



POSITION ON PROPOSED LEGISLATION

Bill: SB 0420 Criminal Law – Drug Paraphernalia for Administration Decriminalization

Position: Favorable

Date: February 11, 2021

The Office of the Public Defender supports SB 420, which decriminalizes the possession and use of drug paraphernalia in certain circumstances.

Drug addiction is a medical condition and caging individuals is not treatment. Unfortunately, overdoses in Maryland increased in 2020 during the public health crisis.¹ Thus, Maryland is currently facing two public health emergencies. In order to deal with drug addictions and overdose deaths, Maryland needs to treat addiction as a public health issue. This bill is in line with proven public health practices such as needle exchange programs that reduce the spread of HIV and Hepatitis B.

As public defenders, we've seen cases where individuals have called 911 to help a friend experiencing an overdose. And despite Maryland's Good Samaritan law, we've seen those who call for help and those who needed medical intervention charged with possession paraphernalia for administration. Thus, the criminalization of paraphernalia hurts Maryland's effort to reduce overdose deaths and contradicts the spirit of Maryland's Good Samaritan law. Further, the criminal statute carries a maximum four years incarceration while drug possession carries a maximum one year incarceration. We don't think the potential of a four-year sentence is in line with the legislature's recent changes to the penalties section for drug possession and paraphernalia respectively. Therefore, we support this proposed legislation.

¹ <https://www.baltimoresun.com/health/bs-hs-overdose-rate-maryland-coronavirus-pandemic-20210113-rl13kzzv3jd6he2bf44wah5cbm-story.html>