



NATASHA DARTIGUE
PUBLIC DEFENDER
KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER
MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS
ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: HB 556 Drug Paraphernalia for Administration – Decriminalization

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: February 7, 2025

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 556.

Criminalizing drug addiction makes Maryland less safe. Maryland has taken numerous steps to acknowledge that substance use, and abuse, must be treated through a public health lens. House Bill 556 would take a small important step to further encourage public health approach to substance use by decriminalizing drug paraphernalia for administration. The criminalization of addiction generally, and paraphernalia for administration specifically, drives individuals using drugs further into the shadows—making it less likely that Marylanders struggling with addiction will seek out the help that they need. In addition, criminalizing paraphernalia for administration makes drug use more dangerous. This is because it limits access to health care and other means to reduce the risk of overdose and infection by blood-borne diseases. This is why decriminalization is critical. Decriminalization—a process of removing criminal sanctions for a previously criminalized behavior—is a policy that has been supported by groups like the American Public Health Association, American Society of Addiction Medicine, American Pharmacists Association, UNAIDS, and the World Health Organization, and others.¹ Decriminalization allows for investment in harm reduction measures,

¹UN News. UNAIDS upholds decriminalization, access to services, on International Drug Users' Day. 2021.

Maryland Office of the Public Defender, Government Relations Division, 45 Calvert St, Suite 108, Annapolis MD 21401

For further information please contact Elizabeth Hilliard, Elizabeth.hilliard@maryland.gov 443-507-8414.

substance use and abuse services, and social safety net expansions, not jail.²

House Bill 556 is also crucial to reduce the harm of the opioid epidemic. Maryland has moved past the outdated, unscientific beliefs that addiction is a choice or a moral failing. Addiction is a health problem that must be treated as such. The Maryland General Assembly has recognized this fact and acted on this knowledge by providing opportunities for sentencing modification and drug treatment for individuals in the criminal system due to addiction. We at the Office of the Public Defender have seen the immense benefits these laws have had in helping our clients and their families lead safer, healthier, and more fulfilling lives.

House Bill 556 would continue the General Assembly's mission to address the issue of addiction productively and to make Maryland an even safer and healthier state. Decriminalizing drug paraphernalia for administration will decrease the risks of drug overdose and decrease the stigma and fear that prevents so many from accessing treatment for drug addiction.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on House Bill 556.

Submitted by: Government Relations Division of the Maryland Office of the Public Defender.

<https://news.un.org/en/story/2021/11/1104552>; The WHO calls for decriminalisation. *The Economist*. 2014. <https://www.economist.com/newsbook/2014/07/17/the-who-calls-for-decriminalisation?fsrc=scn%2Ftw%2Fte%2Fbl%2Fed%2Fdrugs>; American Public Health Association. Defining and implementing a public health response to drug use and misuse. 2013. <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2014/07/08/08/04/defining-and-implementing-a-public-health-response-to-drug-use-and-misuse>; American Society of Addiction Medicine. National Addiction Policy Initiatives. 2020. <https://www.asam.org/advocacy/national-advocacy/national-addiction-policy-initiatives>; American Pharmacists Association. 2023 policy updates. 2023. <https://www.pharmacist.com/About/Leadership/HOD/2023-Policy-Updates>

² <https://pubmed.ncbi.nlm.nih.gov/39215532/>