
TESTIMONY IN SUPPORT OF HOUSE BILL 260

Criminal Law - Drug Paraphernalia - Penalties

Judiciary Committee

January 28, 2025

Social Work Advocates for Social Change strongly supports HB 260, which would remove criminal penalties for the possession of paraphernalia used in the consumption of illicit substances. We strongly urge a favorable report on this bill, as it is a crucial step to shift Maryland's approach to substance use toward public health.

The current legal framework in Maryland makes it possible for individuals to be charged both for the possession of illicit substances and for the paraphernalia used to consume them. This "double-charge" practice only exacerbates the burden on people who use drugs, criminalizing them further and perpetuating harmful stigma. Fundamentally, however, addiction is not a criminal issue: it is a public health issue. These dual penalties do nothing to address the root causes of substance use or to help individuals access the care and support they need.

Harm reduction strategies save lives, and criminalizing paraphernalia undermines these successes. Research by major scientific and medical organizations demonstrates that harm reduction strategies such as the distribution of sterile supplies are vital to controlling the spread of blood-borne diseases such as HIV and hepatitis.¹ Programs that provide safe syringes, in particular, have been shown to reduce the transmission of these diseases drastically.² These health benefits can only be fully realized if individuals trust that they will not be penalized for seeking out and possessing safer supplies. As it stands, even in areas where syringe exchange programs (SSPs) are legal, participants can and are harassed or cited by law enforcement officers who do not fully understand the nuances of paraphernalia laws. Such harassment by law enforcement causes unnecessary disruption, further contributing to the trauma and stigma already faced by people who use drugs. Decriminalizing paraphernalia would remove this barrier and allow individuals to focus on their health and safety rather than worrying about criminal charges.

HB 260 will protect individuals who may act as secondary distributors. Secondary distributors provide harm reduction supplies to family members or friends after

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

²Ibid

receiving them from primary distributors such as clinics or mobile outreach services. Research shows that peer-based distribution of sterile supplies is a vital component of harm reduction strategies because they act as a trusted community source of sterile paraphernalia for people who may have hesitations about established organizational distributors.³ Protecting these secondary distributors would safeguard family and community members, help prevent the spread of infectious diseases, and ensure secondary distributors are not unjustly penalized for their efforts.

HB 260 benefits not only the people who use paraphernalia to consume drugs but also the communities in which they live. Many people who use drugs may avoid keeping used syringes or other paraphernalia due to fear that law enforcement will use those items as evidence of drug use, leading to potential arrest. This fear can lead to improper disposal, which increases public health risks and environmental hazards. By decriminalizing paraphernalia possession, we would ensure that individuals have the time and space they need to safely dispose of used supplies, further reducing risks to both public health and the environment.

Passing HB260 is a critical step in challenging the stigma that surrounds substance use. By clarifying that the possession of harm reduction supplies is not a crime, this bill helps to shift the narrative around drug use – from one of criminality and punishment to one of care and support. This is not just a public health benefit: it is a social justice issue. Decriminalizing paraphernalia will help to ensure that people who use drugs are treated with dignity and respect, rather than being further marginalized by a legal system that punishes them for trying to survive.

HB 260 represents a vital opportunity to improve the health and well-being of Maryland residents, reduce unnecessary legal burdens on vulnerable populations, and create a more compassionate and just approach to substance use in our state. **Social Work Advocates for Social Change urges a favorable report for HB 260.**

Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy, and to engage the communities impacted by public policy in the policymaking process.

³ Snead J, Downing M, Lorvick J, et al. Secondary syringe exchange among injection drug users. *J Urban Health*. 2003;80(2):330-348. doi:10.1093/jurban/jtg035