

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,

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