

STATEMENT OF
Eric E. Sterling, J.D.¹
SUBMITTED TO
THE MARYLAND SENATE
COMMITTEE ON JUDICIAL PROCEEDINGS
HON. WILLIAM C. SMITH, JR., CHAIR
HON. JEFF WALDSTREICHER, VICE CHAIR
FEBRUARY 5, 2026

IN FAVOR OF
SB0327 Criminal Law – Drug Paraphernalia and Controlled Paraphernalia Prohibitions²
– Repeal

Chair Smith, Vice Chair Waldstreicher, Distinguished Senators, I support SB 0327 and urge you to give this urgently need legislation a favorable report. I heartily commend Senator Cory McCray and Delegate Karen Simpson for their leadership in developing this important legislation. The criminal penalties for possession of drug paraphernalia need to be repealed.

Forty years ago, in 1986, I organized the hearings on legislation to ban the shipment of drug paraphernalia through the U.S. Postal Service and in interstate commerce when I was Assistant Counsel to the U.S. House Judiciary Committee, Subcommittee on Crime. We heard the arguments. Our subcommittee and full committee did not report the legislation! But the sponsor went directly to the House leadership, and the legislation was included in an omnibus anti-drug bill that was enacted in haste after the tragic death of Maryland basketball star, Len Bias. (P.L.99-570, “Anti-Drug Abuse Act of 1986,” Title I, Subtitle O, Prohibition on the Interstate Sale and Transportation of Drug Paraphernalia, Sec. 1821 *et seq.*, 100 STAT. 3207-51). This is the omnibus bill that included the new federal mandatory minimum drug sentences and many other counter-productive measures enacted in a partisan political environment encouraging anti-drug *machismo*.

In the years since, as I have worked on the problems of addiction and the challenge of appropriate control of controlled substances, I have seen how the criminal penalties regarding possession and distribution of “drug paraphernalia” have contributed to the spread of disease and to countless cases of injustice. It is particularly noteworthy that the legislation was enacted in 1986 as the spread of HIV and AIDS was becoming a global epidemic. A primary vector in the transmission of HIV was the sharing of outlawed injection equipment by people who were using drugs. The practice of sharing syringes was driven by the criminal penalties attached to the possession of drug paraphernalia. That remains true today.

The most important people to protect with drug policy are people who use drugs. People who use drugs are at risk of death from overdose and disease. Our most important goal must be to protect

their lives and their health. We must stop sacrificing the lives of people who use drugs to carry out symbolic campaigns of disapproval of drug use. People who don't use drugs are not at risk.

My first cousin, Clifford, died from his addiction over 25 years ago. I fully appreciate the horror and tragedy of addiction for those who suffer and the impact on their loved ones. I fully appreciate the public's legitimate desire to protect society from addiction. And I appreciate the enormous challenge that law enforcement faces in trying to protect our communities from the consequences of addiction and criminal drug distribution. In all those instances, the prohibition on the possession of drug paraphernalia is not helpful.

The key result of this legislation, if enacted, will be to reduce the transmission of disease among drug users and thus save lives. It will not lead to any increase in addiction and will not legitimize or express approval of drug use.

I urge a favorable report.

¹ Eric E. Sterling is a member of the Ministry and Worship Committee of Bethesda Friends Meeting, Bethesda, MD. He testifying on his own behalf. He was Executive Director of the Criminal Justice Policy Foundation (1989-2020). He served on the Alcohol and Other Drug Abuse Advisory Council of Montgomery County for a decade. From 1979 to 1989 he was Assistant Counsel, U.S. House of Representatives Committee on the Judiciary responsible for drug enforcement and many criminal justice issues. From 2013 to 2017, on the appointment of Gov. Martin O'Malley, he served on the Maryland Medical Cannabis Commission and chaired its Policy Committee. From 2022 to 2024, he was Chair the Montgomery County Advisory Commission on Policing. In 2024, Gov. Wes Moore appointed him to serve on the Maryland Task Force on the Responsible Use of Natural Psychedelic Substances. He received a B.A. from Haverford College in 1973, and a J.D. from Villanova University Law School in 1976. He has lived in the 18th legislative district since 1998.