

2025-01-29 SB 370 - Support.pdf

Uploaded by: Adam Spangler

Position: FAV

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**STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL**

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General Counsel

CHRISTIAN E. BARRERA
Chief Operating Officer

January 29, 2025

TO: The Honorable Will Smith, Jr.
Chair, Judicial Proceedings Committee

FROM: Adam Spangler
Legislative Aide, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 370 – Drug Paraphernalia for Administration -
Decriminalization- **Favorable**

The Office of Attorney General urges a favorable report on **Senate Bill 370**, Senator McCray’s bill on behalf of the Baltimore City Administration to remove Controlled Dangerous Substance (“CDS”) paraphernalia used for administration or consumption of CDS (as opposed to paraphernalia for manufacture or distribution) from the criminal prohibitions related to CDS paraphernalia. **Senate Bill 370** also lower the penalties related to CDS paraphernalia used for manufacture/distribution.

As the opioid pandemic has illustrated, drug use and abuse are public health hazards that should be addressed wholistically. Criminalizing drug users, as opposed to treating them, can be costly and counterproductive.

Senate Bill 370 is a commonsense measure to decriminalize the mere possession of drug paraphernalia. We urge a favorable report on **Senate Bill 370**.

cc: The Honorable Senator Cory McCray
Judicial Proceedings Committee Members

SB0370_MHAMD_Fav.pdf

Uploaded by: Ann Geddes

Position: FAV

SB 370 – Drug Paraphernalia for Administration - Decriminalization

Senate Judicial Proceedings Committee

January 29, 2025

Position: Favorable

Mental Health Association of Maryland (MHAMD) is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates and concerned citizens for unified action in all aspects of mental health and substance use disorders (collectively referred to as behavioral health). We appreciate the opportunity to provide this testimony in support of SB 370.

SB 370 will redefine “controlled” paraphernalia to support public health and reduce drug war tactics that target drug users. This bill will repeal existing portions of the law that criminalize possession of paraphernalia for personal use and reduce or eliminate the penalty for possession of paraphernalia for delivery or sale.

The public health and safety threat from drug-related intoxication continues to be a major concern. Maryland has made progress in recent years to address the epidemic, but we are still in the midst of a crisis that is devastating families across the state. From December 2023 – November 2024, 1,689 Marylanders lost their lives to an overdose.¹

Harm reduction strategies like paraphernalia decriminalization can help. In fact, they are a key pillar in the U.S. Department of Health and Human Services' [Overdose Prevention Strategy](#). These strategies aim to treat substance use disorders as a public health issue and reduce negative consequences associated with drug use.

Providing drug users with sterile supplies saves lives. A major evaluation was done by the New York Academy of Medicine after the state allowed for the non-prescription sale of syringes in pharmacies,² and evaluators found no increases in improperly discarded syringes, accidental needle sticks among law enforcement or sanitation workers, criminal activity, or drug use.³

By addressing drug use as a public health issue rather than a criminal justice matter, SB 370 will save lives. For this reason, MHAMD supports this bill and urges a favorable report.

¹ <https://health.maryland.gov/dataoffice/Pages/mdh-dashboards.aspx>

² <https://grantome.com/grant/NIH/R01-DA014219-01S1>

³ https://www.health.ny.gov/diseases/aids/consumers/prevention/needles_syringes/esap/overview.htm

Baltimore City Directorate - 2025 SB 370 FAV - Par

Uploaded by: Ashley Archie

Position: FAV



BALTIMORE CITY

SUBSTANCE ABUSE DIRECTORATE

OFFICERS

Ashley Archie
President
HeL Recovery Center

Sean Augustus
President-Elect
UPC Inc./Recovery
Network

Joan Sperlein
Secretary
Institutes for Behavior
Resources, Inc.

Toni Maynard-Carter
Treasurer
Johns Hopkins
Hospital Broadway
Center

Senate Judicial Proceedings Committee
January 29, 2025

Senate Bill 370 - Drug Paraphernalia for Administration - Decriminalization Support

The Baltimore City Substance Abuse Directorate (Directorate), writes to express our support for SB 370 to decriminalize drug paraphernalia for administration. The Directorate is a member organization composed of Substance Use Disorder (SUD) treatment programs located in Baltimore City. We strongly believe that this bill will improve health and save lives for our patients and others in the community struggling with substance use. We are proud that our Mayor, Brandon Scott, has made this policy a priority for passage this year.

Evidence has shown that criminalization of substance use disorders has not been effective at reducing use and related harms. Instead, has further marginalized a vulnerable population. Criminalizing drug paraphernalia encourages re-using and sharing syringes, which increases risk for infections like HIV and Hepatitis. Studies have shown that fear of being arrested is directly related to an increased likelihood of sharing syringes and other injection supplies.¹ Alternative approaches to criminalization have already proven successful.

Syringe services programs (SSPs), where people who use drugs can exchange used needles for new clean ones, were initially opposed under the impression that they would enable and encourage drug use. This has been refuted many times over. As the CDC reports, "Nearly 30 years of research has shown that comprehensive SSPs are safe, effective, and cost-saving, do not increase illegal drug use or crime, and play an important role in reducing the transmission of viral hepatitis, HIV and other infections, new users of SSPs are five times more likely to enter drug treatment and about three times more likely to stop using drugs than those who don't use the programs."²

As opioid overdoses are still too high in Maryland, it is critical to support evidence-based policies that can reduce harms related to drug use. Decriminalization of paraphernalia can increase engagement with and expansion of SSPs as well as encourage proper disposal of supplies. Research shows that this can reduce drug use, improve health and connect people to further treatment services. We care deeply about providing treatment for those who use drugs and every day witness the challenges this population experiences in their journey to recovery.

We hope to see Maryland continue taking steps to support harm reduction approaches and remove criminalization as a barrier to recovery. We ask that the Judicial Proceedings Committee give SB 370 a favorable report.

Sincerely,

Ashley Archie, LCSW-C
President

1. Blumenthal, R.N., Collateral damage in the war on drugs: HIV risk behaviors among injection drug users. *International Journal of Drug Policy* 10 (1999) 25-38.
2. CDC (2023). Summary of Information on The Safety and Effectiveness of Syringe Services Programs (SSPs). <https://www.cdc.gov/ssp/syringe-services-programs-summary.html>.

SB0370 - Drug Paraphernalia for Administration -

Uploaded by: Charlotte Hoffman

Position: FAV



Charlotte Persephone Hoffman, Esq.
(they/she)
Policy Director
charlotte@transmaryland.org

Wednesday January 29, 2025

The Honorable William C. Smith, Jr.
Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401

Testimony of Trans Maryland

IN SUPPORT OF

Senate Bill #370: Drug Paraphernalia for Administration - Decriminalization

To the Chair, Vice Chair, and esteemed members of the Senate Judicial Proceedings Committee:

Trans Maryland is a multi-racial, multi-gender community power building organization for Maryland's trans community. In our work with and on behalf of transgender and gender-diverse Marylanders, we have seen firsthand how the criminalization of syringes as "drug paraphernalia" contributes to the harassment and overpolicing of transgender Marylanders.

Transgender people, especially transgender people of color, are routinely singled out by police regardless of any evidence of wrongdoing. Unfortunately, Maryland's current law criminalizing possession of hypodermic syringes and needles contributes to this by empowering police to treat a medical device that is in many cases used for gender-affirming hormone therapy (GAHT) as evidence of illicit drug use or even of intent to distribute illicit drugs.

While transition-related care can take many different forms for transgender people, intramuscular or subcutaneous injection of estradiol or testosterone as part of GAHT is fairly common, especially among transgender people for whom oral estradiol pills or testosterone gels have proven unsuccessful. Transgender people do not deserve to face arrest or criminal charges simply because we have our medical supplies with us.

In addition, access to sterile syringes is a broader public health necessity, and when our community members cannot safely acquire or keep medically necessary supplies, inappropriate reuse and sharing of supplies becomes more likely. Not only does access to sterile single use syringes help halt transmission of blood-borne pathogens, it also reduces the pain of injection of medically-necessary and life-saving medications like GAHT.



Charlotte Persephone Hoffman, Esq.
(they/she)
Policy Director
charlotte@transmaryland.org

Restrictions on possession of syringes has also led to significant issues in obtaining supplies, even when individuals have a prescription and all of their documentation. Many pharmacies across Maryland are “low syringe pharmacies,” keeping only a minimal supply of syringes on hand—if any at all. Because of this, some members of our community members order year-long supplies of syringes in bulk, but because this option is contingent on insurance or other resources, it is unavailable to the vast majority of people.

Maryland’s criminalization of syringes adds worries of criminal charges for possession on top of limited access, meaning Marylanders who need syringes for medical care find themselves in constant fear that either their access to supplies will be cut off or that they will be charged with a crime if it isn’t.

This is an urgent matter of public health, public wellness, and equity, and therefore we urge a favorable report on Senate Bill 370.

SB 370_Paraphernalia Decrim_BHSB_FAVORABLE.pdf

Uploaded by: Dan Rabbitt

Position: FAV



January 29, 2025

**Senate Judicial Proceedings Committee
TESTIMONY IN SUPPORT**

SB 370 - Drug Paraphernalia for Administration- Decriminalization

Behavioral Health System Baltimore (BHSB) is a nonprofit organization that serves as the local behavioral health authority (LBHA) for Baltimore City. BHSB works to increase access to a full range of quality behavioral health (mental health and substance use) services and advocates for innovative approaches to prevention, early intervention, treatment and recovery for individuals, families, and communities. Baltimore City represents nearly 35 percent of the public behavioral health system in Maryland, serving over 100,000 people with mental illness and substance use disorders (collectively referred to as “behavioral health”) annually.

Behavioral Health System Baltimore strongly supports SB 370 - Drug Paraphernalia for Administration- Decriminalization. Decriminalizing the possession and use of drug paraphernalia would promote trust between harm reduction programs and people who use drugs while having a negligible impact on public safety. BHSB urges the General Assembly to join the Baltimore City Administration in supporting this legislation and to help Maryland use its scarce resources to save lives rather than punitive approaches such as arrest or prosecution for drug paraphernalia.

The number of overdose deaths in Maryland has skyrocketed in the last ten years. About 2,500 people died of fatal overdose in the state each year from 2018-2023, including close to 1,000 who died in Baltimore City.¹ And while there are some promising signs that overdose have peaked and are starting to decline, the state must continue to make preventing overdoses a top priority.

HB 706 is an important step in the direction of putting overdose prevention first. Harm reduction services such as syringe service programs are among the effective overdose prevention strategies. These programs help individuals to reduce the harm of using drugs but also help build trusting relationship that often lead to considering treatment and recovery. The potential for arrest or prosecution for drug paraphernalia that is being returned to a harm reduction program breaks that trust and pushes people who use drugs further into the shadows. By eliminating that risk through decriminalizing drug paraphernalia, Maryland can help ensure harm reduction program remain safe spaces for the people who use them and better direct our state’s law enforcement resources to improve public safety.

Decriminalizing paraphernalia will help prioritize overdose prevention over a carceral approach. **BHSB urges the Senate Judicial Proceedings Committee to support SB 370.**

For more information, please contact BHSB Policy Director Dan Rabbitt at 443-401-6142

Endnotes:

¹ MDH Overdose Data Portal, available at: <https://health.maryland.gov/dataoffice/Pages/mdh-dashboards.aspx>

SB0370_FAV_MedChi_Drug Paraphernalia for Administr

Uploaded by: Drew Vetter

Position: FAV



The Maryland State Medical Society
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Senate Judicial Proceedings Committee
January 29, 2025

Senate Bill 370 – *Criminal Law – Drug Paraphernalia for Administration – Decriminalization*
POSTION: SUPPORT

The Maryland State Medical Society (MedChi), the largest physician organization in Maryland, supports Senate Bill 370.

Senate Bill 370 would decriminalize possession of items that can be used to inject, ingest, inhale, or otherwise consume a controlled dangerous substance. Reducing the harm caused by substance use has been a priority of the General Assembly. The decriminalization of paraphernalia proposed by this legislation will continue to help ensure that people are accessing services, such as syringe service programs, and will avoid unnecessary arrest and incarceration. Decriminalization will provide greater incentive to seek treatment as people who are using substances will be less afraid of law enforcement interaction. In decriminalizing paraphernalia, the State will also reduce the need for people to re-use certain items that may contribute to the transmission of infectious diseases. This will have a positive public health impact on the spread of HIV and Hepatitis C. Further, the collateral damage of unnecessary incarceration continues to harm people in Maryland, and disproportionately people of color. Passage of Senate Bill 370 will demonstrate a commitment to reframing substance use as a public health issue, not a criminal issue. A favorable report is requested.

For more information call:

Andrew G. Vetter
J. Steven Wise
Danna L. Kauffman
Christine K. Krone
410-244-7000

Spradley_Senate Bill 370Para Decrim Testimony.pdf

Uploaded by: Elizabeth Spradley

Position: FAV

January 29, 2025

The Honorable William C. (Will) Smith, JR., Esq.
Chairman, Senate Judicial Proceedings Committee
Miller Senate Office Building, 2 East Wing
11 Bladen St., Annapolis, MD 21401

RE: SUPPORT of Senate Bill 370: (Criminal Law - Drug Paraphernalia for Administration - Decriminalization) - FAVORABLE

Dear Chair Smith and Senate Judicial Proceedings Committee Members,

I, Elizabeth Spradley, support Senate Bill 370 which will revise existing criminal law to remove items that could be used to consume drugs from what is considered drug paraphernalia, effectively decriminalizing possession of those items.

I am a nurse who has worked in Baltimore City for the last 14 years providing care for people who use drugs. For the last two years, I have been at MDH Office of Harm Reduction working with our amazing harm reduction programs across the state including our syringe service programs (SSPs) where these supplies in question are distributed to those who need them. The operation and utilization of SSPs has been invaluable to many including healthcare providers like myself. We learn crucial information about the unregulated drug supply and emerging trends from these spaces that informs care inside OTPs, treatment centers, clinics, and emergency departments.

Decriminalizing drug paraphernalia is needed for us to stop how disruptive and fear-inducing criminalization of these supplies can be. People should be allowed to utilize safer, evidence-based administration practices without being seen as a threat to society. The current Maryland SSP statute has mixed interpretations by state authorities leading to vague and splintered discussions on its efficacy, decriminalizing drug paraphernalia will strengthen the SSP statute by allowing for clearer guidance to those enforcing laws and protections for those providing and using these supplies.

I believe that this bill will simplify Maryland's paraphernalia laws and clarify that possession of harm reduction supplies to prevent infectious disease is not a crime. **I ask that the Senate Judiciary Committee give SB370 a favorable report.**

For more information about my position, please contact Elizabeth Spradley at elizabeth.spradley@som.umaryland.edu.

Thank you for your time, Elizabeth Spradley RN BSN

SB0370 Written Testimony_Russell.pdf

Uploaded by: Erin Russell

Position: FAV

January 27, 2025

The Honorable William C. (Will) Smith, JR., Esq.
Chairman, Senate Judiciary Proceedings Committee
Miller Senate Office Building, 2 East Wing
11 Bladen St., Annapolis, MD 21401

RE: SUPPORT of Senate Bill 370 (Criminal Law - Drug Paraphernalia for Administration - Decriminalization) - FAVORABLE

Dear Chair Clippinger and House Judiciary Committee Members,

Representing myself, Erin Russell, a decade-long Maryland resident and nationally recognized harm reduction expert, I write to state my support for Senate Bill 370 (Criminal Law - Drug Paraphernalia for Administration - Decriminalization) which will revise existing criminal law to remove items that could be used to consume drugs from what is considered drug paraphernalia, effectively decriminalizing possession of those items.

I have worked in the field at community-based harm reduction programs and as a public servant at the Maryland Department of Health, where I helped implement the state's naloxone distribution and syringe services programs. The national decrease in overdose deaths has not been seen equally across all populations, and we must remain vigilant of this urgent public health issue. This bill will reduce overdose deaths by:

1. **Reducing interaction with law enforcement and the criminal justice system** will reduce deaths because **the risk of death is 10-fold higher among adults released from prison relative to the general population**. Reducing arrests for paraphernalia will save money and time and eliminate the chance that someone will overdose upon release from jail.
2. **Expanding syringe service programs will increase touchpoints with people at highest risk of overdose**, connecting them to needed behavioral health care. This bill will be a boon to syringe service programs, which engage tens of thousands of people each year across Maryland. These programs are hubs of care, and directly connect people to the most effective means of preventing overdose – medications for opioid use disorder treatment and naloxone.

Decriminalizing paraphernalia is an effective policy intervention. It has macro-level implications, which we have seen be incredibly effective at reducing population-level health concerns and death. As written, I believe that this bill will simplify Maryland's paraphernalia laws and clarify that possession of harm reduction supplies to prevent infectious disease is not a crime. **I ask that the Senate Judiciary Committee give SB370 a favorable report.**

For more information or with any questions please contact me at erinhaas88@gmail.com.

Thank you,



Erin Russell, MPH

SB370_Testimony_Favorable.pdf

Uploaded by: Gregory Frailey

Position: FAV

January 29, 2025

The Honorable William C. (Will) Smith, JR., Esq.
Chairman, Senate Judiciary Committee
Miller Senate Office Building, 2 East Wing
11 Bladen St., Annapolis, MD 21401

RE: SUPPORT of Senate Bill 370
(Criminal Law - Drug Paraphernalia for Administration - Decriminalization) - FAVORABLE

Dear Chair Clippinger and House Judiciary Committee Members,

Good Trouble Church supports Senate Bill 370 (Criminal Law - Drug Paraphernalia for Administration - Decriminalization). This legislation will revise existing criminal law by removing items that could be used to consume drugs from their classification as drug paraphernalia. Many of us, including myself, have lived and or living experience with drug use.

A grass-roots, Christ-rooted, faith expansive community coming together in the name of healing and human flourishing, Good Trouble Church is a ministry centering love and freedom, leadership and liberation, community care, and sacred ceremony. Started by those who have been made vulnerable by systemic racism and the war on drugs, Good Trouble Church places harm reduction at the center of everything we do.

For many years, the punitive policies enacted in the name of the racist war on drugs have forced people who use drugs to face incarceration, suffer social and emotional isolation, and engage in risky behaviors that put their health and that of others at risk. We believe that our community and every community in Maryland deserve more. We believe people who use drugs deserve dignity, respect, equitable health care, and justice. Senate Bill 370 is a step towards healing instead of harm.

Every scientific and medical organization to study the issue has shown that legal access to sterile supplies reduces the spread of HIV, hepatitis, and other blood-borne diseases. For these health benefits to materialize in Maryland, people who use drugs need to feel as though they can access supplies without law enforcement repercussions.

Allowing people to use drugs more safely with the proper tools is positive for everyone in the community- not only in slowing/stopping the spread of infectious disease, but also in lifting the stigma that isolates people who use drugs.

In 2021, this bill successfully passed through the general assembly where it was then vetoed by then Governor, Larry Hogan. We hope that under the new administration, this legislation may have an opportunity to once again be codified into law. We urge you to give Senate Bill 370 a favorable vote.

Thank You,
Greg Frailey
Harm Reduction Lead, Good Trouble Church
gregfrailey@gmail.com
717-798-1764

MVLS Testimony in Support of SB 370 Hearing 1.29.2

Uploaded by: Heather Heiman

Position: FAV



MARYLAND SENATE JUDICIAL PROCEEDINGS COMMITTEE
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE
IN SUPPORT OF SB 370 CRIMINAL LAW – DRUG PARAPHERNALIA
FOR ADMINISTRATION – DECRIMINALIZATION

January 29, 2025

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D'Sean Williams-Brown

Chairman Smith and distinguished members of the Committee, thank you for the opportunity to testify in support of Senate Bill 370.

My name is Heather Heiman, and I am an attorney with Maryland Volunteer Lawyers Service (MVLS) and manager of MVLS' partnership with the Human Trafficking Prevention Project (HTPP). MVLS is the oldest and largest pro bono civil legal service provider to low-income Marylanders. Since MVLS' founding in 1981, our statewide panel of over 1,700 volunteers has provided free legal services to over 100,000 Marylanders in a wide range of civil legal matters. In FY24, MVLS volunteers and staff lawyers placed and closed 2,950 cases, providing legal services to 6,135 clients and immediate family members across the State.

In FY17, MVLS began a partnership with the Human Trafficking Prevention Project, a co-grant project funded through the Governor's Office of Crime, Control, and Prevention (GOCCP). Through this partnership, MVLS provides pro bono post-conviction relief such as expungement, shielding, and vacatur, as well as assistance with consumer, housing, and family law matters to those who meet the legal definition of a victim of human trafficking, and others who are put at high risk for exploitation. Since the inception of the partnership, MVLS has served over 300 clients who were survivors of human trafficking or placed at high risk for exploitation, many of whom sought legal help with criminal record relief for drug-related charges and convictions, including possession of paraphernalia. For reasons explained below, MVLS respectfully requests that the Committee returns a favorable report on SB 370.

For many individuals MVLS serves, substance use is a common predictor of and reaction to their experiences of being trafficked. Many trafficking survivors report self-medicating to cope with what has happened to them while being trafficked. Moreover, traffickers frequently use drugs to recruit and control their victims. Being able to receive and retain safe and sterile supplies without fear of arrest for their possession will improve the health outcomes of trafficking survivors and create further opportunities for their engagement with support services.

The broad understanding that drug supplies are illegal in Maryland, and fear of arrest and convictions for paraphernalia possession, creates additional barriers to trafficking survivors seeking help from law enforcement. After an arrest or conviction for paraphernalia possession, trafficking survivors must then contend with the collateral consequences of involvement with the criminal justice system and proactively seek criminal record relief, a process often acutely re-traumatizing for the survivor.

Through our expungement work, which is a vital part of the MVLS HTPP partnership, MVLS has assisted several clients who faced the following scenario:

Law enforcement officers arrest a trafficking victim on suspicion of drug possession, often due to having a mostly empty Ziploc bag, a used pipe, or even remnants of cigar paper discovered in a drawer or glove compartment. Despite the lack of evidence of actual drug possession, the prosecution moves forward with just a paraphernalia charge and drops the possession charge. The person then accepts a plea deal, pleading guilty to the paraphernalia charge; despite the State not meeting their burden of proof that the individual possessed drugs, this person now has a drug-related criminal record that will follow them for five years or more.

These collateral consequences only trap people in a cycle of abuse and poverty since a criminal record makes it harder to obtain housing or employment.

Moreover, SB 370 helps further the State's efforts to align current law with the Cannabis Reform Act, which allows for the use, distribution, regulation, and taxation of marijuana. Under the current drug paraphernalia criminal statute, law enforcement officers can arrest persons for having paraphernalia used for a drug that is legal.

Senate Bill 370 would reduce this current harm by clarifying the law and lessening the risk of criminalization and negative health outcomes for trafficking survivors. For these reasons, MVLS supports Senate Bill 370. We respectfully urge a favorable report.

SB 370 - SUPP - JPR - Jan 29 - Decriminalize Drug

Uploaded by: Henry Bogdan

Position: FAV



marylandnonprofits.org

1500 Union Avenue | Suite 2500 | Baltimore, MD 21211
410.727.6367 | 800.273.6367 | Fax 410.235.2190

January 29, 2025

Statement on Senate Bill 370
Drug Paraphernalia for Administration – Decriminalization
Senate Judicial Proceedings Committee

Position: Favorable

Maryland Nonprofits is a statewide association of more than 1800 nonprofit organizations and institutions. We urge you to report favorably SB 370 that will reduce fear and stigma around accessing sterile supplies that equip people to use drugs more safely, reducing risk of overdose and transmission of infectious diseases. This bill is essentially the same as Senate Bill 420 of 2021 which passed both houses but was vetoed by former Governor Hogan.

Maryland continues to lose thousands of community members a year to fatal overdose. Criminalizing people who use drugs is not helping. We must pursue alternatives to the war on drugs.

This bill decriminalizes the possession and use of drug paraphernalia to inject, ingest, inhale, or otherwise introduce in the human body a controlled dangerous substance (CDS). It also repeals the prohibition on possessing or distributing controlled paraphernalia under circumstances, which reasonably indicate an intention to use the controlled paraphernalia for purposes of illegally administering a CDS.

We must recognize the criminalization of substance use and paraphernalia often prevents people from seeking treatment and supportive services. Also, current drug paraphernalia laws create a disproportionate impact on people of color and further exacerbate inequities in treatment access. Evidence has shown that when there is less fear of punishment or arrest by police, individuals feel safer accessing treatment.

Senate Bill 370 will also reduce the collateral damage caused by incarceration, and by helping to ensure that people are accessing syringe service programs or carry and use lifesaving supplies that prevent overdose deaths and the spread of infectious diseases.

Decriminalizing paraphernalia will help prioritize health and safety over punishment and begin to reduce the harm caused by the war on drugs particularly in black and brown communities.

We urge you to give Senate Bill 370 a favorable report.



SB 370 - SUPP - JPR - Jan 29 - Decriminalize Drug

Uploaded by: Henry Bogdan

Position: FAV



marylandnonprofits.org

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January 29, 2025

Statement on Senate Bill 370
Drug Paraphernalia for Administration – Decriminalization
Senate Judicial Proceedings Committee

Position: Favorable

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We urge you to give Senate Bill 370 a favorable report.



HPP SB 370 Testimony- FAV.pdf

Uploaded by: Jessica Emerson

Position: FAV

Testimony of the Human Trafficking Prevention Project

BILL NO: Senate Bill 370
TITLE: Drug Paraphernalia for Administration – Decriminalization
COMMITTEE: Judicial Proceedings
HEARING DATE: January 29, 2025
POSITION: FAVORABLE

Senate Bill 370 would revise the existing drug paraphernalia law to remove certain items that could be used to consume drugs from its list of prohibited items, effectively decriminalizing possession of those items. It would also protect so-called “secondary distributors” of these items from arrest. The Human Trafficking Prevention Project supports this bill because it will reduce the risk of infectious disease, arrest, *and* re-exploitation for trafficking survivors who use drugs, many of whom do so to cope with the trauma of their trafficking experience. In addition, protecting secondary distributors from arrest will increase the amount of support available to the most marginalized and isolated people who use drugs, which will decrease these users’ risk of a host of harms, including human trafficking.

Legislation passed by the Maryland General Assembly in 2016 has allowed for the expansion of syringe services programs (SSPs) statewide in order to distribute harm reduction supplies to prevent transmission of infectious diseases such as HIV and Hepatitis C. The research supporting the numerous health benefits of SSPs is clear and extensive. **Every scientific and medical organization to study the issue has shown that legal access to sterile supplies reduces the spread of HIV, hepatitis, and other blood-borne diseases.** Studies have also shown that access to supplies *does not* increase improperly discarded needles,¹ rates of drug use,² or other criminalized activity.³ In fact, people who use SSPs are more likely to reduce injections, stop injecting altogether, begin drug treatment, and to remain in drug treatment once they start it.

For these health benefits to materialize however, people need to trust that they can access supplies without law enforcement interference. When supplies are broadly considered illegal, even some registered SSP participants experience harassment and citation from law enforcement who do not understand the confusing patchwork of paraphernalia exceptions.⁴ SB 370 would also protect individuals who don’t have access to an SSP from arrest, such as Marylanders who live in rural areas and must obtain clean syringes from a pharmacy. It would also protect individuals known as secondary distributors who deliver syringes on behalf of an SSP to users who are harder to reach because of physical or mental disabilities and other forms of marginalization.⁵ Under current law, the use, possession, delivery, or sale of paraphernalia to inject, ingest, inhale, or otherwise introduce a controlled dangerous substance into the human body is a criminal offense in Maryland and a first-time violation is subject to a misdemeanor and \$500 maximum fine. Subsequent violations are subject to a misdemeanor, up to two years of imprisonment, and/or a maximum fine of \$2,000. Any arrest, regardless of its outcome, carries with it significant collateral consequences.

Harm reduction methods such as the decriminalization of paraphernalia are especially important to survivors of human trafficking, given that drug use is both a common predictor of, and a reaction to, this horrific crime. Many trafficking survivors report self-medicating to cope with past trauma and were trafficked as a direct result of their addiction, while those who have survived a trafficking experience often begin using substances in an attempt to cope with what has happened or is currently happening to them. Decreasing the risk of

¹ New York Academy of Medicine. New York State Expanded Syringe Access Demonstration Program Evaluation. January 15, 2003

² National Institutes of Health Consensus Panel, Interventions to Prevent HIV Risk Behaviors (Kensington, MD: National Institutes of Health Consensus Program Information Center, February 1997).

³ P. Lurie, A.L. Reingold, B. Bowser (eds). The Public Health Impact of Needle Exchange Programs in the United States and Abroad: Summary, Conclusions and Recommendations (1993)

⁴ There are several exceptions to paraphernalia criminalization under current law. The Maryland General Assembly repealed the criminal prohibition of cannabis-related paraphernalia in 2015, granted exemption for possession of some drug paraphernalia for participants of syringe service programs in 2016, and repealed the criminal prohibition of items to test or analyze drugs, like fentanyl test strips, in 2018.

⁵ Murphy, S., Kelley, M. S., & Lune, H. (2004). The health benefits of secondary syringe exchange. *Journal of Drug Issues*, 34(2), 245-268.

incarceration while at the same time increasing safe usage and support lessens the likelihood of re-exploitation for trafficking survivors who use drugs because they are less likely to have to rely on a potential trafficker for this essential assistance, or to live their lives in the shadows where exploitation thrives as they merely try to figure out how to use more safely.

Harm reduction measures like Senate Bill 370 are important for all people who use drugs, including survivors of trafficking. Equipping people to use drugs more safely works not only to stem the spread of infectious disease, but also to lift the stigma that so often isolates drug users, making them vulnerable to a whole host of other harms, including human trafficking. **For these reasons, the Human Trafficking Prevention Project supports Senate Bill 370 and respectfully urges a favorable report.**

The Human Trafficking Prevention Project is dedicated to ending the criminalization of sex workers and survivors of human trafficking through access to civil legal services and support for policies that dismantle harmful systems and increase access to basic human rights and legal relief.

*For more information, please contact:
Jessica Emerson, LMSW, Esq.
Director, Human Trafficking Prevention Project
(E): jemerson@htprevention.org*

JD Senate Bill 370 - Paraphernalia Decriminalizati

Uploaded by: Jessie Dunleavy

Position: FAV

Senate Bill 370 – SUPPORT
Criminal Law – Drug Paraphernalia for Administration - Decriminalization -

FAVORABLE January 29, 2025

The Honorable William C. Smith, Jr., Esq.
Chairman, Senate Judicial Proceedings Committee
Miller Senate Office Building, 2 East Wing
11 Bladen St., Annapolis, MD 21401

Dear Chair Smith and Senate Judicial Proceedings Committee Members,

I am a retired educator and a lifelong resident of Maryland. I am in favor of decriminalizing the possession of drug paraphernalia because doing so would save lives and reduce the spread of infectious disease while minimizing the undue burden on our criminal justice system.

The current practice of criminalizing possession of paraphernalia serves no purpose. Instead, it creates barriers to health care and other life-affirming opportunities while disproportionately targeting marginalized communities.

Overdose deaths for the most recent 12-month period represent a decrease. While the death toll remains at crisis levels, there is newfound hope for identifying, and expanding, strategies that work. Here in Maryland, we have shifted on some measures and not others. Naloxone, for example, has gained acceptance and has proven to reduce fatalities. But a person who seeks his own safety by using a clean needle (a sign that he cares about his own health) is subject to arrest and jail time.

We will not overcome the tragic loss of life until we embrace the full array of proven strategies. Literally every major health organization in the world urges low barrier access to all initiatives that prioritize safe drug use—with clean syringes as a primary example. Yet Maryland, year after year, despite its comparatively high overdose and HIV rates, continues to support roadblocks to these life-saving programs.

Promoting health and safety over criminalization should be our highest priority, particularly in light of the fact that punitive measures have failed to reduce the prevalence of drugs or the number of addictions and, instead, have given us mass incarceration, loss of productivity, homelessness, disease, and untreated addictions.

I recently attended a two-day workshop put on by the National Academies of Sciences, Engineering, and Medicine on harm reduction services and related research. Sponsored by the Federal Government Office of National Drug Control Policy, the event featured a wide array of experts—research scientists, public health providers, medical professionals, and leaders of organizations such as the National Institute of Drug Abuse (NIDA), SAMHSA, and the CDC. The running theme: Harm reduction and treatment exist on a public health continuum, but availability of services is impeded by drug policies—steeped in stigma rather than research—that do not reflect a collaborative approach to patient-centered care.

It is hard to understand reluctance to adopt strategies that have proven to promote wellness. Blanket

statements refuting the merits of harm reduction are worrisome. According to Health and Human Services, "Harm reduction is critical to keeping people who use drugs alive and as healthy as possible." Those who can't subscribe to this simple principle should rethink their commitment to serving the people.

Harm reduction is about respect, public health, and human rights. How many more people are we willing to lose until such time that we understand punitive measures for people who need help are inhumane and counterproductive?

Respectfully submitted,

Jessie Dunleavy
49 Murray Avenue
Annapolis, MD 21401
jessie@jessiedunleavy.com
www.jessiedunleavy.com

SB370 - JPR - MDH - LOS .docx (1).pdf

Uploaded by: Meghan Lynch

Position: FAV



DEPARTMENT OF HEALTH

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

January 29, 2025

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East Miller Senate Office Building
House Office Building
Annapolis, MD 21401-1991

RE: Senate Bill (SB) 370 - Drug Paraphernalia for Administration - Decriminalization - Letter of Support

Dear Chair Smith and Committee Members:

The Maryland Department of Health (Department) is submitting this letter of support for Senate Bill (SB) 370 - Drug Paraphernalia for Administration. SB 370 will revise existing criminal law to remove items that could be used to consume drugs from what is considered drug paraphernalia, effectively decriminalizing possession of those items.

Substance use disorders (SUDs) are chronic relapsing brain disorders best treated with access to specialized SUD treatment. Decriminalizing drug paraphernalia is an important legislative step to encourage harm reduction programs to operate safely and without risk of legal prosecution. The Behavioral Health Administration (BHA) supports Syringe Service Providers (SSPs) and Overdose Response Programs (ORPs) throughout the state of Maryland. The primary purpose of these programs is to provide harm reduction services to residents of Maryland with SUDs.

SSPs purchase and distribute safe drug supplies for use by individuals with SUDs and are protected from legal prosecution in Maryland¹. Allowing individuals with SUD to possess, purchase, use, carry, and share sterile supplies is important to make it safe for individuals to access services from SSPs without being targeted by Law Enforcement by laws that criminalize drug paraphernalia.

Decriminalizing drug paraphernalia, therefore, removes barriers to accessing safe practices that reduce the transmission of bloodborne illnesses such as HIV and Hepatitis C. It also allows individuals to engage with SSPs that can serve as an entry point to SUD treatment services when the individual is ready to reduce or stop using.

¹ <https://stopoverdose.maryland.gov/wp-content/uploads/sites/34/2024/05/SSP-Resources-for-LE.pdf>

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,

A handwritten signature in blue ink, appearing to read "Laura Herrera Scott". The signature is fluid and cursive, with the first name "Laura" being more prominent than the last name "Herrera Scott".

Laura Herrera Scott, MD, MPH
Secretary

NCADD-MD - 2025 SB 370 FAV - Paraphernalia Decrimi

Uploaded by: Nancy Rosen-Cohen

Position: FAV



**Senate Judicial Proceedings Committee
January 29, 2025**

**Senate Bill 370 - Drug Paraphernalia for Administration - Decriminalization
Support**

NCADD-Maryland supports Senate Bill 370. The General Assembly saw fit to pass this bill in 2021. Then-Governor Hogan used flawed reasoning to veto that measure. Harm reduction strategies do not encourage drug use. There is decades of research and experience right here in Maryland that prove that thinking is simply wrong.

This bill decriminalizes items that can be used to inject, ingest, inhale, or otherwise consume a controlled dangerous substance. As Maryland continues to consider and implement programs and strategies that reduce the harms caused by substance use, the decriminalization of paraphernalia will continue to help ensure that people are accessing services such as syringe services programs and avoid arrest and incarceration.

The benefits of decriminalization include:

- Improved treatment outcomes when someone with a substance use disorder is ready to enter treatment;
- Greater incentive to seek treatment as people who are using substances are less afraid of law enforcement interaction;
- A reduction in the racial disparities in the criminal justice system, as Maryland is among the worst states in its proportion of people of color who are incarcerated;
- A reduction in the collateral damage caused by incarceration; and
- Improvement in the impact of limited public health resources.

In decriminalizing paraphernalia, we will reduce the need for people to re-use certain items that may contribute to the transmission of infectious diseases. This will have a positive public health impact on the spread of HIV and Hepatitis C, and save money in the reduction of needed health services.

We know the collateral damage caused by the war on drugs continues to harm people in Maryland, and disproportionately people of color. As this committee has heard repeatedly over the years, people with criminal records are too often denied employment, housing, food stamps, and scholarships, without any due consideration of the details involved in the records.

We urge this Committee give a favorable report to Senate Bill 370.

SB0370-JPR-SUPP.pdf

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

SB0370/HB0556

January 29, 2025

TO: Members of the Judicial Proceedings Committee
FROM: Nina Themelis, Director of Mayor's Office of Government Relations
RE: Senate Bill 370 – Drug Paraphernalia for Administration - Decriminalization
POSITION: Support

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 370.

SB 370 removes syringes from the list of controlled paraphernalia and reduces penalties for persons found in possession of certain controlled substances. This is not just a criminal justice bill – it is a public health bill. From our front-line work, we know that **paraphernalia criminalization can deter people from accessing important public health programs and services that are proven to reduce injection drug use and HIV infection**. At the same time, paraphernalia criminalization also does not solve the issues of substance use and overdose.

The Baltimore City Health Department (BCHD) is one of eight organizations operating “syringes services programs” (SSPs) in Baltimore City. SSPs, which have been legal in Maryland for more than 30 years, provide people with sterile syringes and collect used ones. They also provide other services, including referrals to substance use disorder treatment, overdose prevention and response education, wound care, peer support, HIV and syphilis testing, reproductive health services, and more.

- SSP participants are **5x more likely to enter drug treatment** and **3.5x more likely to stop injection drug use**.ⁱ
- In 1994, when Baltimore City's first SSP opened, injection drug users accounted for 63% of new HIV infections in the city. As of 2022, they accounted for less than 10%.ⁱⁱ This is due in no small part to the fact that people can now access sterile syringes to keep themselves and their partners safe.
- 30+ years of evidence shows that SSPs **do not increase overdoses or drug use**. They also help prevent overdose deaths.ⁱ
- Studies show that **SSPs reduce syringe litter**.^{iii,iv} Over the past ten years, BCHD's SSP clients have returned **nearly 10 million syringes**.^v

Although current statutes governing SSPs in Maryland protect clients from being found guilty of violating Section 5-619 of the Criminal Law Article, clients of Baltimore City SSPs routinely share that they fear potential harassment from law enforcement if stopped while in possession of legal syringes. While the current law intends to discourage drug use, it instead could deter people from accessing services proven to reduce injection drug use and improve the health and safety of those they serve. As such, the BCA respectfully requests a **favorable** report on SB 370.

ⁱ Centers for Disease Control and Prevention. (2024). Syringe Services Programs. Retrieved from <https://www.cdc.gov/syringe-services-programs/php/index.html>

ⁱⁱ Center for HIV Surveillance, Epidemiology and Evaluation, Maryland Department of Health. (2023). Baltimore City Annual HIV Epidemiological Profile 2022. Retrieved from <https://health.maryland.gov/phpa/OIDEOR/CHSE/SiteAssets/Pages/statistics/Baltimore-City-Annual-HIV-Epidemiological-Profile-2022.pdf>

ⁱⁱⁱ National Association of Counties. (2023). Syringe Services Programs: A NACo Opioid Solutions Strategy Brief. Retrieved from <https://www.naco.org/resource/syringe-services-programs-naco-opioid-solutions-strategy-brief>

^{iv} National Harm Reduction Coalition. (2021). Let's Talk Syringe Litter. Retrieved from <https://www.njlm.org/Archive/ViewFile/Item/1593>

^v Baltimore City Health Department Data

SB370_CCCC Written Testimony.pdf

Uploaded by: Owen O'Keefe

Position: FAV



January 29, 2025

Senate Judicial Proceedings Committee
Senate Bill 370 - Drug Paraphernalia for Administration - Decriminalization
FAVORABLE

Charm City Care Connection supports Senate Bill 370 (Criminal Law - Drug Paraphernalia for Administration - Decriminalization). SB370 will revise existing criminal law to remove items that could be used to consume drugs from what is considered drug paraphernalia, effectively decriminalizing possession of those items.

Founded in 2009, Charm City Care Connection (CCCC) is a community-based harm reduction drop-in center in East Baltimore. As a state authorized Syringe Service Program (SSP) and Overdose Response Program (ORP), we are on the front line of defense in providing support against overdose for the people most at risk in Baltimore City. We connect with people in the community who normally cannot access life-saving services in a traditional manner through regular outreach, with a primary focus on serving individuals who use drugs. We build ongoing relationships with our clients in a way that allows us to provide supportive counseling, referrals, and linkage to care. Our mission is to serve as a pathway to healthcare, low-barrier drug treatment, and other wrap-around services while upholding the dignity, respect, and agency of our clients.

As an authorized SSP, we are legally allowed to distribute sterile drug use supplies to our clients. The distribution of these items is an evidence-based practice proven to reduce the spread of infectious diseases. Unfortunately, the confusing nature of paraphernalia laws in Maryland prevents these health benefits from fully materializing. Unless you can prove you are a client of an authorized program, you are subject to arrest for possessing the same items given out for free by the 27 existing SSPs across the state of Maryland.

Proving you are an SSP client requires holding onto a paper identification card, similar to a business card, and advocating for yourself to law enforcement while displaying this card. For our clients, most of whom are unstably housed and have a history of incarceration, this process is challenging and traumatizing at best. As providers, all we can do is educate our clients on the law and the options they have to protect themselves, but cannot promise them it will be honored.

Our inability to ensure the safety of our clients from arrest for the service we are legally providing them is demoralizing. By decriminalizing paraphernalia, we can eliminate fear of arrest as a barrier to accessing and using our services and improve the ability of our providers to make a positive impact in our clients lives. **For these reasons and more, we ask that the Senate Judicial Proceedings Committee give SB370 a favorable report.**

For more information about Charm City Care Connection or this position, please contact Owen O'Keefe at ookeefe@charmcityclinic.org.

SB370 Para Decrim Written Testimony 2025.pdf

Uploaded by: Rachel Luce

Position: FAV



January 29, 2025

The Honorable William C. (Will) Smith, JR., Esq.
Chairman, Senate Judicial Proceedings Committee
Miller Senate Office Building, 2 East Wing
11 Bladen St., Annapolis, MD 21401

**RE: SUPPORT of Senate Bill 370
(Criminal Law - Drug Paraphernalia for Administration - Decriminalization) - FAVORABLE**

Dear Chair Clippinger and House Judicial Proceedings Committee Members,

I, Rachel Luce (services manager at Baltimore Harm Reduction Coalition) support Senate Bill 370 (Criminal Law - Drug Paraphernalia for Administration - Decriminalization) which will revise existing criminal law to remove items that could be used to consume drugs from what is considered drug paraphernalia, effectively decriminalizing possession of those items.

Baltimore Harm Reduction Coalition's mission is to "mobilize community members for the health, dignity, and safety of people targeted by the racist war on drugs and anti-sex worker policies. We advocate for harm reduction as a part of a broader movement for social justice." We are a state authorized Overdose Response Program since 2014 and a Syringe Service Program since 2019 after state legislation was passed in 2016.

Each week, I engage with hundreds of participants in Baltimore City who are receiving services through our SSP. We distribute sterile syringes and other safer drug use supplies including tools for injection alternatives, wound care, hygiene supplies, and snacks. Our goal is to mitigate transmission of diseases like HIV and HCV, while empowering people to make decisions that feel healthiest for them. The provision and receipt of these services are authorized and protected by the state under [MD Health-General §24-901-909](#). We provide each of our participants a card that verifies their participation in our SSP under this law, but unfortunately there is a dangerous gap in the protections of this law, which Senate Bill 370 addresses.

In addition to distribution of syringes, BHRC also accepts used syringes from our participants and conducts syringe cleanups around our outreach locations so that used needles may be disposed of safely and without posing a threat to the neighborhood's health. However, under the current law and its inconsistent and misinformed application by law enforcement across the state, people who use drugs and their loved ones are put in incredibly unsafe and vulnerable positions. Simply carrying these tools and other items that may be considered paraphernalia can result in years of sentencing. This discourages our participants from utilizing state



authorized services to safely dispose of syringes, and encourages syringes to be anonymously littered around neighborhoods due to fear of prosecution.

Our participant verification cards do not provide sufficient protection from senseless criminalization for carrying safer drug use supplies and other overdose response equipment. The most straightforward way to reduce harmful engagement with law enforcement and the justice system for the long term is to decriminalize paraphernalia. This allows people the safety to carry syringes, whether they are distributing secondhand to a friend from an SSP or have the intention to return used syringes to an appropriate disposal site, without the fear of being punished for looking out for their community.

Voting in favor of this bill demonstrates a commitment to community health and safety for already vulnerable and targeted groups in Maryland. Moving this bill forward helps to fill dangerous gaps that exist in the legal protections offered by [MD Health-General §24-901-909](#).

We believe that this bill will simplify Maryland's paraphernalia laws and clarify that possession of harm reduction supplies to prevent infectious disease is not a crime. **We ask that the Senate Judicial Proceedings Committee give SB370 a favorable report.**

For more information about Baltimore Harm Reduction Coalition, our direct outreach services, or my favorable position on this bill, please contact Rachel Luce at rachel@baltimoreharmreduction.org.

Thank you for your consideration,
Rachel Luce

Para Decrim Bill.pdf

Uploaded by: Sam Dunn

Position: FAV

January 29, 2025

The Honorable William C. (Will) Smith, JR., Esq.
Chairman, Senate Judicial Proceedings Committee
Miller Senate Office Building, 2 East Wing
11 Bladen St., Annapolis, MD 21401

**RE: SUPPORT of Senate Bill 370
(Criminal Law - Drug Paraphernalia for Administration - Decriminalization) - FAVORABLE**

Dear Chair Clippinger and House Judiciary Committee Members,

I, Sam Dunn, services manager at Baltimore Harm Reduction Coalition, support Senate Bill 370(Criminal Law - Drug Paraphernalia for Administration - Decriminalization) which will revise existing criminal law to remove items that could be used to consume drugs from what is considered drug paraphernalia, effectively decriminalizing possession of those items.

Baltimore Harm Reduction Coalition is a community based organization that implements public health services based in harm reduction, provides community trainings and other resources, and advocates for policies to expand harm reduction initiatives in Baltimore and across the states of Maryland. We believe in the value and dignity of all people, especially those who use drugs, engage in sex work, and or have been impacted be the criminalization of such activities by the war on drugs and anti-sex worker policies. We currently provide syringes, and safer use supplies to the communities of Baltimore City. Distributing sterile syringes helps reduce the spread of certain infectious diseases.

From years of doing this work I deeply recognize how stigma and fear from persecution can limit peoples use of these services, which means they will continue to share used syringes, which can result in the passing of certain diseases and lead to death. Decriminalizing paraphernalies and removing penalties for having sterile drug use supplies would benefit our organization and the community. Current protections for SSP participants are not currently enough to keep people safe. These penalties also affect participants that distribute to others in their community and negatively impacts accessibility to these services.

We believe that this bill will simplify Maryland's paraphernalia laws and clarify that possession of harm reduction supplies to prevent infectious disease is not a crime. **We ask that the Senate Judicial Proceedings Committee give SB370 a favorable report.**

For more information about this position, please contact Sam Dunn at hyunkyudunn@gmail.com

SB 370 - MACHO -JPR - LOS .pdf

Uploaded by: State of Maryland (MD)

Position: FAV



**2025 SESSION
POSITION PAPER**

BILL: SB 370 – Drug Paraphernalia for Administration – Decriminalization

COMMITTEE: Senate - Judicial Proceedings Committee

POSITION: Letter of Support

BILL ANALYSIS: SB 370 decriminalizes the possession of drug paraphernalia used to inject, ingest, inhale, or otherwise introduce controlled substances into the human body, thereby increasing access to supplies needed for safe substance use, reducing the spread of bloodborne infections, and reducing drug-related arrests and incarcerations.

POSITION RATIONALE: The Maryland Association of County Health Officers (MACHO) supports SB 370. SB 370 decriminalizes the possession of certain items that can be used by an individual to consume a controlled substance. The proposed decriminalization would increase access to supplies needed for safer substance use and encourage the use of clean syringes, thereby curbing the spread and limiting the financial impact of bloodborne pathogens. SB 370 will also prevent drug paraphernalia related arrests and incarceration.

Injection drug use and needle sharing are major modifiable risk factors for contracting blood-borne pathogens such as HIV and Hepatitis C. Approximately 120,000 cases of HIV are directly attributable to intravenous (IV) drug use and needle sharing.¹ Hepatitis C is the most common bloodborne infection in the U.S. and a leading cause of liver cirrhosis and liver cancer. Hepatitis C prevalence among IV drug users is over 33%.^{1,2} Both conditions place a substantial financial burden on the healthcare system, with the average lifetime cost of HIV treatment and Hepatitis C treatment costing \$370,000 and \$84,000, respectively.¹ Using clean needles and reducing needle sharing substantially decreases the risk of acquiring and transmitting HIV, Hepatitis C and other bloodborne pathogens. SB 370 reduces barriers to utilizing needle exchange services, which increases access to clean needles and decreases needle sharing.¹

The decriminalization proposed in SB 370 would also reduce unnecessary arrests and incarcerations associated with possession of drug paraphernalia, which disproportionately affect communities of color. Reducing fear of interaction with law enforcement also has potential to increase access and utilization of treatment services.

For these reasons, the Maryland Association of County Health Officers submits this letter of support for SB 370. For more information, please contact Ruth Maiorana, MACHO Executive Director at rmaiora1@jhu.edu or 410-937-1433. *This communication reflects the position of MACHO.*

¹ CDC: Office of the Associate Director for Policy and Strategy. (2016, August 5). Access to clean syringes. Centers for Disease Control and Prevention. Retrieved February 5, 2022, from <https://www.cdc.gov/policy/hst/hi5/cleansyringes/index.html>

² Office of Infectious Disease and HIV/AIDS Policy (OIDP). (2021, July 9). Viral hepatitis in the United States: Data and Trends. HHS.gov. Retrieved February 5, 2022, from <https://www.hhs.gov/hepatitis/learn-about-viral-hepatitis/data-and-trends/index.html>

MASDP_Testimony_SB370_Favorable.pdf

Uploaded by: Thomas Higdon

Position: FAV

January 29, 2025

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
Miller Senate Office Building, 2 East Wing
11 Bladen St., Annapolis, MD 21401

RE: SUPPORT of Senate Bill 370 (Criminal Law - Drug Paraphernalia for Administration - Decriminalization) - FAVORABLE

Dear Chair Smith,

The Maryland Alliance for Sensible Drug Policy (MASDP) strongly supports Senate Bill 370 (Criminal Law - Drug Paraphernalia for Administration - Decriminalization), which seeks to repeal the prohibition against the use or possession of certain items associated with drug consumption.

MASDP is a new advocacy group led by individuals with lived and living experience with drugs. Our mission is to promote evidence-based policies informed by the voices and expertise of those directly impacted. We passionately believe that this bill will provide meaningful benefits to individuals, our healthcare systems, and the broader community.

Decriminalizing drug paraphernalia will ensure that individuals who use drugs have access to safe and legal materials, such as sterile syringes and pipes, without the fear of legal consequences. Research consistently shows that access to such materials reduces the risk of overdose complications and the spread of infectious diseases, including HIV and hepatitis C. By removing the stigma and legal barriers tied to obtaining clean and safe supplies, this legislation empowers individuals to prioritize their health and safety.

In addition to promoting the health and well-being of individuals, this bill offers significant benefits to Maryland's overburdened healthcare system. By reducing cases of infectious diseases and overdose-related complications, it will result in fewer emergency room visits and hospitalizations, easing the strain on already limited healthcare resources. This relief is especially important given the state's ongoing budgetary challenges.

Finally, this bill will bring a significant benefit to our communities by reducing drug-related litter. As someone in recovery after more than 25 years of active addiction, I speak from personal experience—when individuals fear legal repercussions, they are less likely to dispose of used paraphernalia properly. This leads to greater litter in public spaces. Decriminalization, on the other hand, encourages the use of safe disposal methods, reducing waste and minimizing risks like accidental needle sticks for children, sanitation workers, and others.

In conclusion, Senate Bill 370 represents a practical, compassionate, and evidence-based approach to improving public health, reducing strain on our healthcare system, and fostering safer communities. **We respectfully urge the Senate Judicial Proceedings Committee to give SB 370 a favorable report.**

Respectfully,

Thomas C. Higdon
Executive Director
Maryland Alliance for Sensible Drug Policy
higdon.thomas@gmail.com

Health Care for the Homeless - SB 370 FAV - Paraph

Uploaded by: Vicky Stewart

Position: FAV



HEALTH CARE FOR THE HOMELESS TESTIMONY
FAVORABLE
SB 370 – Drug Paraphernalia for Administration – Decriminalization

Senate Judicial Proceedings Committee
January 29, 2025

Health Care for the Homeless supports SB 370. This bill will save lives, reduce barriers to housing and employment, and prevent the spread of infectious diseases. As a healthcare facility serving over 10,000 of Maryland’s most vulnerable individuals each year, we see firsthand the effects of criminalizing substance use, particularly on Black and Latino/x communities. In Maryland, possession of drug paraphernalia can result in a fine up to \$500 and a misdemeanor – leading to a criminal record that can be used to deny someone housing and employment.¹

The criminalization of substance use and paraphernalia perpetuates homelessness and prevents individuals from seeking supportive services. When there is less fear of punishment or arrest by police, individuals feel safer accessing treatment.² By decriminalizing paraphernalia and implementing harm reduction principles, individuals are more inclined to carry and use life-saving supplies—such as sterile needles and safer smoking kits—that prevent overdose deaths and the spread of infectious diseases.³ The continued toll of opioid overdose deaths and related harms both warrants and necessitates decriminalization of paraphernalia. In addition to saving lives, this has enormous implications for lowering healthcare costs related to treating infectious diseases, like HIV.⁴

This bill demonstrates Maryland’s commitment to reframing substance use as a public health issue, not a criminal one. **As a health provider that sees how crucial and life-saving harm reduction and decriminalization are for the clients we serve, Health Care for the Homeless urges the committee to issue a favorable report on SB 370.**

Health Care for the Homeless is Maryland’s leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. We deliver medical care, mental health services, state-certified addiction treatment, dental care, social services, housing support services, and housing for over 12,000 Marylanders annually at sites in Baltimore City and Baltimore County.

Our Vision: Everyone is healthy and has a safe home in a just and respectful community.

Our Mission: We work to end homelessness through racially equitable health care, housing and advocacy in partnership with those of us who have experienced it.

For more information, visit www.hchmd.org.

¹ MD Code Ann., Crim. Law, § 5-619 (2013).

² Laura Vearrier, “The Value of Harm Reduction for Injection Drug Use: A Clinical and Public Health Ethics Analysis,” *Disease-a-Month* 65, no. 5 (May 2019), pp. 119–41, available at <https://doi.org/10.1016/j.disamonth.2018.12.002>.

³ *Id.*

⁴ David Wilson, et al., “The cost-effectiveness of harm reduction,” *International Journal of Drug Policy* 26, supp. 1 (February 2015), pp. S5-S11, available at <https://doi.org/10.1016/j.drugpo.2014.11.007>.

SB 370 - MSAA Unfavorable.pdf

Uploaded by: Patrick Gilbert

Position: UNF



Maryland State's Attorneys' Association

3300 North Ridge Road, Suite 185

Ellicott City, Maryland 21043

410-203-9881

FAX 410-203-9891

Rich Gibson
President

Steven I. Kroll
Coordinator

DATE: **January 27, 2025**

BILL NUMBER: **SB 370**

POSITION: **Unfavorable**

The Maryland State's Attorneys' Association (MSAA) opposes Senate Bill 370 and urges this Committee to issue an unfavorable report.

SB 370 is one of a few bills to be considered by the General Assembly this session that deal with the criminalization of and penalty associated with drug paraphernalia. Unlike more measured legislation – including House Bill 260, which is supported by MSAA with limited amendment – this bill completely decriminalizes most drug paraphernalia used to consume controlled dangerous substances. Devices used to ingest drugs, whether by injection or by inhaling, would be legal to possess, leaving law enforcement with limited options to address public drug use and restricting their ability to intervene and connect those struggling with addiction to treatment.

While MSAA is in favor of harmonizing the penalties for drug paraphernalia, and focusing on helping those with substance abuse challenges to find treatment options as opposed to imposing punitive sanctions, SB 370 sends an unfortunate and dangerous message about drug paraphernalia, one that will leave our communities less safe in the midst of an opioid crisis. MSAA urges this committee to reject this bill in favor of the other, more narrowly-tailored options available this legislative session.

MCPA-MSA_SB 370-Drug Paraphernalia for Administrat

Uploaded by: Samira Jackson

Position: UNF



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

TO: William C. Smith, Jr., Chair and
Members of the Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Samira Jackson, Representative, MCPA-MSA Joint Legislative Committee

DATE: January 29, 2025

RE: **SB 370 Drug Paraphernalia for Administration - Decriminalization**

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 370**. This bill would decriminalize the use or possession of drug paraphernalia for all other drugs, other than marijuana. These drugs would include dangerous street-level (user amount) doses of heroin, fentanyl, cocaine, methamphetamine, LSD, and others.

MCPA and MSA are very concerned this bill creates potential for an escalation in the continually rising opioid overdose rates by decriminalizing the devices to ingest the substance, which is often a trigger of usage and directly leads to the approximately 80K overdose deaths reported annually in the United States.

In addition, if paraphernalia is decriminalized, there would be little to no opportunity to enter treatment through a criminal justice diversion program. These programs include the opportunity, for those who qualify, to avoid criminal prosecution by entering treatment programs, that work in conjunction with the court system, to help users break the cycle of addiction. The danger to public safety that is posed by dangerous street-level drugs, as well as the tools to ingest these drugs, requires a comprehensive Criminal Justice approach, that does not include decriminalization.

For these reasons, MCPA and MSA **OPPOSE SB 370** and urge an **UNFAVORABLE** Report.

Written Testimony for HB 556_ SB 370_ Drug Paraph

Uploaded by: Trudy Tibbals

Position: UNF

Written Testimony for **HB 556/ SB 370**: Drug Paraphernalia for Administration - Decriminalization: Please **VOTE NO** on this bill.

Dear Judiciary & Judicial Proceedings Committees:

This bill reads: "...FOR the purpose of **repealing the prohibition** against a person using or possessing with intent to use, delivering or selling under certain circumstances, or manufacturing or possessing with intent to deliver or sell under certain circumstances drug paraphernalia to inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance..." So this bill would NOW allow a person to use or possess with intent to use, deliver or sell or manufacture or possess with intent to deliver or sell drug paraphernalia to inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance.

Also, a subsequent violation penalty is being **lowered** from imprisonment of 2 years down to 1 year or the fine being **lowered** from \$2,000 to \$1,000. In another section of the bill, the penalties are being **lowered** from imprisonment of 4 years down to 1 year and the fine being **lowered** from "up to \$25,000" down to "up to \$1,000".

What is the incentive for: 1. **allowing** a person to use or possess with intent to use, deliver or sell or manufacture or possess with intent to deliver or sell drug paraphernalia to inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance; and 2. **lowering the criminal penalties** of (c) (1) (i), line 10 in this bill? How is this aimed at getting drugs off our streets and out of the hands of repeat criminals or even out of the hands of our children?

I see no good outcome of this bill. I see only more drugs and possession of drug paraphernalia being on our streets, since the penalties are being lowered. What incentives do criminals have for changing their criminal behavior if they are: 1. allowed to use, possess, deliver, sell or manufacture drug paraphernalia, and 2. if the penalties are being lowered for the subsequent offenses of the crimes redefined in this bill, which states "...a person may not use or possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, pack, repack, store, contain, or conceal a controlled dangerous substance"..., especially if they end up with very little jail time and very low fines like these?! Very little to no incentive at all.

Please **VOTE NO** on this bill to show Marylanders that you are capable of being tough on crime!

Thank you.

Trudy Tibbals
Mother of 3 and Maryland resident