



Testimony of Whitney A. Parrish

LD 1675 - Ought To Pass

An Act To Amend Certain Provisions of Maine's Drug Laws

Joint Standing Committee on Criminal Justice and Public Safety

May 14, 2021

Senator Deschambault, Representative Warren and Distinguished Members of the Joint Standing Committee on Criminal Justice and Public Safety:

My name is Whitney Parrish, and I am the Advocacy and Communications Director for Health Equity Alliance (HEAL). Health Equity Alliance is a nonpartisan, nonprofit public health and harm reduction organization that envisions and works toward a world where all people are valued and celebrated and where health justice is realized for everyone. I am writing in **strong support** of LD 1675.

We lost over 500 Mainers to overdose death last year. Some were our clients at HEAL, some were our family members and friends. We still grieve them well into the new year, as we lose more of our people at alarming rates.

We see overdose spike alerts come across our screens nearly weekly—the same ones seen by law enforcement. Sometimes, we see spikes escalate within a single day. Sadly, we know that only tells part of the story since many are afraid to call emergency services for very real and serious reasons. As the person who gathers as much information as possible to relay what a severely adulterated supply may look like when these spikes occur, I can assure you it is devastating every single time. It is devastating to know that people who need safety and support often feel they have no one to trust or turn to. It gets more devastating as we sit here day in and day out debating if convictions and jail cells save peoples' lives.

Each one of these Mainers was stigmatized, looked down upon, or even shunned because of their drug use, including by the government and its stewards. I would assert that a significant number of these Mainers used as a talking point against evidence-based, compassionate drug policy were community members who were criminalized because of their choice to use drugs. Because of how our drug laws are written, they were likely saddled with charges more severe than their activity warranted, charges that put up increasingly insurmountable barriers to safer use,



or even recovery. Barriers that killed all semblance of hope for something better. Why? Because here in Maine, our drug laws do not reflect how people use drugs and assume ill-intent of anyone who carries them.

There are a few truths here that exist not only in Maine, but across the country:

- 1) Fentanyl adulterates a significant amount of the drug supply,¹ and increasingly stimulant drugs.² While some people choose to use fentanyl, many do not even know it is in their supply. They are walking around with drugs that could not only cause more physical harm, but more harm could be caused if interaction with the legal system occurs.
 - a. Because of this, someone may appear as if they are possessing, and under Maine drug law, trafficking, a drug like fentanyl, when they had no intention of trafficking or even using fentanyl.
- 2) Some people do choose to use fentanyl. Many purchase grams at a time for personal use with absolutely no intent to sell, or traffic. Expecting criminal charges to be successful leverage in stopping a physical dependence, chaotic use, or substance use disorder does not make sense. Receiving a felony trafficking conviction because one's body may have a high dependence or tolerance to a substance does not either.

Harsh drug laws do not help people who use drugs or live with substance use disorder get better or live the lives they want and deserve. Maine's felony drug trafficking law has been derailing lives for minor drug possession for years – imposing serious prison time and burdening people with lifelong criminal records. They have created deep racial disparities and deep harm in our communities that ripples and affects each of us.

And we are not just harming people through criminal records. We are harming them by creating situations where they feel they have no way out. We are compounding despair and guiding people into unsafe situations where they do not have the safety they may need to see another day—a day when they might make a different choice for themselves. We believe LD 1675 is a critical tool in fighting the escalating overdose death crisis our state faces.

¹ Singh MD, V, et al. *The Emerging Role of Toxic Adulterants In Street Drugs in the U.S. Illicit Opioid Crisis*. 2019. Accessed at: <https://journals.sagepub.com/doi/10.1177/0033354919887741>

² Ibid.



Now is not the time to further disrupt peoples' lives. Now is not the time to push them into more dangerous circumstances. Now is not the time to punish, rather than help. The amounts of drugs we consider as a reasonable threshold for arresting and incarcerating people as drug traffickers are irrational and counterproductive.

We are in a crisis. 504 people have died, with more precious lives lost every single week. What we are doing does not work. Now **is** the time to bring Maine in line with 39 other states by requiring prosecutors to show an intent to traffic to bring this serious charge.

We respectfully ask you to vote '**Ought to Pass**' on LD 1675 and are grateful to Assistant Majority Leader Talbot Ross for her unrelenting commitment to the well-being and safety of all Mainers.

Thank you for your time and attention. Please do not hesitate to contact me with any questions.