriminalization

**COMMITTEE:** Senate Judicial Proceedings Committee

**POSITION:** Letter of Support

**BILL ANALYSIS:** SB 762 decriminalizes the possession of drug paraphernalia used to inject, ingest, inhale, or otherwise introduce controlled substances into the human body, thereby increasing access to supplies needed for safe substance use, reducing the spread of bloodborne infections, and reducing drug-related arrests and incarcerations.

**POSITION RATIONALE:** The Maryland Association of County Health Officers (MACHO) supports SB 762. SB 762 decriminalizes the possession of certain items that can be used by an individual to consume a controlled substance. The proposed decriminalization would increase access to supplies needed for safer substance use and encourage the use of clean syringes, thereby curbing the spread and limiting the financial impact of bloodborne pathogens. SB 762 will also prevent drug paraphernalia related arrests and incarceration.

Injection drug use and needle sharing are major modifiable risk factors for contracting blood-borne pathogens such as HIV and Hepatitis C. Approximately 120,000 cases of HIV are directly attributable to intravenous (IV) drug use and needle sharing.<sup>1</sup> Hepatitis C is the most common bloodborne infection in the U.S. and a leading cause of liver cirrhosis and liver cancer. Hepatitis C prevalence among IV drug users is over 33%.<sup>1,2</sup> Both conditions place a substantial financial burden on the healthcare system, with the average lifetime cost of HIV treatment and Hepatitis C treatment costing \$370,000 and \$84,000, respectively.<sup>1</sup> Using clean needles and reducing needle sharing substantially decreases the risk of acquiring and transmitting HIV, Hepatitis C and other bloodborne pathogens. SB 762 reduces barriers to utilizing needle exchange services, which increases access to clean needles and decreases needle sharing.<sup>1</sup>

The decriminalization proposed in SB 762 would also reduce unnecessary arrests and incarcerations associated with possession of drug paraphernalia, which disproportionately affect communities of color. Reducing fear of interaction with law enforcement also has potential to increase access and utilization of treatment services.

For these reasons, the Maryland Association of County Health Officers submits this letter of support for SB 762. For more information, please contact Ruth Maiorana, MACHO Executive Director at [rmaiora1@jhu.edu](mailto:rmaiora1@jhu.edu) or 410-937-1433.

<sup>1</sup> CDC: Office of the Associate Director for Policy and Strategy. (2016, August 5). Access to clean syringes. Centers for Disease Control and Prevention. Retrieved February 5, 2022, from <https://www.cdc.gov/policy/hst/hi5/cleansyringes/index.html>

<sup>2</sup> Office of Infectious Disease and HIV/AIDS Policy (OIDP). (2021, July 9). Viral hepatitis in the United States: Data and Trends. HHS.gov. Retrieved February 5, 2022, from <https://www.hhs.gov/hepatitis/learn-about-viral-hepatitis/data-and-trends/index.html>



# **SB 762 decreased sentences for dealers.pdf**

Uploaded by: Dana Schulze

Position: UNF

SB 762

I live in Anne Arundel Cty, hold a BS, MA, and am a combat veteran.

I oppose SB 762.

This is severely detrimental to all of Maryland especially because of the dangerous addition of the "MANUFACTURING, DISTRIBUTING, OR DISPENSING of a controlled substance." These are drug dealers not just the entrapped addicted individuals.

Look at what happened to crime rates, murders, children murdered, mothers, fathers, sisters, brothers murdered and suffering due to drug overdoses.

Haven't enough black babies been murdered? I beg you to protect our diverse peoples of MD.

Recent research shows drugs are killing people of nonwhite skin colors and teens.

- Black Americans are more likely to die from fentanyl poisoning than any other racial demographic; although the total number of fentanyl deaths is highest among White people. The per capita rate of fentanyl deaths per 100,000 Black people reached 26.6 last year, compared to the 19.2 fentanyl deaths out of 100,000 White people.
- Fentanyl fatalities more than doubled in just two years, and more than tripled among Indigenous and Multiracial Americans. Since 2015, fentanyl deaths among Black and Indigenous communities increased 13x.
- Teen fentanyl deaths more than tripled since 2019, and increased more than five-fold among Black teens. Fentanyl is the number one cause of death among Multiracial and White Americans ages 18 to 45, and is the number two cause of death among Black and Indigenous Americans ages 18 to 45, surpassed only by homicide and liver disease respectively.

Why are people fleeing CA and Illinois, because they are fed up with crime. Keep MD safe by arresting and prosecuting criminals.

# **MCPA-MSA\_SB 762 Decriminalize Paraphernalia\_Oppose**

Uploaded by: Natasha Mehu

Position: UNF



# Maryland Chiefs of Police Association Maryland Sheriffs' Association



## MEMORANDUM

**TO:** The Honorable William Smith, Jr., Chair and  
Members of the Judicial Proceedings Committee

**FROM:** Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee  
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

**DATE:** March 7, 2023

**RE:** **SB 762 - Drug Paraphernalia for Administration – Decriminalization**

**POSITION:** OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 762**. This bill would decriminalize the use or possession of drug paraphernalia for all other drugs, other than marijuana. These drugs would include dangerous street-level (user amount) doses of heroin, fentanyl, cocaine, methamphetamine, LSD, and others.

MCPA and MSA are very concerned this bill creates potential for an escalation in the continually rising opioid overdose rates by decriminalizing the devices to ingest the substance, which is often a trigger of usage and directly leads to the approximately 80K overdose deaths reported annually in the United States.

In addition, if paraphernalia is decriminalized, there would be little to no opportunity to enter treatment through a criminal justice diversion program. These programs include the opportunity, for those who qualify, to avoid criminal prosecution by entering treatment programs, that work in conjunction with the court system, to help users break the cycle of addiction. The danger to public safety that is posed by dangerous street-level drugs, as well as the tools to ingest these drugs, requires a comprehensive Criminal Justice approach, that does not include decriminalization.

For these reasons, MCPA and MSA **OPPOSE SB 762** and urge an **UNFAVORABLE** Report.