



Maryland's Office of Overdose Response

Wes Moore, Governor · Aruna Miller, Lt. Governor · Emily Keller, Special Secretary of Overdose Response

January 28, 2025

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

RE: House Bill 0260 - Criminal Law - Drug Paraphernalia - Prohibitions and Penalties

Dear Chair Clippinger:

Maryland's Office of Overdose Response (MOOR) respectfully submits this letter of support for House Bill (HB) 0260, which aims to reduce penalties for possession of drug paraphernalia.

Currently, Maryland Criminal Law Article ~~§5–619~~ prohibits the possession of drug paraphernalia and carries a punishment of 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 0260 keeps the \$500 penalty for a first time offense and reduces the penalties for subsequent offenses from two years to one year and/or a fine of \$1,000.

In order to facilitate the operation of harm reduction programs that distribute paraphernalia, such as syringe services programs (SSPs), ~~§24–908~~ of the Health-General Article protects SSP employees or participants from arrest and prosecution for possession of paraphernalia obtained through activities connected to the program. 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 reversal medication, and by connecting participants to other resources and forms of treatment, such as medications for opioid use disorder (MOUD).²

Section~~24–908~~ of the Health-General Article requires those in possession of drug paraphernalia to prove their connection to a verified harm reduction program. Program participants may misplace or lose their identification cards, and law enforcement officers may not respect their validity and arrest the participant anyway. 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.

In order to destigmatize substance use disorder and acknowledge it as a public health issue rather than a criminal justice issue, we must reduce criminal penalties related to possession of drug paraphernalia. Criminalizing the possession of drug paraphernalia reinforces the idea that people who use drugs

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

² Ibid

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, and 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.

These laws also disproportionately impact people of color, especially in Black communities. 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. In 2019, Black adults accounted for 12% of the US population, but 27% of drug arrests.²

For these reasons, MOOR submits this letter in support of HB706.

If you would like to discuss this further, please do not hesitate to contact Benjamin Fraifeld, Associate Director for Policy & Advocacy at MOOR, 443-346-3013.

Sincerely,



Emily Keller
Special Secretary of Overdose Response

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

² <https://www.pewtrusts.org/-/media/assets/2022/02/drug-arrests-stayed-high-even-as-imprisonment-fell-from-2009-to-2019.pdf>