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## **POSITION ON PROPOSED LEGISLATION**

**BILL: SB327 Drug Paraphernalia and Controlled Paraphernalia Prohibitions**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable**

**DATE: February 3, 2026**

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**The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 327.**

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. Senate Bill 327 would take a small important step to further encourage public health approach to substance use by repealing Criminal Law § 5-619 and § 5-620, which criminalize the possession of drug paraphernalia and controlled paraphernalia. 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 that is used for the 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.<sup>1</sup>

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

Decriminalization allows for investment in harm reduction measures, substance use and abuse services, and social safety net expansions, not jail.<sup>2</sup>

Senate Bill 327 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.

Senate Bill 327 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 Senate Bill 327.**

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

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<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>

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