

Treat drug use as a health issue, not a criminal one: decriminalize paraphernalia | COMMENTARY

By **RAJANI GUDLAVALLETI** and **SHANE SULLIVAN**
FOR THE BALTIMORE SUN | MAR 23, 2021 AT 1:22 PM



Kenneth Pierson puts together "harm reduction" kits for heroin addicts, inside one of Baltimore City's needle exchange vans, which was parked on Monroe Street near Ramsay Street on Thursday afternoon to help heroin addicts in southwest Baltimore. (Amy Davis / Baltimore Sun)

As the COVID-19 pandemic devastates our communities, the country continues to grapple with another urgent epidemic that is killing people every day from coast to coast. Over the past decade, nearly half a million people in the United States have died from a preventable drug overdose. The pandemic has increased risk of overdose, as millions of people struggle with loneliness, isolation, anxiety, stress and loss of income.

One key evidence-based strategy is to support our loved ones with using drugs more safely. When people use new needles every time they inject and test their supply to understand potency, the rate of overdose and diseases such as HIV and hepatitis drop significantly. Our community-based organizations operate syringe service programs in Baltimore and Washington, D.C. Every day we see the good our programs, and our supplies, accomplish. By meeting people where they are, we build trust; often this relationship can be lifesaving.

Syringe service programs like ours are linked to a 50% reduction in HIV and hepatitis, according to the Centers for Disease Control and Prevention. By comparison, arresting people for possession of sterile syringes has been associated with syringe sharing and reusing, which *raises* the risk of HIV and hepatitis. Also, when people are released from incarceration, they are more likely to have a fatal overdose within months of release.

Unfortunately, in most places, these kinds of harm reduction strategies may be illegal. It does not matter that a person can legally access new needles from harm reduction advocates if an officer has authority to stop, search, harass and arrest this person for possession of these supplies. Possession of these tools, otherwise known as paraphernalia, has no bearing on the level of violence or crime in a community. The only victims of paraphernalia possession are our loved ones, who are being arrested for trying to keep themselves safe.

At least 11 states have decriminalized drug paraphernalia for personal use. In December, D.C. joined this group. The D.C. law also expanded the kinds of paraphernalia that community organizations can distribute, allowing them to provide safer supplies for other forms of drug consumption and ultimately reach more people who need our services.

The state of Maryland should be next. The state legislature currently is considering a measure ([SB 420](#)/[HB 372](#)) that would decriminalize the possession of drug paraphernalia for personal use. The House Judiciary committee gave the bill a favorable report this month, allowing it to move forward. This is a crucial step in the fight to treat drug use as a community health issue rather than a criminal one.

Currently in Maryland, paraphernalia possession is considered a crime — with penalties of up to four years in prison and a \$25,000 fine if convicted — unless the supplies have been obtained through a state-approved syringe services program. In practice, this carve-out in the law is confusing and unevenly enforced. A flimsy card, which has no uniformity across programs, as well as your own self advocacy is what stands between you and arrest or citation.

Community-based programs like ours not only provide sterile, safe supplies, but also provide people who use drugs a nonjudgmental environment in which they can build supportive relationships, openly discuss their needs and concerns, and connect to other services that help with medical care, housing and treatment.

In Maryland, D.C. and across the country, overdose has not stopped for COVID-19. Decriminalizing paraphernalia for personal use reduces barriers to safe syringe access and aligns Maryland law with widely accepted public health practice, saving money, stopping unnecessary arrests and improving outcomes. Helping people access safe use supplies is more important than ever. We need to decriminalize paraphernalia so that we can have healthier, safer communities.

Rajani Gudlavalleti (admin@baltimoreharmreduction.org) is director of mobilization with Baltimore Harm Reduction Coalition. Shane Sullivan (shane@hips.org) is a community outreach specialist with HIPS (Honoring Individual Power and Strength) in Washington D.C.