



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

SB 762 - Drug Paraphernalia for Administration - Decriminalization

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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.¹ 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.² The reuse of old needles and syringes has also been linked to overdoses,³ 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.⁴

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

¹ Md. Code Ann., Crim. Law § 5-619

² 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.

³ 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>.

⁴ "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.⁵ 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.

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⁵ “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>.