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THE MARYLAND HOUSE OF DELEGATES
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House Bill 260

Criminal Law – Drug Paraphernalia – Penalties

Support

HB 260 stands as a vital step in addressing the pressing challenges posed by drug use and its associated risks within our communities. Its primary goal is to reduce the current incarceration period from 4 years to 1 year, or a fine not exceeding [\$2,000] \$1,000, or both, for individuals found possessing drug paraphernalia. By revising penalties related to the possession, sale, and manufacturing of drug paraphernalia, we disrupt the harmful cycle of substance misuse that continues to affect numerous communities.

Under current law, someone found using illicit drugs could face up to 1 year in prison with similar fines stated above. Why, then, does possession of drug paraphernalia, such as a needle or pipe, increase the penalty to 4 years? Whether it is the substance entering the body or the tool facilitating its use, they are fundamentally connected. It is unjust to treat these two aspects differently. Individuals grappling with addiction should not face severe penalties for either using a drug or possessing a tool to administer it.

Presently, a person found with a needle, possibly from past use, could be sentenced to up to 4 years in prison. This does not align with principles of harm reduction, which are crucial for individuals to safeguard themselves while using drugs. Persisting with this 4-year sentence only prolongs unnecessary incarceration and perpetuates the cycle of addiction. It is entirely possible that an individual in possession of drug paraphernalia has not used it recently, yet they face severe consequences. We must protect our communities and try to break this cycle of unnecessary and harmful incarceration.