



*Baltimore Harm Reduction Coalition mobilizes community members for the health, dignity, and safety of people targeted by the war on drugs and anti-sex worker policies. We advocate for harm reduction as part of a broader movement for social justice.*

## **Baltimore Harm Reduction Coalition 2022 Maryland General Assembly Legislative Agenda**

Baltimore Harm Reduction Coalition (BHRC) has four overarching priorities for community mobilization and policy advocacy from 2021-2025: 1) gain community reparation from over a century of harm, and freedom from criminalization; 2) end state-sanctioned surveillance policies that reduce opportunities and access for people who use drugs; 3) increase access, autonomy, and power for people targeted by drug war and anti-sex worker policies; and, 4) create and strengthen community-run spaces grounded in Harm Reduction. In 2022, BHRC will continue to advance these priorities by working towards the following legislative actions:

### **Amend paraphernalia statutes and decriminalize safety**

#### ***SUPPORT WITH AMENDMENT: Criminal Law - Drug Paraphernalia for Administration - Decriminalization*** ***([Senate Bill 509](#) and [House Bill 481](#))***

Maryland law criminalizes people who use drugs for possessing life-saving and disease-preventing tools. In 2016, the Maryland General Assembly voted to expand syringe services programs, creating an exception to paraphernalia laws for affiliates of a program. However, this has not sufficiently prevented police from using paraphernalia as pretext for stopping, searching, and seizing possessions based on suspicion of drug use. Maryland's paraphernalia laws must be amended to send a clear message to community members and police officers that the possession of supplies used to improve health and wellness is not a crime.

In April 2021, the Maryland General Assembly passed [Senate Bill 420](#) to decriminalize possession of paraphernalia for personal use including delivery and distribution. Governor Hogan vetoed the bill in May 2021. During the December 2021 special session, the Senate voted to indefinitely postpone a vote on a veto override of SB 420.

SB509 and HB481 being introduced in 2022 do not include necessary clauses regarding decriminalizing possession of large quantities of paraphernalia for delivery and distribution. Secondary distribution increases access to these life-saving supplies, which is particularly necessary to serve people who are isolated due to stigma, COVID-19, limited mobility, etc. We seek an amendment to the bill that will expand protections to include delivery and distribution.

### **Increase access to naloxone and protections for overdose responders**

#### ***SUPPORT: Criminal Procedure - Medical Emergency - Immunity (aka "Good Samaritan Expansion")*** ([House Bill 190](#))

Maryland must clarify its 2015 Good Samaritan law to protect victims of overdose or medical emergencies with the same immunity from arrest, charge and prosecution as those calling 911. The immunity protections should also be expanded to include misdemeanors, distribution charges, and outstanding warrants. Evidence demonstrates the efficacy of non-coercive policies and supportive community-based interventions to reduce overdose risk, build trust, strengthen community, and facilitate positive change. These interventions should be authorized and supported for those most targeted by the drug war, including people near scenes of overdose and people incarcerated for drug-related charges.

***SUPPORT WITH AMENDMENT: Health Records and Reporting of Overdoses - Limitations on Use in Criminal Investigation or Prosecution ([House Bill 786](#) and [Senate Bill 568](#))***

BHRC supports SB568 because it is an essential fix to existing law that shields victims of drug overdoses from having their private medical information shared in the course of a criminal investigation. In 2018, Maryland enacted a law requiring EMS report overdose information to mapping applications, but banned the use of this mapping data in the course of a criminal investigation or prosecution. Despite the clear intent of the law, some law enforcement and prosecutors have interpreted this much more narrowly. They see this as only a ban on data obtained directly from the mapping application, and not a ban on the same data from separately maintained, emergency medical services records. This loophole undermines the intent of the initial law and perpetuates the culture of fear around reporting overdoses that already exists in communities across the state. If passed, this legislation would strengthen the impact of the existing Good Samaritan law.

***SUPPORT WITH AMENDMENT: Statewide Targeted Overdose Prevention (STOP) Act of 2022 ([Senate Bill 394](#) and [House Bill 408](#))***

BHRC supports the STOP Act because it is intended to increase access to naloxone for both individuals and community-based organizations free of charge. If appropriately implemented, this bill will increase the sense of responsibility agencies feel about responding to overdose by requiring that EMS and certain programs and hospitals develop a process to ensure active availability of naloxone for their clients and patients.

**Protect sex workers and their communities from increased criminalization**

***OPPOSE: Baltimore City - Board of License Commissioners - Licensee Hours of Operation ([SB 222](#) and [HB 372](#))***

BHRC supports efforts to reduce police control, and defeat proposals that perpetuate stigma against people who use drugs and sell sexual services. HB372/SB222 with amendments would institutionalize and increase police surveillance on establishments licensed to provide adult entertainment and sell liquor. This policy would not improve public health and safety, but it will push vulnerable people further into the margins. People who rely on the employment and services offered in this historic part of Baltimore do not deserve further punishment by the State.

**Promote low-barrier access to health care for people who use drugs and sell sexual services**

***SUPPORT: Trans Health Equity Act of 2022 ([SB682](#) and [HB746](#))***

***SUPPORT: Abortion Care Access Act of 2022 ([SB890](#) and [HB937](#) / [HB952](#))***

***SUPPORT: Perinatal Care - Drug and Alcohol Testing and Screening - Consent ([HB1335](#) and [SB843](#))***

***SUPPORT: Pregnant Incarcerated Individuals - Substance Abuse Assessment and Treatment ([HB1120](#))***

BHRC supports efforts that increase access to quality services within supportive spaces. This includes expanding access to non-judgemental resources that can provide abortion care, perinatal care, gender-affirming surgeries, and other essential services.

**Promote systemic accountability and invest in healthier communities**

***SUPPORT: Justice and Public Health Prioritization Council ([HB1058](#))***

***SUPPORT: Police Immunity and Accountability Act ([HB1012](#))***

BHRC supports efforts to reduce the reach and authority of policing and carceral systems that uphold our racist drug war. This includes redirecting resources from incarceration to health care and holding law enforcement officers accountable for their actions.

## **Decriminalize drug possession and drug use**

**SUPPORT: Use or Possession of a Controlled Dangerous Substance - De Minimis Quantity ([HB1054](#) and [SB784](#))**

**SUPPORT: Cannabis Legalization and Reparations for the War on Drugs Act ([Senate Bill 692](#))**

**SUPPORT: Cannabis Legalization and Equity Act ([House Bill 1342](#))**

BHRC supports efforts to gain community reparation from over a century of harm, and freedom from criminalization. Maryland must prioritize the health, dignity, and safety of people who use drugs, including systemic community healing after decades of over-policing and mass incarceration due to the war on drugs. Decriminalization of drug possession is the most effective action to reduce stigma associated with drug use because it enables people to feel safer about discussing their drug use with loved ones, service providers, and support networks. BHRC supports decriminalization and legalization efforts that include steps toward increased fairness and social equity, such as expungement provisions, housing assistance supports, and business licensing mandates. We see this as the start of a greater movement towards reparations for communities targeted by the War on Drugs.

## **Educate policymakers about the need to authorize Overdose Prevention Sites (no legislation in 2022)**

Overdose Prevention Sites (OPS) are legally sanctioned indoor spaces where people can consume their own drugs with immediate access to life-saving interventions, medical care, emotional support, and non-judgemental therapeutic relationships. Maryland has lost more than 10,000 people to overdose over the past 7 years, a number that continues to climb due to conditions arising from the COVID-19 pandemic. Decades of evidence show that community-run OPS reduce overdose fatalities and disease transmission, and are uniquely able to engage historically marginalized people who are most at risk of overdose. In November 2021, BRIDGES Coalition voted to support a proposal from State legislative champions to not bring the OPS bill to the Maryland General Assembly in 2022, and to re-introduce it in 2023 after state elections are complete.