



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2023 Session
SB0762

Drug Paraphernalia for Administration - Decriminalization

Bill Summary

This bill alters statutory provisions related to (1) controlled paraphernalia; (2) the prohibition against using or possessing with the intent to use drug paraphernalia; (3) the prohibition against delivering or selling, or manufacturing or possessing with the intent to deliver or sell, drug paraphernalia; and (4) penalties for offenses involving controlled paraphernalia and drug paraphernalia.

Racial Equity Impact Statement

The bill's modified definition of controlled paraphernalia will decrease the number of individuals charged and sentenced for controlled dangerous substance (CDS) paraphernalia offenses generally. The bill's reduced penalties will also shorten incarceration periods for those jailed for violating prohibitions against the use or possession of certain drug paraphernalia and delivery or sale of drug paraphernalia. The magnitude of the bill's impact on various demographic groups cannot be reliably estimated as no detailed data is available on arrests and sentencing for drug paraphernalia offenses.

Analysis

The bill repeals the prohibition against CDS paraphernalia, adulterants, and dilutants that are used to inject, ingest, inhale, or otherwise introduce a CDS into the human body. Accordingly, the bill alters an element of the criminal prohibition against possession or distribution of controlled paraphernalia to include possession or distribution of controlled paraphernalia for purposes of manufacturing, distributing, or dispensing (rather than administering) a CDS.

The bill also reduces penalties related to controlled paraphernalia from a maximum penalty of four years imprisonment and/or a \$25,000 fine to a maximum penalty of one year imprisonment and/or a \$1,000 fine. Subsequent offender penalties for violation of the prohibitions against the use or possession of drug paraphernalia and the delivery or sale of drug paraphernalia are reduced from a maximum penalty of two years imprisonment and/or \$2,000 fine to a maximum penalty of one year imprisonment and/or \$1,000 fine.

Conclusion

Generally, the bill's modified definition of controlled paraphernalia will decrease the number of individuals charged and sentenced for CDS paraphernalia offenses. The bill's reduced penalties will also shorten incarceration periods for those jailed for violating prohibitions against the use or possession of certain drug paraphernalia and delivery or sale of drug paraphernalia.

The bill's impact on various demographic groups cannot be reliably estimated as no detailed public data is available on arrests and sentencing for drug paraphernalia offenses. The annual Uniform Crime Report published by the Department of State Police releases composite data on various drug-related and other offenses but does not isolate paraphernalia arrests as separate offenses. Determining the actual racial equity impacts of the bill would require data that captures by racial and ethnic group the distribution of penalties related to use and possession of hypodermic syringes, needles, or any other object or combination of objects adapted to administer a CDS by hypodermic injection.

Information Sources: Department of Legislative Services

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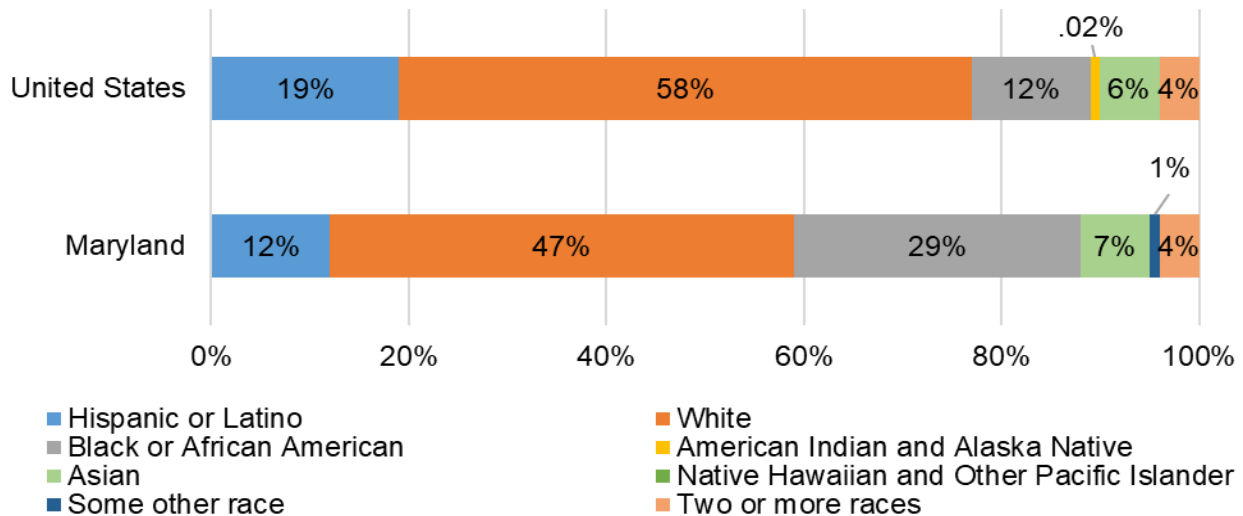
Appendix – Maryland Demographics

Race and Ethnicity of the Maryland Population

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. In addition to an increase in population, Maryland’s racial demographics have become more diverse. Maryland is now a state in which racial minorities make up a majority of its total population. Notable changes relevant to this shift are the increase in groups who identify as “other” and “multiracial” (*i.e.*, two or more racial identities), which total 5% of the State’s population. Additionally, the change in demographics is due to the decrease in the number of individuals who only report “white” as their racial group. Despite this decrease, non-Hispanic whites remain the largest single race demographic group in the State of Maryland comprising 47% of the State’s population.

Compared to the U.S. population overall, Maryland’s population of individuals who identify as a single race is more diverse. Maryland is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). As shown in **Exhibit 1**, in Maryland, 47% identify as white alone compared to 58% of the national population. Similarly, 51% of the population identify as non-white or multi-racial compared to 38% of the national population. In both the State and national population, the largest shares of the non-white population are individuals who are Black or African American, with 29% of the State population identifying only as Black or African American and another 2.5% identifying as Black in combination with some other race. Maryland’s Asian population is 7%, which is slightly higher than the Asian share of the national population of 6%. The State’s overall population by ethnicity, however, is slightly less diverse than the U.S. population; 12% of the State’s population identified as Hispanic or Latino compared to 19% of the U.S. population.

Exhibit 1
U.S. and Maryland Population by Race and Ethnicity
2020



Source: U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.