

**House Bill 173**  
**Criminal Law - Drug Paraphernalia for Administration - Decriminalization - FAVORABLE**

February 3, 2023

The Honorable Luke Clippinger  
Chairman, House Judiciary Committee  
Room 101, House Office Building  
Annapolis, MD 21401

Dear Chair Clippinger and members of the House Judiciary 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. The current practice of paraphernalia prohibition not only over-utilizes law enforcement for nonviolent offenses, but it hurts those at risk, creating barriers to needed resources and undermining their capacity to take care of themselves.

To address the tragic number of overdose fatalities, we need a legislative commitment to evidence-based care rather than criminalization—a shift in thinking that aligns with known facts. Punitive measures have failed to reduce drug use or addictions and, instead, have given us mass incarceration, loss of productivity, homelessness, and disease. Therefore, it seems that supporting the decriminalization of paraphernalia makes sense.

The impact of the current law on the lives of real people, often our most vulnerable citizens who need support, is heart wrenching. While there are health-centered programs that exist to minimize harm, the criminalization of these resources compromises their effectiveness. Fearing arrest, people hide. They share drug use equipment, for example, increasing the spread of infectious diseases such as HIV and hepatitis and creating a public health crisis, one that is evident in Maryland.

Syringe service programs, highly successful in saving lives and squelching disease, are authorized in Maryland. Yet access in many jurisdictions throughout the state lags, ranging 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. Furthermore, despite irrefutable success elsewhere, other life-saving supplies like safe smoking kits, are illegal across the board. 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 must focus on 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.

Respectfully submitted,

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