

Drug Paraphernalia Decriminalization - SB 420

Written Testimony

Submitted by Jessie Dunleavy

I am in favor of decriminalizing the possession of drug paraphernalia because I believe the current practice does more harm than good in that it over-utilizes law enforcement resources while discouraging the use of interventions that promote health and safety. Existing exceptions that do take health and safety into account, often complicate circumstances, creating confusion for police officers and promoting inequities by penalizing people based on circumstances beyond their control.

Even though overdose fatalities have quadrupled in the last decade, we continue to fumble with comprehensive drug policy reform, a failure that leaves so many harms in its wake: mass incarceration, loss of productivity, homelessness, and the spread of infectious diseases such as HIV and hepatitis.

Considering the increase in intravenous drug use, syringe programs are a crucial health-centered intervention in reducing harm. Endorsed by the World Health Organization and the American Medical Association, syringe access programs are well-researched with irrefutable scientific consensus: they are effective in saving lives and in squelching the spread of infectious disease; they are inexpensive and do not encourage drug use, nor do they encourage improper syringe disposal or crime.

Thankfully, Maryland passed legislation authorizing statewide syringe programs. Yet access in many jurisdictions throughout the state lags, ranging from woefully poor to non-existent. Therefore, individuals in much of the state are fearful of criminal charges and rightfully so.

When law enforcement practices preclude the maximization of harm reduction services, we have to re-think whether arrests and incarceration should trump health care and wellness. For people who suffer with a substance use disorder, we must focus on interventions that put health care first. We have to put humanity and dignity at the center of our programs, and encourage the use of resources that exist to minimize harm. Our practice of disempowering the vulnerable, of removing resources from them, and isolating them has failed. A rational and humane approach is needed.

Recovery from addiction is possible but the most effective programs are underutilized due to stigma. To tackle this increasingly deadly crisis, we must figure out a way to shed the stigma and prioritize health-based solutions—a practice too often sidelined, but one that has proven effective regardless of whether the benefit is measured in humanitarian or economic terms.

In consideration of the known facts, I believe that any steps we can take to reduce criminalizing those who suffer is a step in the right direction.

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