



# HOUSE OF REPRESENTATIVES

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### **Senator Baldacci, Representative Meyer, and distinguished members of the Committee on Health and Human Services:**

I am submitting testimony in opposition of the passage of LD 1975, "An Act to Implement a Statewide Public Health Response to Substance Use and Amend the Laws Governing Scheduled Drugs".

If passed as written this bill will allow the personal possession of up to 2 grams of heroin, 2 grams of fentanyl, 2 grams of cocaine, and 2 grams of methamphetamine to not be a criminal offense. The current street prices for these illicit dangerous drugs range from \$100 to \$150 per gram.

LD 1975 will effectively decriminalize the possession of dangerous illicit street drugs such as fentanyl, heroin, cocaine, and methamphetamine. It follows the model that was instituted in Oregon under Ballot Measure 110, which took effect in 2021. It follows a model instituted in British Columbia in January 2023 as part of 3-year decriminalizing experiment. The results in both Oregon and British Columbia have been disastrous to all involved. We can expect no better results with a similar approach in Maine. We owe all of our constituencies better than cavalier public policies that bring about extreme consequences.

British Columbia, specifically Vancouver, has long had permissive approaches to tackling drug abuse and addiction. For over twenty years they have operated safe injection sites that were sold as a vehicle to reduce demand, save lives, and get people into treatment and recovery. The areas around the safe injection sites had a reduced law enforcement footprint as it was believed that law enforcement intervention was detrimental to public health policy, and these areas effectively

became “de facto” drug decriminalization zones. Over the past two decades demand for drugs increased, overdoses increased, supply increased, organized crime benefited, homelessness increased, crime increased, and there was a decay of the areas and businesses immediately in the area around the sites which can be evidenced in the East Hastings Street in Vancouver. They next implemented safe drug testing sites hoping that those using drugs would first test the supply before deciding to use, this had little to no lasting positive impact. In January of 2023 British Columbia decriminalized the possession of drugs in an effort to reduce demand and overdose deaths, this is part of a three-year experiment. During the first 7 months of 2023, British Columbia set a new record with 1,455 drug deaths even though the province was continuing to expand access to treatment options and counselling. Despite their best efforts in Vancouver and annual investments over approximately 5 billion dollars by governments and charities on services and supports to address the needs of vulnerable citizens, all of the problems worsened.

In 2021 Ballot Measure 110 took effect in Oregon. This decriminalized the possession of drugs, allowed for a citation to be issued with a fine that could be suspended, providing that the person undergo assessment for treatment and services. This allowed for the possession of up to 2 grams of methamphetamine, 1 gram of heroin, 1 gram of ecstasy, 2 grams of cocaine, and 1 gram of fentanyl to be considered personal use and not a crime. Since 2021 approximately 6,000 tickets have been issued for personal drug possession amounts, but only 92 people have called and completed assessments needed to connect them with services. Oregon’s overdose rates have been on a steady trajectory upwards since 2021. In the first two years the annual overdose rate in the state rose by 61% compared with a 13% nationwide. Oregon also has the fastest growing youth drug death rate in the United States. Social spending is at an all time high, with existing resources being maxed out. Drug supply and organized crime activities increased, drug demand and use increased, crime increased, as did homelessness. Public spaces became taken over by encampments and open-air drug markets. First responders: Police, Fire, and EMS have been overwhelmed with drug related calls leading to a recruitment and retention crisis for those services. Businesses have shut down or relocated due to rampant crime. Ballot Measure 110 has been an absolute disaster for Oregon, and they are now struggling with how to rectify it. The passage of Ballot Measure 110 passage is largely attributed to significant monetary investments from out of state special interest groups with the largest contributor being the Drug Policy Alliance at 3 million dollars compared with locally funded opponents of the measure spending around 40 thousand dollars.

Across the country, special interest political groups have spent millions of dollars to overhaul the criminal justice system with more permissive strategies such as drug decriminalization, safe injection sites, bail reform (catch and release), minimizing law enforcement contact with people who are homeless committing crimes of public disorder, and other initiatives that would reduce law enforcement’s response and ability to impact the illicit drug market such as restriction on traffic enforcement, pre-textual stops, and requests for consent searches. It has been packaged under the guise of being compassionate and taking an “evidence-based approach” towards a public health crisis. The studies have been bought and paid for by the political activist organizations who seek these changes. It begs the question, if the evidence and science work, then why have these strategies failed to work? The results speak for themselves.

Since 2019, there has been a concerted effort to decriminalize the possession of illicit drugs. The Maine Center for Sensible Drug Control Policy released a report outlining legislative priorities in 2019, and since that time nearly all of the social justice reform measures have been introduced as legislation. Safe injection sites were one of those priorities in an effort to move towards the broader objective of the decriminalization of drug possession.

There have been numerous bills submitted in the past several Maine legislative sessions to marginalize law enforcement's role in criminal interdiction including but not limited to: the decriminalization of possession of illicit drugs; establishing safe injection sites; increasing presumptive amounts for trafficking and furnishing of drugs such as fentanyl; bail reform; banning pre-textual stops; restricting participation with federal law enforcement agencies in asset forfeitures; profiling bills; cutting funding for the Maine Drug Enforcement Agency by 50%; homelessness bill to reduce interactions with law enforcement for public disorder; and elimination of qualified immunity. These initiatives have been pushed by the very same people and organizations that seek to decriminalize drug possession and have safe injection sites. Millions of dollars have been invested in Maine during this time from out of state special interest political groups to achieve these policy reforms, just like in Oregon.

Despite much needed investments in access to recovery and treatment in Maine, something that has bi-partisan support, our overdose rates have increased. Drug supply and drug demand is at an all time high. Homelessness, public disorder, and crimes committed to facilitate addiction have increased. We have seen the proliferation of homeless encampments in major areas that have become "de facto" decriminalized zones with open air drug use and sales. The businesses, neighborhoods, and public spaces around these areas have been adversely impacted. What has been missing is the accountability piece, something that has significantly diminished over the past several years.

There are impactful strategies that we all can support to create a comprehensive and effective drug control policy: this requires investments in education/prevention, access to treatment, support of recovery services, and enforcement.

We can effectively divert possession cases from the courts for individuals willing to accept assistance and help, if they do the right things. In order for this to happen we need to have access to detox, treatment, and recovery services. The courts will need investments to clear the back logs, from Covid, investments in clerks and bailiffs to run courts at capacity. Once done, it can be managed, if not it can't work.

We can incentivize employers ~~who will~~ to hire people in recovery; we can support temporary housing arrangements allowing people to stabilize, receive services, and enter into recovery; we can support access to health care; and we can support programs in schools that help prevent people from using drugs.

We all want to make a difference for the betterment of Maine and there is much common ground to do so. We must build a system that has help in place for those willing to accept it and work towards recovery, but we shouldn't enable people to continue dangerous behaviors that are harmful to them and all of society.