



**Testimony for the House Judiciary Committee
February 6, 2026**

**HB 551- Drug Paraphernalia and Controlled Paraphernalia Prohibitions -
Repeal**

FAVORABLE

The ACLU of Maryland urges a favorable report on HB 551, which seeks to repeal certain prohibitions relating to drug paraphernalia and controlled paraphernalia. For over a century, U.S. drug policy has prioritized punitive approaches under the guise of stopping drug use and production. The results have been drugs becoming cheaper, more available, and potent, record-high overdose deaths.¹ To save lives and promote healthy communities in Maryland, it is urgent that we shift our drug policy away from punishment and towards health-focused strategies.

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Arresting people for the possession of drug paraphernalia has done nothing but subject otherwise law-abiding citizens to arrest, prosecution, and possible imprisonment – potentially their first exposure to the criminal justice system – all for possessing certain materials that may or may not be drug related. Paraphernalia laws criminalize otherwise legal, everyday objects - small plastic bags, spoons, and scales. For example, items prohibited under our drug paraphernalia laws include equipment, a product, or material that is used for “planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, packaging, repackaging, storing, containing, or concealing a controlled dangerous substance”² This definition can be read very broadly and encompass a person possessing a myriad of materials with no intention of actually using it for drug activity. These materials become illegal when associated with suspected drugs, even if no drugs are present.

Regardless of why a person may be in possession of an item, it is a private and personal matter that does not cause harm to the public. Additionally, our state has legalized Marijuana for medical and recreational use. Under our current laws, people can still be penalized for materials associated with drug packaging, distribution, and use, even though they are legally permitted to consume Marijuana. These technical and ethical dilemmas are just a few of the reasons why we must repeal the current drug paraphernalia and controlled paraphernalia prohibitions.

¹ *Beyond the Drug War: A Health First Approach to Global Drug Policy*, Drug Policy Alliance, May 22, 2025,

https://drugpolicy.org/wp-content/uploads/2025/05/DPA-USFPPolicyBrief2025_InDesign-DIGITAL.pdf

² Md. Code Ann., Crim. Law § 5-619 (West)

Drug laws are disproportionately enforced against people of color

Specifically, when looking at simple possession of marijuana, Black-Americans in Maryland were nearly three times as likely to be arrested for the possession of marijuana as their White neighbors, despite comparable rates of use across all races.³ In 2010, Black Marylanders made up 30% of Maryland's population, but 58% of all marijuana arrests.⁴ Similarly, in 2010, Black Marylanders made up 62% of all drug violations.⁵ At a time when the Maryland General Assembly is prioritizing efforts to mend the relationship between law enforcement and the communities they serve, the continued reliance of police officers on drug laws as a tool for searching and harassing individuals has only contributed to widening the rift.

The war on drugs is expensive and ineffective

Criminal prohibition, the centerpiece of U.S. drug policy, has failed miserably. In order to effectively reduce problematic drug use, our drug policies should focus on methods such as prevention, research, education, and the development of comprehensive social programs to address issues that contribute to problematic drug use, such as permanent poverty, and long-term unemployment. Substance abuse disorder must be treated as a mental health issue and a public health issue, not a legal justice issue.

For these reasons, we urge a favorable report on HB 551.

³ The ACLU of Maryland, *The Maryland War on Marijuana in Black and White* (2013), available at:

http://www.aclumd.org/uploaded_files/0000/0470/aclu_marijuana_in_md_report_whitecover.pdf.

⁴ *Id.*

⁵ Maryland State Police, *Crime in Maryland: 2010 Uniform Crime Report* (2010), available at: <http://mdsp.maryland.gov/Document%20Downloads/Crime%20in%20Maryland%202010%20UCR%20Report.pdf>