



March 9, 2023

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

House Bill 1071 - Criminal Procedure - Reasonable Suspicion and Probable Cause - Cannabis - FAVORABLE

Dear Chair Clippinger and House Judiciary Committee members,

Baltimore Harm Reduction Coalition (BHRC) is an advocacy organization that mobilizes community members for the health, dignity, and safety of people targeted by the war on drugs and anti-sex worker policies. As a certified Overdose Response Program, Naloxone distributor, and syringe service program, we have provided essential health care services across the state for years. BHRC supports House Bill 1071 Criminal Procedure-Reasonable Suspicion and Probable Cause - Cannabis.

HB1071 will revise criminal law to remove the allowance for individuals to be stopped, searched, arrested, or prosecuted based on the odor of cannabis as reasonable suspicion or probable cause for criminal activity. Current law allows for police and prosecution to admit odor of certain cannabis as admissible evidence to prove the possession of or suspicion of possession of cannabis, or the presence of money in proximity to cannabis.

BHRC supports HB1071 and broader efforts to gain freedom from criminalization. Over 145 years of scapegoating “drug use” as a reason to criminalize people - mostly Black people - has devastated communities across the country. Maryland must prioritize the health, dignity, and safety of its residents, particularly after decades of mass incarceration in the name of the “War on Drugs.”

An aspect of being targeted by the drug war is that our communities are also facing an increasingly deadly overdose epidemic. Fear of racial profiling by police leads to isolation and stigma about real or perceived drug use. Isolation and stigma are key factors in perpetuating the overdose crisis. In Maryland, police are two times more likely to search Black drivers and their vehicles during traffic stops than white drivers. For incidents involving Black drivers, probable cause was used to justify 67% of searches.¹ Since 2012, overdose fatalities have steadily increased among Black Marylanders.² Drug war tactics such as the use of cannabis odor to search persons does nothing to reduce drug-related deaths.

¹ Governor's Office of Crime Control and Prevention (2021). Race-Based Traffic Stop Data Dashboard.

² Maryland Department of Health (June 2021). Unintentional Drug- and Alcohol-Related Intoxication Deaths* in Maryland 2020 Annual Report.

The most effective action to reduce stigma associated with drug use is to remove pathways to incarceration, such as stops and searches by police. Ending the allowance of this practice will enable people to feel safer about discussing their drug use with loved ones, service providers, and support networks. In order to end the overdose epidemic, we must take steps to end the continuously raging war on drugs. **We ask that the House Judiciary Committee give HB1071 a favorable report with language that directly reflects that of SB51.**

For more information about Baltimore Harm Reduction Coalition or our position, please contact our Director of Mobilization, Rajani Gudlavalleti at Rajani@BaltimoreHarmReduction.org