



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 13 , 2024

The Honorable Luke Clippinger
Chair, House Judiciary Committee
Room 101, House Office Building
Annapolis, MD 21401-1991

RE: House Bill 706 - Drug Paraphernalia for Administration - Decriminalization

Dear Chair Clippinger and Committee members:

The Maryland Department of Health (Department) respectfully submits this letter of support for House Bill (HB) 706, which aims to decriminalize drug paraphernalia.

The Department believes HB 706 is necessary to destigmatize substance use disorder and demonstrate that it is a public health issue, rather than a criminal justice one. Criminalizing the possession of drug paraphernalia reinforces the idea that people who use drugs deserve to be punished, rather than being offered treatment for their substance use. Further, there is no evidence that the threat of arrest or incarceration reduces drug use.

The United States has criminalized drug possession and use for many years, but this approach has not resulted in fewer drug-related deaths or healthier communities. A study found that individuals being released from incarceration were 12.7 times more likely than the general population to die in the two weeks following their release, with drug overdose being the leading cause of death.¹ At a time of such high overdose mortality in our country and in our state, it has never been more important to reduce touchpoints with incarceration for people with substance use disorder. While there have been some improvements in the disparate rate of Black adults represented in drug arrests, Black adults are still disproportionately affected by drug arrests. According to a 2022 , Black adults accounted for 12% of the US population, but 27% of drug arrests.² These laws also disproportionately impact people of color, especially in Black communities.

Currently, Maryland prohibits the possession of drug paraphernalia and convictions carry a fine up to \$500 for a first-time offense or two years in prison and/or a fine up to \$2,000 for each repeat offense. HB 706 will remove the financial and and carceral penalties for the possession of drug paraphernalia with the intent to consume a controlled dangerous substance. This will help reduce the stigma surrounding substance abuse, and will improve the effectiveness of the Department's harm reduction efforts.

In order to facilitate the operation of harm reduction programs that distribute paraphernalia, the Department oversees the syringe services programs (SSPs). SSPs help improve individual and community health by reducing the spread of blood-borne pathogens such as the Hepatitis-C Virus and HIV.¹ Additionally, SSPs help prevent overdose by training participants in how to use naloxone, the overdose

¹ <https://www.cdc.gov/hiv/effective-interventions/prevent/syringe-services-programs/index.html>

reversal medication, and by connecting participants to other resources and forms of treatment, such as medications for opioid use disorder (MOUD).² HB 706, by decriminalizing the possession of drug paraphernalia, will encourage more individuals to access the SSP, and thereby increase the positive public health impacts of the program.

Maryland protects SSP employees or participants from arrest and prosecution for possession of paraphernalia obtained through activities connected to the program SSP. However, Maryland requires those in possession of drug paraphernalia to prove their connection to a verified harm reduction program. As a result, program participants who misplace or lose their identification cards or who encounter law enforcement officers that do not respect their validity can face arrest. In some cases, participants are able to prove that they are connected to an SSP in court and charges are dropped, but the experience can be disruptive, costly, and traumatic. By removing criminal penalties for drug possession, HB 706 will reduce the likelihood of negative interactions with law enforcement for individuals with substance use disorder.

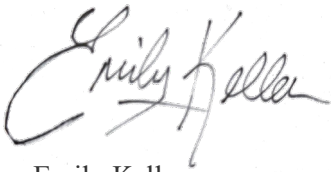
For these reasons, the Department submits this letter in support of HB 706.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,



Laura Herrera Scott, M.D., M.P.H.
Secretary



Emily Keller
Special Secretary of Overdose Response

¹ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4834273/>

² <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2022/02/drug-arrests-stayed-high-even-as-imprisonment-fell-from-2009-to-2019>

² Ibid