

## **House Bill 173 - Drug Paraphernalia for Administration - Decriminalization**

### **SUPPORT**

#### **House Judiciary Committee**

**February 7, 2023**

The Maryland-DC Society of Addiction Medicine supports House Bill 173. 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